

**Central Electricity Regulatory Commission
New Delhi**

Petition No. 141/TT/2019

Coram:

**Shri P.K. Pujari, Chairperson
Shri I.S. Jha, Member**

Date of Order: 27.05.2020

In the matter of:

Approval of tariff for inclusion of Transmission Assets in Computation of Point of Connection (PoC) Charges and Losses as per Commission's order dated 12.5.2017 in Petition No. 07/SM/2017 for inclusion in PoC charges in accordance with Central Electricity Regulatory Commission (Sharing of inter-state Transmission Charges and Losses) Regulations, 2010 and amendments made thereto read with Regulation 111 to 113 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999.

And in the matter of:

Odisha Power Transmission Corporation Limited (OPTCL),
Janpath, Bhubaneswar-751022,
Odisha.

.....**Petitioner**

Vs

1. Power Grid Corporation of India Ltd. (PGCIL)
Soudamini, Plot No-02, Sector-29
Gurugram, Haryana
2. Jharkhand State Electricity Board,
Dhurwa,
Ranchi- 834009
3. West Bengal State Electricity Distribution Company Limited,
Bidyut Bhavan, 8th Floor,
Bidhan Nagar,
Kolkata-700091

4. GRIDCO Ltd,
Janpath, Bhubaneswar751022

.....**Respondents**



Parties Present

For Petitioner : Shri R.K. Mehta, Advocate, OPTCL

For Respondent: None

ORDER

Odisha Power Transmission Corporation Limited (hereinafter referred to as "OPTCL") has filed the instant petition for approval of transmission tariff for the period from 2014-15 to 2018-19 for nine non-ISTS lines carrying ISTS power for inclusion of the lines in the computation of Point of Connection (PoC) charges in accordance with Central Electricity Regulatory Commission (Sharing of inter-state Transmission Charges and Losses) Regulations, 2010 (hereinafter referred to as "2010 Sharing Regulations").

Background

2. OPTCL has submitted that the instant lines are owned by it and has requested for determination and approval of tariff for the period from 2014-15 to 2018-19. OPTCL has submitted that the instant petition has been filed as per the Commission's directions in order dated 14.3.2012 in Petition No 15/SM/2012.

3. The petitioner has made the following prayers:

"a) Determine the Annual Fixed Charge (AFC) / Yearly Transmission Charge (YTC) in respect of the nine (9) nos. ERPC certified Non-ISTS lines of the Petitioner OPTCL for Tariff period 01.04.2014 to 31.03.2019 in accordance with CERC (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2014 and Amendments made thereto;

b) Direct the CTU (PGCIL) and the Implementing Agency (NLDC/POSOCO) to include the AFC/YTC so determined in the PoC Computation and disburse the same to OPTCL after collecting from DICs;



c) *Direct refund of the application fees amounting to Rs. 25,73,700/- deposited against Petition No. 25/TT/2018 to the petitioner;*

d) *Pass such other order/s, as this Commission deems just and proper in the facts and circumstances of the case.”*

4. OPTCL had earlier filed Petition No 25/TT/2018 for approval of transmission tariff of eleven non-ISTS lines carrying ISTS power for the period 2014-19 for inclusion in computation of PoC charges in accordance with the Central Electricity Regulatory Commission (Terms and Condition of Tariff) Regulations 2014 (hereinafter referred to as “2014 Tariff Regulations”). However, OPTCL had not furnished the required certificate from Eastern Regional Power Committee (ERPC) in support of its claim that the said lines carried ISTS power. Accordingly, OPTCL was directed to submit the same, but, OPTCL was not able to submit certificate from ERPC. Hence, the Commission disposed of Petition No.25/TT/2018 vide order dated 17.9.2018 with a liberty to OPTCL to submit certificates from the EPRC certifying that the instant transmission lines owned by it are carrying ISTS power. The relevant portion of the order dated 17.9.2018 is extracted hereunder:-

“6. “During the hearing held on 8.8.2018, the Commission directed the petitioner to submit the ERPC Certificate by 31.8.2018. The Commission further observed that if the ERPC Certificate is not received by 31.8.2018, the matter will be disposed on the basis of the information already on record.

7. The petitioner has communicated to the Commission vide letter 31.8.2018 that as per the directives of the Commission vide ROP dated 8.8.2018; OPTCL has approached ERPC regarding the issuance of the certificate. However, ERPC on interacting with ERLDC, came up with a reply advising OPTCL to seek 30 days’ time extension from the Commission, since certificate can only be issued after necessary load flow study which is a time taking process.

8. Accordingly, the petitioner has requested the Commission for granting one month’s time extension for submitting the required ERPC certificates.

9. We have perused the matter. It is observed that the Commission had granted one month’s time to the petitioner for complying with the requirement of ERPC certificate. It has also been clearly stated by the Commission that after this time, the matter shall be disposed



of on the basis of the information available on record. However, the petitioner has placed on record the letter by ERPC dated 30.8.2018 wherein ERPC has informed the petitioner that the ERLDC has sought more time to carry out the load flow study.

10. Accordingly, it is understood that the RPC would like to undertake further load flow study before issuing any certification for the instant assets.

11. In this scenario, as the tariff determination for the instant assets is not possible in absence of the RPC certification, we are not inclined to keep this petition pending. Accordingly, we decide to dispose of the same with a liberty to the petitioner to file afresh petition after the ERPC certification is available.”

Submissions by the Petitioner

5. OPTCL has submitted that the present petition is being filed pursuant to the above observations after obtaining the certificates from the ERPC. The petitioner has submitted that vide letter dated 12.10.2018, ERPC has certified that the following nine (9) non-ISTS lines are carrying ISTS power during the 2014-19 tariff period. The details of these nine transmission lines are as follows:

Sl. No.	Name of the Line	Voltage Level, kV	Connecting States	Cktkm.	Type of Conductor	COD
1	Indravati -Indravati PG S/C	400	Odisha, AP	3.970	Twin ACSR Moose	1999
2	Rengali-Keonjhar- S/C	400	Odisha, WB	115.530	Twin ACSR Moose	1995
3	Keonjhar-Baripada- S/C	400	Odisha, WB	104.243	Twin ACSR Moose	1995
4	Baripada-Kharagpur (uptoOdisha Border) S/C	400	Odisha, WB	21.727	Twin ACSR Moose	1995
5	Jaynagar-PGCIL D/C *	220	Odisha, CTU	15.460	ACSR Zebra	1990
6	Rengali-Rengali PGCIL D/C	220	Odisha, CTU	2.000	ACSR Zebra	1997
7	Balimela PH-U. Silure S/C	220	Odisha, AP	24.760	ACSR Zebra	1990**
8	Joda-JSPL S/C	220	Odisha, JSEB	14.110	ACSR Zebra	1984
9	Joda-Kenduposi S/C	132	Odisha, JSEB	49.900	ACSR Panther	1985

* In Petition No 25/TT/2018, the name of asset was given as Jeypore-Jaynagar D/C line

** In Petition No 25/TT/2018, year of COD of the transmission line was considered as 1982.



6. The Petitioner has submitted that the aforesaid nine transmission lines are very old lines and the lines, except the transmission lines at Sl. No. 1 and 6, were put into commercial operation in the regime of erstwhile Orissa State Electricity Board (OSEB) while the transmission lines at Sl. No. 1 and 6 were constructed by Grid Corporation of Orissa Ltd (GRIDCO Ltd) during 1999 and 1997 respectively. OPTCL has submitted that the details of the capital cost of the nine transmission lines are not available. Hence, the Petitioner has worked out and claimed tariff as per the methodology approved by the Commission in order dated 23.12.2015 in Petition No. 203/TT/2013 while determining the YTC of the 220 kV Joda-Ramchandrapur SC line and 220 kV Jindal-Jamshedpur SC line of the Petitioner for 2011-12 to 2013-14. OPTCL has submitted that in the absence of valid data, the cost of these assets has been worked out on the basis of indicative cost of 1st quarter of relevant years up to 2018-19 certified by POSOCO.

Analysis and Decision

7. The petition was heard on 13.2.2020 and the Commission, through RoP, directed the petitioner to submit the following information by 20.3.2020:

- “(i) What was the original purpose of constructing these lines? Submit the relevant documents in this regard.*
- (ii) Is there any agreement to transfer power to other region/State through these lines? If so, submit a copy of the same.*
- (iii) Whether these lines are being utilized?*
- (iv) COD of Assets-7 and 8 as per previous petition was 1995 and 1982 respectively, whereas the COD indicated in the instant petition is different? Clarify the same.”*

8. OPTCL has not submitted the information sought vide RoP dated 13.2.2020 even after lapse of more than two months from the due date. Further, OPTCL has not sought



any time extension to file the information. In our view, details as sought vide ROP dated 13.2.2020 are material requirements for deciding the petition. Not having submitted the required information or having sought any time extension for filing the information even after more than two months have elapsed, demonstrates that either OPTCL is not in a position to furnish the requisite information or is not interested in pursuing the instant petition. Therefore, we dispose of the instant petition.

9. As regards OPTCL's request to refund the application fees amounting to Rs.25,73,700/- deposited against Petition No. 25/TT/2018, the same shall be adjusted towards the application fees to be paid by OPTCL in future.

10. Accordingly, the Petition No.141/TT/2019 is disposed of.

Sd/-
(I.S.Jha)
Member

Sd/-
(P. K. Pujari)
Chairperson

