

**CENTRAL ELECTRICITY REGULATORY COMMISSION**

**NEW DELHI**

**Petition No. 288/TT/2019**

**Coram :**

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

**Date of Order: 31.07.2020**

**In the matter of**

Approval under Regulation 86 of Central Electricity Regulatory Commission (Conduct of Business) Regulations 1999 and revision of transmission tariff for 2001-04 tariff block, 2004-09 tariff block, 2009-14 tariff block and truing up of transmission tariff of 2014-19 period under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 and determination of transmission tariff for 2019-24 period under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations 2019 of LILO of 400 kV S/C Chamera -I Kishenpur transmission line at Chamera-II under transmission system associated with Chamera HEP Stage-II Transmission System in Northern Region.

**And in the matter of**

Power Grid Corporation of India Limited  
"Saudamini", Plot No.2,  
Sector-29, Gurgaon -122 001

**....Petitioner**

**Vs**

1. Rajasthan Rajya Vidyut Prasaran Nigam Ltd.,  
Vidyut Bhawan, Vidyut Marg,  
Jaipur - 302 005
2. Ajmer Vidyut Vitran Nigam Ltd.,  
132 kV, GSS RVPNL Sub- Station Building,  
Caligiri Road, Malviya Nagar, Jaipur-302017 (Rajasthan)
3. Jaipur Vidyut Vitran Nigam Ltd.,  
132 kV, GSS RVPNL Sub- Station Building,  
Caligiri Road, Malviya Nagar, Jaipur-302017 (Rajasthan)
4. Jodhpur Vidyut Vitran Nigam Ltd.,  
132 kV, GSS RVPNL Sub- Station Building,  
Caligiri Road, Malviya Nagar, Jaipur-302017 (Rajasthan)
5. Himachal Pradesh State Electricity Board



Vidyut Bhawan, Kumar House Complex Building II,  
Shimla-171 004

6. Punjab State Electricity Board  
Thermal Shed TIA, Near 22 Phatak,  
Patiala-147001
7. Haryana Power Purchase Centre  
Shakti Bhawan, Sector-6,  
Panchkula (Haryana) 134 109
8. Power Development Department.  
Govt. of Jammu & Kashmir,  
Mini Secretariat, Jammu
9. Uttar Pradesh Power Corporation Ltd.,  
(Formerly Uttar Pradesh State Electricity Board)  
Shakti Bhawan, 14, Ashok Marg,  
Lucknow - 226 001
10. Delhi Transco Ltd.,  
Shakti Sadan, Kotla Road,  
New Delhi-110 002
11. BSES Yamuna Power Ltd.,  
B Block, Shakti Kiran Bldg. (Near Karkardooma Court),  
Karkardooma, 2<sup>nd</sup> Floor,  
Delhi-110092
12. BSES Rajdhani Power Ltd.,  
BSES Bhawan, Behind Nehru Place,  
New Delhi-110019
13. Tata Power Delhi Distribution Ltd.,  
33 kV Substation Building Hudson Lane,  
Kingsway Camp,  
North Delhi - 110009
14. Chandigarh Administration,  
Sector -9, Chandigarh
15. Uttarakhand Power Corporation Ltd.  
Urja Bhawan, Kanwali Road,  
Dehradun
16. North Central Railway  
Allahabad.
17. New Delhi Municipal Council  
Palika Kendra, Sansad Marg  
New Delhi-110002

**...Respondents**



**For Petitioner:** Shri M.G. Ramachandran, Senior Advocate, PGCIL  
Ms. Swapna Seshadri, Advocate, PGCIL  
Ms. Ritu Apurva, Advocate, PGCIL  
Shri A.K. Jain, PGCIL  
Shri A. K. Verma, PGCIL  
Shri Mukesh, PGCIL  
Smt Anshul Garg, PGCIL

**For Respondent:** Shri R. B. Sharma, Advocate, BRPL and BSP(H)CL  
Shri Mohit Mudgal, Advocate, BRPL and BSP(H)CL

### **ORDER**

The present petition has been filed by the Petitioner, Power Grid Corporation of India Ltd., for revision of transmission tariff from COD to 31.3.2004, , 2004-09 tariff block, 2009-14 tariff block and truing up of capital expenditure for the period from 1.4.2014 to 31.3.2019 under Regulation 8 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (hereinafter referred to as “the 2014 Tariff Regulations”) and for determination of tariff under Regulation 8 of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (hereinafter referred to as the “2019 Tariff Regulations”) of “LILO of 400 kV S/C Chamera-I - Kishenpur Transmission Line at Chamera-II under transmission system associated with Chamera HEP Stage-II Transmission System” in Northern Region (hereinafter referred as “transmission asset”).

2. The Petitioner has made the following prayers:

- (i) *Approve the revised Transmission Tariff for 2001-04 block, 2004-09 block and transmission tariff for 2009-14 block for the assets covered under this petition, as per para 8 above.*
- (ii) *Approve the trued-up Transmission Tariff for the tariff block 2014-19 and transmission tariff for 2019-24 block for the assets covered under this petition, as per para 9 and 10 above.*
- (iii) *Allow the Petitioner to recover the shortfall or refund the excess Annual Fixed Charges, on account of Return on Equity due to change in applicable Minimum Alternate/Corporate Income Tax rate as per the Income Tax Act, 1961 (as amended from time to time) of the respective financial year directly without making any application before the Commission as provided under clause 25 of the Tariff*



*Regulations 2014 and Tariff Regulations 2019 as per para 9.0 and 10 above for respective block.*

- (iv) *Approve the reimbursement of expenditure by the beneficiaries towards petition filing fee, and expenditure on publishing of notices in newspapers in terms of Regulation 70(1) Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019, and other expenditure (if any) in relation to the filing of petition.*
- (v) *Allow the Petitioner to bill and recover Licensee fee and RLDC fees and charges, separately from the respondents in terms of Regulation 70(3) and (4) Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019.*
- (vi) *Allow the Petitioner to bill and adjust impact on Interest on Loan due to change in Interest rate on account of floating rate of interest applicable during 2019-24 period, if any, from the respondents.*
- (vii) *Allow the Petitioner to file a separate petition before the Commission for claiming the overall security expenses and consequential IOWC on that security expenses as mentioned at para 10.5 above.*
- (viii) *Allow the petitioner to claim the capital spares at the end of tariff block as per actual.*
- (ix) *Allow the Petitioner to bill and recover GST on Transmission Charges separately from the respondents, if GST on transmission is withdrawn from negative list at any time in future. Further, any taxes including GST and duties including cess etc. imposed by any statutory/Govt./municipal authorities shall be allowed to be recovered from the beneficiaries.*

*and pass such other relief as the Commission deems fit and appropriate under the circumstances of the case and in the interest of justice.*

### **Background**

3. The brief facts of the case are as follows:

- a. The Investment Approval for the “LILO of 400 kV S/C Chamera-I - Kishenpur Transmission Line at Chamera-II under transmission system associated with Chamera HEP Stage-II” in Northern Region was accorded by the Board of Directors of the Petitioner as per letter dated 28.5.2002 at an estimated cost of ₹4949.00 lakh, including IDC of ₹381.00 lakh, based on 4<sup>th</sup> quarter 2001 price level. The present petition covers the LILO of 400 kV S/C Chamera -I Kishenpur Transmission Line at Chamera-II under transmission system associated with Chamera HEP Stage-II in Northern Region. The date of commercial operation of the transmission asset was 1.8.2003.
- b. The transmission tariff from COD to 31.3.2004 was determined vide order dated 23.11.2005 in Petition No. 57/2003, for the period from 1.4.2004 to 31.3.2009 in order dated 24.10.2006 in Petition No. 9/2006, and for the period



from 1.4.2009 to 31.3.2014 vide order dated 20.10.2010 in Petition No.115/2010. The tariff for the 2009-14 period was trued up and tariff for the period from 1.4.2014 to 31.3.2019 was determined vide order dated 16.2.2016 in Petition No.150/TT/2014.

- c. The Petitioner has sought revision of transmission tariff approved for the 2001-04 and 2004-09 tariff blocks on account of change in Interest on Loan (IOL) and Interest on Working Capital (IOWC) to the extent of revision in IOL and in Maintenance Spares in terms of the judgement of the Appellate Tribunal for Electricity (hereinafter referred to as "APTEL") dated 22.1.2007 and 13.6.2007 in Appeal No. 81/2005 and 139/2006 respectively. Further, the Petitioner has sought consequential revision of tariff allowed for the 2009-14 tariff block and truing up of tariff of the 2014-19 tariff block and determination of tariff for the 2019-24 tariff block for the instant transmission asset in the instant petition.
- d. APTEL, vide judgements dated 22.1.2007 in Appeal No. 81/2005 and other related Appeals, and judgement dated 13.6.2007 in Appeal No. 139/2006 pertaining to generating stations of NTPC decided on, mainly, the following issues:-
- (i) Computation of interest on loan
  - (ii) Consequences of refinancing of loan
  - (iii) Depreciation as deemed repayment
  - (iv) Admissibility of depreciation up to 90% of the value of the assets
  - (v) Consideration of maintenance of spares for working capital
  - (vi) Depreciation of assets.
- e. The Commission and certain beneficiaries filed Appeals against the APTEL's judgments before the Hon'ble Supreme Court in 2007. The Appeals were admitted and initially stay was granted by the Hon'ble Supreme Court. Subsequently, on an assurance by NTPC that the issues under Appeal would not be pressed for implementation during the pendency of the Appeals, the stay was vacated by the Hon'ble Supreme Court.



- f. PGCIL based on the APTEL's judgments dated 22.1.2007 and 13.6.2007, sought re-determination of tariff of its transmission assets for the tariff blocks 2001-04 and 2004-09 in Petition No. 121/2007. The Commission after taking into consideration the pending Appeals before the Hon'ble Supreme Court adjourned hearing in the petition sine die and directed to revive the same after the disposal of the Civil Appeals by the Hon'ble Supreme Court.
- g. The Hon'ble Supreme Court vide its judgement date 10.4.2018 dismissed the said Civil Appeals filed by the Commission and other beneficiaries against the APTEL's said judgments.
- h. Consequent to the Hon'ble Supreme Court's judgment dated 10.4.2018 in NTPC matters, the Petition No. 121/2007 was listed for hearing on 8.1.2019. The Commission, vide order dated 18.1.2019 in Petition No. 121/2007, directed the petitioner to submit its claim separately for the assets at the time of filing of truing up of the petitions for the period 2014-19 in respect of concerned transmission assets.
- i. i. The instant petition was heard on 13.2.2020 and in view of APTEL's judgments dated 22.1.2007 and 13.6.2007 and the judgement of Hon'ble Supreme Court dated 10.4.2018, tariff of instant transmission asset is being revised. Although, period wise tariff is being reworked based on the Tariff Regulations applicable for the respective tariff periods, suitable assumptions at certain places, if any, are being applied which are being indicated.
- j. j. The instant transmission asset was put under commercial operation on 1.8.2003. The tariff from 1.8.2003 was worked out based on the admitted capital cost of ₹3583.91 lakh as on COD. Accordingly, tariff is being revised for the 2001-04, 2004-09, 2009-14 tariff periods in terms of the APTEL's judgement dated 22.1.2007 and 13.6.2007.
4. Further, as provided under Regulation 8(1) of the 2014 Tariff Regulations, the tariff allowed for the period from 1.4.2014 to 31.3.2019 has been trued-up. The tariff for the 2019-24 period is determined under Regulation 8 of the 2019 Tariff Regulations.



5. The respondents are distribution licensees and power departments, who are procuring transmission service from the Petitioner, mainly beneficiaries of Northern Region.

6. The Petitioner has served the petition on the respondents and notice of this application has been published in the newspaper in accordance with Section 64 of the Electricity Act, 2003. No comments/objections have been received from the public in response to the notice in newspaper. Reply to the petition has been filed by BRPL, (Respondent No. 12), vide affidavit dated 4.10.2019 and 14.1.2020 and the Petitioner vide its affidavits dated 7.11.2019 and 6.3.2020 filed its rejoinder to the reply of BRPL.

7. This order has been issued after considering the main petition dated 13.8.2019 and Petitioner's affidavits dated 23.10.2019, 7.11.2019, 15.11.2019 and 6.3.2020 and replies of BRPL dated 4.10.2019 and 14.1.2020.

8. The matter was heard on 13.2.2020 along with Petition Nos. 300/TT/2019, 301/TT/2019 and 305/TT/2019. The learned counsel for BRPL objected to the re-opening of the tariff of 2001-04, 2004-09 and 2009-14 tariff periods based on the APTEL's judgements as the Commission has become "functus officio". The Learned counsel for the Petitioner submitted that the Commission, by a combined order dated 6.11.2019, has already rejected the contentions of BRPL regarding revision of the tariff for the periods 2001-04, 2004-09 and 2009-14 on the ground that the Commission has become "functus officio". Relevant portion of the Order of the Commission dated 6.11.2019 in Petition Nos. 288/TT/2019, 300/TT/2019, 301/TT/2019 and 305/TT/2019 is as under:

*"11. We have examined the above contentions of the parties. It is apparent from the record that the Central Commission and other beneficiaries filed Civil Appeal No. 5622 of 2007 and batch before the Hon'ble Supreme Court against the judgment dated 22.1.2007 in Appeal No. 81 of 2005 and other related appeals and judgment dated 13.6.2007 in Appeal No. 139 of 2006 of Appellate Tribunal for Electricity. In the meantime, the Petitioner filed*





*a Petition No. 121 of 2007 in the year 2007 for extending the benefit of judgements dated 22.1.2007 and 13.6.2007 of the Appellate Tribunal in the case of appeals filed by NTPC, on the issue of (a) Computation of Interest on Loan, (b) Consequence of Refinancing of Loan, (c) Depreciation as Deemed Repayment, (d) Admissibility of Depreciation with specific reference to the interpretation of Tariff Regulations as propounded in Appellate Tribunal's Judgments. As the said appeals against the Appellate Tribunal's Judgments were then pending adjudication before Hon'ble Supreme Court, the Commission adjourned the proceedings sine die in Petition No. 121 of 2007 vide RoP dated 12.8.2008. The relevant portion of the ROP dated 12.8.2008 is extracted hereunder:-*

*"4. Request made by the learned counsel was allowed by the Commission. The application was adjourned sine die. The applicant may get the application revived after decision of the Hon'ble Supreme Court in the appeals pending"*

*This was done for the reason that the regulations as interpreted by Appellate Tribunal were under challenge before the Hon'ble Supreme Court. The Hon'ble Supreme Court vide order dated 10.4.2018 dismissed Civil Appeal No. 5622 of 2007 and batch filed by the Commission and other beneficiaries. Thus, the Appellate Tribunal's Judgments attained finality. As the spirit of the regulations in question has authoritatively been interpreted in the Appellate Tribunal's Judgments, the Commission is duty bound to apply the regulations uniformly to all without any discrimination. Accordingly, on dismissal of the said appeals by the Hon'ble Supreme Court, the Commission disposed of Petition No. 121 of 2007 vide order dated 18.1.2019 permitting the Petitioner to submit their claims, wherever applicable, alongwith truing up petitions for the 2014-19 period.*

*"6. Considering the submissions of the learned counsel for the petitioner, we dispose of the present petition with the direction that the petitioner shall separately submit its claim in the light of the APTEL's judgments dated 22.1.2007 and 13.6.2007 alongwith the truing up petitions wherever applicable to be filed for the period 2014-19 in respect of concerned transmission assets."*

*It is well settled law that an order or judgment from which review and/or appeal is allowed but not preferred by the aggrieved party attains finality. The said principle cannot be applied to the instant petitions as during the pendency of Petition No.121 of 2007, the Petitioner was not in a position to take up other legal remedies available to it under the law. Thus, we do not agree with the contentions of learned counsel for BRPL and BSPHCL that the present petitions cannot be entertained as the final orders passed therein have attained finality. In our opinion, the present matter significantly differs with the settled law wherein uniform treatment based regulations as interpreted by higher Courts is required to be given effect to without any discrimination to meet the ends of justice. For these reasons, we reject the said contentions of BRPL and BSPHCL and hold that in the facts and circumstances of this case, the general law that an order or judgment from which review and/or appeal is allowed but not preferred by the aggrieved party attains finality is not applicable here."*

9. Thus, in terms of the above order, the contention of BRPL is rejected. Having heard the representatives of the Petitioner and perused the material on record, we proceed to dispose of the petition.

10. The Petitioner has sought revision of the computation of the interest on loan, maintenance spares for working capital and depreciation allowed from COD to 31.3.2004 and 2004-09 tariff period on the basis of the judgements of the Appellate





Tribunal for Electricity (APTEL) dated 22.1.2007 in Appeal No.81 of 2005 and dated 13.6.2007 in Appeal No.139/2006. The APTEL while dealing with the issue of computation of interest on loan, in judgement dated 22.1.2007, observed that interest on loan for the period from 1.4.1998 to 31.3.2001 shall be computed only on normative loan repayment as per its judgement dated 14.11.2006 in Appeal Nos.94 and 96 of 2005. APTEL in its judgement dated 14.11.2006 set aside the Commission's methodology of computation of loan on the actual repayment basis or normative repayment whichever is higher. The relevant portions of the judgement dated 14.11.2006 is as follows:-

*“12. We have heard the arguments of the Senior Counsel(s) of appellant and respondents. We notice that the appellant has not challenged the formula for computing the annual repayment amount as provided in Appeal No. 96 of 2005 & IA No.117 of 2006 in Appeal No. 94 of 2005 para-22 of the impugned order and has only challenged the provisions at para 23 specifying that the amount of annual repayment for calculation of interest on loan is chosen higher of the normative debt and actual debt.*

*13. As mentioned earlier the servicing of the capital (equity or debt) is financed by the recovery of interest on debt capital and through earning of return on equity capital. The actual loan repayment has been normalized to 50% of the total capital by the formula in para 22 of the impugned order given in para 11 above. Once it has been decided and agreed that the financing plan would be based on normative debt-equity ratio of 50:50 and not the actual debt-equity ratio, the same normative basis should be adopted for recovery of cost of servicing the capital.*

*14. In the instant case since the normative debt-equity ratio of 50:50 has been adopted in the financing plan, the loan repayment should be computed based on normative debt. This is to ensure that whatever normative debt has been considered, tariff should ensure the recovery of the same normative debt and interest thereon.*

*18. In its Tariff Regulation of 2004 the Central Commission perhaps recognizing the aforesaid anomaly has dispensed with the practice of adopting higher of actual or normative repayment and has corrected the method of determination of quantum of debt repayment only on the basis of the normative debt with effect from 01.04.2004*

*19. In view of the above, the Central Commission is required to adopt normative debt repayment methodology for working out the interest on loan liability for the period 01.04.1998 to 31.03.2001.”*

In view of the above, the interest allowed from COD to 31.3.2004 and 2004-09 tariff period is revised on the basis of the normative debt repayment methodology.



11. The APTEL in judgement dated 13.6.2007 in Appeal No.139 of 2006 and others held that additional capitalisation after the date of commercial operation should also be considered for computation of maintenance spares as under:-

### **“Analysis and Decision**

*We are not inclined to agree with the contention of the respondents that escalation of 6% will take care of the additional capitalization. Escalation is meant to factor inflation and is allowed as per CERC Regulations whether or not additional capitalization takes place. Question before us is that: can the historical cost be frozen with the Commissioning of the station. It is quite normal and prudent to ensure earliest operation of the plant without necessarily 100% completion of plants and works, of course not at the cost of safety of the plant. Adding some of the plants and works after the commercial operation will reduce interest during construction. If technically it is possible to delay some of the plants or works, it is only prudent to do so. For example it is common to build redundancies in the plant at a little later stage. CERC's own regulations rightly recognized additional capitalization. It is pertinent to set out excerpts pertaining to additional capitalization from CERC (Terms & Conditions of Tariff) Regulation, 2004 Clause 18 as below:-*

*“Additional capitalization (1) The following capital expenditure within the original scope of work actually incurred after the date of commercial operation and up to the cut off date may be admitted by the Commission, subject to prudence check: (i) Deferred liabilities  
(ii) Works deferred for execution  
(iii) Procurement of initial capital spares in the original scope of work, subject to ceiling specified in regulation 17.  
(iv) Liabilities to meet award of arbitration or for compliance of the order or decree of a court; and  
(v) On account of change in law.*

*Provided that original scope of work along with estimates of expenditure shall be submitted along with the application for provisional tariff.*

*Provided further that a list of the deferred liabilities and works deferred for execution shall be submitted along with the application for final tariff after the date of commercial operation of the generating station.”*

*It is clear from the abovementioned Clause 18 of the CERC Regulations that additional capitalization after the date of commercial operation is recognized as part of the capital expenditure. Historical cost does not literally mean that the cost on the date of the commercial operation. The term historical cost is used so as to distinguish it from 'book value' or 'the replacement cost'. The cost of maintenance spares limited to 1% of the historical cost corresponds to the plant and equipment and installations which are required to be maintained. If the cost of additional equipment is not included in the historical cost, how spares for the additional equipment be procured for maintenance of the additional equipment. In this view of the matter, the CERC needs to examine afresh in the light of the aforesaid observations.”*

12. In view of the above, the maintenance spares to be considered for computation of working capital for the periods from COD to 31.3.2004 and 2004-09 are also required



to be revised taking into consideration the additional capitalisation after the date of commercial operation.

13. As regards depreciation, APTEL in its judgement dated 13.6.2007 in Appeal No.139 of 2006 observed that depreciation is an expense and it cannot be deployed for deemed repayment of loan and accordingly directed the Commission to compute the outstanding loan afresh. The relevant portion of the judgement is as under:-

**“Analysis and Decision**

*In the orders of this Tribunal dated November 14, 2006 and January 24, 2007 it has been laid down that the computation of outstanding loan will be on normative basis only (instead of normative or actual whichever is higher). In view of this there is no question of any adjustment of the depreciation amount as deemed repayment of loan.*

*It is to be understood that the depreciation is an expense and not an item allowed for repayment of loan. If a corporation does not borrow, it would not mean that the corporation will not be allowed any depreciation. Depreciation is an expense it represents a decline in the value of asset because of use, wear or obsolescence. The Accounting Principles Board of USA defines depreciation as under:-*

*“The cost of a productive facility is one of the costs of the service it renders during its useful economic life. Generally accepted accounting principles require that this cost be spread over the expected useful life of the facility in such a way as to allocate it as equitably as possible to the periods during which services are obtained from the use of the facility. This procedure is known as depreciation accounting, a system of accounting which aims to distribute the cost or other basic value of tangible capital assets, less salvage (if any), over the estimated useful life of the unit (which may be a group of assets) in a systematic and rational manner. It is a process of allocation, not of valuation”*

*It is well established that the depreciation is an expense and therefore, it cannot be deployed for deemed repayment of loan. In this view of the matter the CERC shall need to make a fresh computation of outstanding loan in the light of the aforesaid observations.”*

14. Accordingly, in view of the above directions of APTEL, the outstanding loan allowed for the instant assets for the periods from COD to 31.3.2004 and 2004-09 is revised in the instant order.

15. The revision of tariff allowed for the periods from COD to 31.3.2004 and 2004-09 necessitates the revision of tariff allowed for the 2009-14 period, which is also allowed in the instant order. The implementation of the directions of the APTEL in case of the Petitioner has been kept pending waiting for the outcome of the Civil Appeals filed before



the Hon'ble Supreme Court. Taking into consideration the facts of the case and keeping in view the interest of the consumers, we are of the view that the beneficiaries should not be burdened with the carrying cost for the difference in the tariff allowed earlier and allowed in the instant order for the period from COD to 31.3.2004, 2004-09 and 2009-14 tariff periods. Therefore, the Petitioner will neither claim nor pay any carrying cost from the beneficiaries for the difference, if any, in the tariff allowed earlier and that allowed in the instant order. Further, the said difference in tariff shall be recovered/ paid over a period of six months from the date of issue of this order.

**REVISION OF TRANSMISSION CHARGES ALLOWED FOR THE PERIOD FROM COD to 31.3.2004 AND 2004-09 and 2009-14 TARIFF PERIODS**

**2003-04 Period**

16. The Commission in order dated 23.11.2005 in Petition No. 57/2003 had approved the following transmission charges for the instant assets for the 2003-04 period:

Particulars	(₹ in lakh)
	2003-04 (pro-rata)
Depreciation	70.20
Interest on Loan	136.08
Return on Equity	70.31
Advance Against Depreciation	0.00
Interest on Working Capital	8.58
O&M Expenses	27.29
<b>Total</b>	<b>312.45</b>

17. The Petitioner has claimed the following revised transmission charges for the instant transmission assets for the 2003-04 period in this petition:

Particulars	(₹ in lakh)
	2003-04 (pro-rata)
Depreciation	70.20
Interest on Loan	136.08
Return on Equity	70.31
Advance Against Depreciation	0.00
Interest on Working Capital	8.58
O&M Expenses	27.29
<b>Total</b>	<b>312.46</b>



18. We have considered the Petitioner's claim. The tariff is allowed for the instant assets on the basis of the following:-

- a) Admitted capital cost of ₹3583.91 lakh as on 1.8.2003 as per order dated 23.11.2005 in Petition No. 57/2003. The additional capitalization of ₹1030.43 lakh has been approved by Commission for FY 2003-04.
- b) The composition of capital cost approved by the Commission, vide order dated 23.11.2005 in Petition No. 57/2003, is as below:

(₹ in lakh)

Particulars	As on COD	Add Cap during 2003-04	As on 31.03.2004	Ratio as on 31.03.2004
Debt	3440.00	0.00	3440.00	74.55%
Equity	143.91	1030.43	1174.34	25.45%
<b>Total</b>	<b>3583.91</b>	<b>1030.43</b>	<b>4614.34</b>	<b>100.00%</b>

- c) The loan repayment in tariff has now been modified as per the judgment of APTEL that has directed that normative repayment is to be considered and not "higher of normative or actual repayment" as was considered by the Commission earlier. Therefore, now there is variation in the closing balance of loan vis-à-vis that in the Order dated 23.11.2005. This closing balance of loan shall have impact on opening and closing loan balances of future tariff periods too.
- d) Weighted Average Rate of Interest on actual loan, as applied in tariff, has been derived/ adopted from the said Order dated 23.11.2005 in Petition No 57/2003.
- e) Weighted Average Rate of Depreciation, Rate of Interest for Working Capital and O & M Expenses as per order dated 23.11.2005 in Petition No 57/2003.
- f) The 2001 Tariff Regulations provided that tariff revisions during the tariff period on account of capital expenditure within the approved project cost incurred during the tariff period could be entertained by the Commission only if such expenditure exceeded 20% of the approved cost. In all cases, where such expenditure was less than 20%, tariff revision was considered in the next



tariff period. Accordingly, the additional expenditure was considered in 2003-04 period and corresponding Maintenance Spares component of IWC are being revised on account of additional capitalisation in 2001-04 period.

19. In view of the above, the revised transmission charges allowed for the instant assets for the 2003-04 tariff period is as follows:

(₹ in lakh)	
Particulars	2003-04 (pro-rata)
Depreciation	70.23
Interest on Loan	136.08
Return on Equity	70.31
Advance against Depreciation	0.00
Interest on Working Capital	8.58
O&M Expenses	27.29
<b>Total</b>	<b>312.49</b>

19. The AFC allowed earlier for 2003-04 period vide order dated 23.11.2005 in Petition No. 57 of 2003, the revised AFC claimed in the instant petition and AFC allowed in the instant order is given below:-

(₹ in lakh)	
Particulars	2003-04
AFC allowed vide order dated 23.11.2005 in Petition No. 57 of 2003	312.45
The revised AFC claimed in the instant petition	312.46
The revised AFC allowed in the instant order	312.49

### **2004-09 Period**

20. The Commission in order dated 24.10.2006 in Petition No. 9/2006 had approved the following annual fixed cost for the instant assets for the 2004-09 period:

(₹ in lakh)					
Particulars	2004-05	2005-06	2006-07	2007-08	2008-09
Depreciation	120.36	122.18	122.18	122.18	122.18
Interest on Loan	270.05	262.20	249.84	231.60	210.15
Return on Equity	165.75	167.10	167.10	167.10	167.10
Advance against Depreciation	0.00	0.00	0.00	129.85	148.01
Interest on Working Capital	13.97	14.14	14.19	16.41	16.65
O&M Expenses	16.14	16.78	17.50	18.14	18.92
<b>Total</b>	<b>586.27</b>	<b>582.40</b>	<b>570.81</b>	<b>685.28</b>	<b>683.02</b>

21. The Petitioner has claimed the following revised AFC for the instant transmission assets for the 2004-09 period in this petition:



(₹ in lakh)					
Particulars	2004-05	2005-06	2006-07	2007-08	2008-09
Depreciation	120.36	122.18	122.18	122.18	122.18
Interest on Loan	274.82	276.60	268.53	248.92	225.87
Return on Equity	165.75	167.10	167.10	167.10	167.10
Advance against Depreciation	0.00	0.00	0.00	0.00	88.78
Interest on Working Capital	15.30	15.75	15.96	15.98	17.51
O&M Expenses	16.14	16.78	17.50	18.14	18.92
<b>Total</b>	<b>592.38</b>	<b>598.41</b>	<b>591.26</b>	<b>572.32</b>	<b>640.36</b>

22. We have considered the Petitioner's claim. The tariff is allowed for the instant assets on the basis of the following:-

- a) Admitted capital cost of ₹4614.34 lakh as on 1.4.2004. The additional capitalization of ₹64.09 lakh has been approved by Commission for FY 2004-05.
- b) Weighted Average Rate of Interest on actual loan derived/ adopted from order dated 24.10.2006 in Petition No. 9/2006.
- c) Weighted Average Rate of Depreciation, Rate of Interest for Working Capital and O&M Expenses as per order dated 24.10.2006 in Petition No. 9/2006.
- d) The maintenance spares component for calculating IWC is adjusted w.r.t additional capital expenditure of ₹64.09 lakh during 2004-05.

23. In view of the above, the revised AFC allowed for the instant assets for the 2004-09 tariff period is as follows:

(₹ in lakh)					
Particulars	2004-05	2005-06	2006-07	2007-08	2008-09
Depreciation	120.36	122.18	122.18	122.18	122.18
Interest on Loan	274.82	276.60	268.53	248.92	225.87
Return on Equity	165.75	167.10	167.10	167.10	167.10
Advance against Depreciation	0.00	0.00	0.00	0.00	88.74
Interest on Working Capital	15.23	15.67	15.87	15.89	17.42
O&M Expenses	16.14	16.78	17.50	18.14	18.92
<b>Total</b>	<b>592.30</b>	<b>598.34</b>	<b>591.18</b>	<b>572.23</b>	<b>640.23</b>

24. The AFC allowed earlier for 2004-09 period vide order dated 24.10.2006 in Petition No. 9 of 2006, the revised AFC claimed in the instant petition and the revised AFC allowed in the instant order is given below:-





(₹ in lakh)

Particulars	2004-05	2005-06	2006-07	2007-08	2008-09
AFC allowed vide order dated 24.10.2006 in Petition No. 9 of 2006	586.27	582.40	570.81	685.28	683.02
The revised AFC claimed in the instant petition	592.38	598.41	591.26	572.32	640.36
The revised AFC allowed in the instant order	592.30	598.34	591.18	572.23	640.23

### **2009-14 Period**

25. The Commission in order dated 20.10.2010 in Petition No.115/2010 approved the tariff for 2009-14 period and subsequently, vide order dated 16.2.2016 in Petition No. 150/TT/2014 had trued up the tariff allowed for the 2009-14 period and the same is as follows:

₹ in lakh)

Particulars	2009-10	2010-11	2011-12	2012-13	2013-14
Depreciation	247.59	247.59	247.59	247.59	247.59
Interest on Loan	189.59	169.93	150.26	130.58	110.90
Return on Equity	222.89	231.05	231.28	231.28	234.06
Interest on Working Capital	14.87	14.70	14.36	14.02	13.74
O&M Expenses	22.30	23.58	24.93	26.35	27.84
<b>Total</b>	<b>697.24</b>	<b>686.85</b>	<b>668.42</b>	<b>649.82</b>	<b>634.13</b>

26. The Petitioner has claimed the following revised transmission charges for the instant transmission assets for the 2009-14 period in this petition:

(₹ in lakh)

Particulars	2009-10	2010-11	2011-12	2012-13	2013-14
Depreciation	247.59	247.59	247.59	247.59	247.59
Interest on Loan	204.51	184.83	165.14	145.45	125.73
Return on Equity	222.89	231.05	231.28	231.28	234.06
Interest on Working Capital	15.18	15.01	14.67	14.33	14.05
O&M Expenses	22.30	23.58	24.93	26.35	27.84
<b>Total</b>	<b>712.47</b>	<b>702.06</b>	<b>683.61</b>	<b>665.00</b>	<b>649.27</b>

27. We have considered the Petitioner's claim. The tariff is allowed for the instant assets on the basis of the following:-

- a) Admitted capital cost of ₹4678.43 lakh as on 1.4.2009.
- b) Weighted Average Rate of Interest on actual loan derived/ adopted from order dated 16.2.2016 in Petition No 150/TT/2014.



c) Weighted Average Rate of Depreciation as per order dated 16.2.2016 in Petition No 150/TT/2014.

d) There is 'NIL' additional capitalisation during 2009-14 tariff period.

28. In view of the above, the revised transmission charges allowed for the instant assets for the 2009-14 tariff period is as follows:

Particulars	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
Depreciation	247.59	247.59	247.59	247.59	247.59
Interest on Loan	204.51	184.83	165.14	145.45	125.73
Return on Equity	222.89	231.05	231.28	231.28	234.06
Interest on Working Capital	15.18	15.01	14.67	14.33	14.05
O&M Expenses	22.30	23.58	24.93	26.35	27.84
<b>Total</b>	<b>712.47</b>	<b>702.06</b>	<b>683.61</b>	<b>665.00</b>	<b>649.27</b>

29. The AFC allowed earlier for 2009-14 period vide order dated 20.10.2010 and subsequently, vide order dated 16.2.2016 in Petition No. 150/TT/2014 and revised AFC claimed and revised AFC allowed in the instant petition is given below:-

Particulars	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
AFC allowed vide order dated 20.10.2010 in Petition No. 115 of 2010 and subsequently, vide order dated 16.2.2016 in Petition No. 150/TT/2014	697.24	686.85	668.42	649.82	634.13
The revised AFC claimed in the instant petition	712.47	702.06	683.61	665.00	649.27
The revised AFC allowed in the instant order	712.47	702.06	683.61	665.00	649.27

### **TRUING-UP OF ANNUAL FIXED CHARGES OF 2014-19 TARIFF PERIOD**

30. The Commission vide order dated 16.2.2016 in Petition No 150/TT/2014 had approved the tariff for the 2014-19 period as below:

Particulars	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Depreciation	247.59	247.59	66.10	66.10	66.10
Interest on Loan	91.20	71.46	58.61	51.57	42.04
Return on Equity	234.06	234.06	234.06	234.06	234.06
Interest on Working Capital	14.57	14.17	9.74	9.63	9.46
O&M Expenses	25.14	25.99	26.85	27.74	28.66



<b>Particulars</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Depreciation	247.59	247.59	66.10	66.10	66.10
<b>Total</b>	<b>612.56</b>	<b>593.26</b>	<b>395.36</b>	<b>389.10</b>	<b>380.32</b>

31. The Petitioner has submitted the information as required under the 2014 Tariff Regulations for truing up of annual fixed charges for 2014-19 period. The tariff for 2014-19 period has been trued up as discussed in the subsequent paragraphs.

32. The details of the trued up transmission charges claimed by the Petitioner are as under:-

<b>Particulars</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Depreciation	247.60	247.60	74.33	74.33	74.33
Interest on Loan	105.98	86.17	72.85	64.67	53.30
Return on Equity	234.24	235.31	235.19	235.19	235.83
Interest on Working Capital	14.92	14.54	10.29	10.15	9.95
O&M Expenses	25.14	25.99	26.85	27.74	28.66
<b>Total</b>	<b>627.88</b>	<b>609.61</b>	<b>419.51</b>	<b>412.08</b>	<b>402.07</b>

33. The details of the trued up interest on working capital claimed by the Petitioner are as under:-

<b>Particulars</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Maintenance Spares	3.77	3.90	4.03	4.16	4.30
O&M expenses	2.10	2.17	2.24	2.31	2.39
Receivables	104.65	101.60	69.92	68.68	67.01
<b>Total</b>	<b>110.52</b>	<b>107.67</b>	<b>76.19</b>	<b>75.15</b>	<b>73.70</b>
Rate of Interest	13.50%	13.50%	13.50%	13.50%	13.50%
<b>Interest on Working Capital</b>	<b>14.92</b>	<b>14.54</b>	<b>10.29</b>	<b>10.15</b>	<b>9.95</b>

#### **Capital Cost as on 1.4.2014**

34. The capital cost of the instant asset has been calculated in accordance with the Regulation 9(3) and Regulation 9(6) of 2014 Tariff Regulations. The Commission vide order dated 16.2.2016 in Petition No 150/TT/2014 had approved the transmission tariff for the instant assets for the 2014-19 period based on admitted capital cost of ₹4678.43 lakh as on 31.3.2014 for the instant Asset. The Petitioner has not claimed any additional capital expenditure during the 2014-19 tariff period. Accordingly, the capital cost of



₹4678.43 lakh has been considered for the purpose of truing up of the tariff of the 2014-19 tariff period.

### **Debt-Equity Ratio**

35. The debt-equity ratio has been allowed in accordance with Regulation 19(3) of the 2014 Tariff Regulations. As per Regulation 19(3) of the 2014 Tariff Regulations, the debt-equity ratio allowed by the Commission for determination of tariff for the period ending on 31.3.2014 shall be considered. Accordingly, the debt-equity ratio of 74.49:25.51 for the period ending on 31.3.2014, considered for the purpose of determination of tariff of the 2014-19 tariff period has been considered for the purpose of truing up of the tariff of the Asset for the 2014-19 tariff period. Since, no additional capital expenditure is claimed during 2014-19 period, the debt-equity ratio as on 31.3.2019 also remains the same (i.e. 74.49:25.51)The details of the debt-equity ratio as on 1.4.2014 and 31.3.2019 of the Asset is as follows:

(₹ in lakh)

<b>Funding</b>	<b>Capital cost as on 1.4.2014</b>	<b>%</b>	<b>Total cost as on 31.3.2019</b>	<b>%</b>
Debt	3484.86	74.49	3484.86	74.49
Equity	1193.57	25.51	1193.57	25.51
<b>Total</b>	<b>4678.43</b>	<b>100.00</b>	<b>4678.43</b>	<b>100.00</b>

### **Interest on Loan (“IOL”)**

36. The Petitioner has claimed IOL based on actual interest rates for each year during the 2014-19 period.

37. We have considered the submissions of the Petitioner. IOL has been calculated as per the provisions of Regulation 26 of the 2014 Tariff Regulations as detailed below:

-



(i) Gross amount of loan, repayment of instalments and rate of interest and weighted average rate of interest on actual average loan have been considered as per the petition.

(ii) The repayment for the tariff period 2014-19 has been considered to be equal to the depreciation allowed for that period.

38. The details of IOL calculated are as follows: -

(₹ in lakh)					
Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Gross Normative Loan	3484.86	3484.86	3484.86	3484.86	3484.86
Cumulative Repayment upto previous Year	2006.01	2253.60	2501.19	2575.51	2649.83
Net Loan-Opening	1478.85	1231.26	983.67	909.35	835.03
Addition due to Additional Capitalization	0.00	0.00	0.00	0.00	0.00
Repayment during the year	247.59	247.59	74.32	74.32	74.32
Net Loan-Closing	1231.26	983.67	909.35	835.03	760.71
Average Loan	1355.06	1107.47	946.51	872.19	797.87
Weighted Average Rate of Interest on Loan (%)	7.8214%	7.7809%	7.6965%	7.4151%	6.6806%
<b>Interest on Loan</b>	<b>105.98</b>	<b>86.17</b>	<b>72.85</b>	<b>64.67</b>	<b>53.30</b>

39. The details of the IOL approved vide order dated 16.2.2016 in Petition 150/TT/2014, the trued up IOL claimed in the instant petition and the trued up IOL allowed in the instant order are as under:

(₹ in lakh)					
Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Approved vide order dated 16.2.2016 in Petition No. 150/TT/2014	91.20	71.46	58.61	51.57	42.04
Claimed by Petitioner in the instant petition	105.98	86.17	72.85	64.67	53.30
Allowed after true-up in this order	105.98	86.17	72.85	64.67	53.30

### **Return on Equity (“ROE”)**

40. The Petitioner is entitled for Return on equity for the instant assets in terms of Regulation 24 and 25 of the 2014 Tariff Regulations. The Petitioner has submitted that they are liable to pay income tax at MAT rates and has claimed following effective tax rates for the 2014-19 tariff period:-



<b>Year</b>	<b>Claimed effective tax (in %)</b>	<b>Grossed up ROE (Base Rate/1-t) (in %)</b>
2014-15	21.018	19.624
2015-16	21.382	19.716
2016-17	21.338	19.705
2017-18	21.337	19.704
2018-19	21.549	19.758

40. We have considered the submissions of the Petitioner. The Commission vide order dated 27.4.2020 in Petition No. 274/TT/2019 has arrived at the effective tax rate for the Petitioner based on the notified MAT rates. The relevant portion of the order dated 27.4.2020 is as under:-

*“26. We are conscious that the entities covered under MAT regime are paying Income Tax as per MAT rate notified for respective financial year under IT Act, 1961, which is levied on the book profit of the entity computed as per the Section 115JB of the IT Act, 1961. The Section 115JB(2) defines book profit as net profit in the statement of Profit & Loss prepared in accordance with Schedule-III of the Companies Act, 2013, subject to some additions and deductions as mentioned in the IT Act, 1961. Since the Petitioner has been paying income tax on income computed under Section 115JB of the IT Act, 1961 as per the MAT rates of the respective financial year, the notified MAT rate for respective financial year shall be considered as effective tax rate for the purpose of grossing up of RoE for truing up of the tariff of the 2014-19 tariff period in terms of the provisions of the 2014 Tariff Regulations. Interest imposed on any additional income tax demand as per the Assessment Order of the Income Tax authorities shall be considered on actual payment. However, penalty (for default on the part of the Assessee) if any imposed shall not be taken into account for the purpose of grossing up of rate of return on equity. Any under-recovery or over-recovery of grossed up rate on return on equity after truing up, shall be recovered or refunded to beneficiaries or the long term transmission customers/ DICs as the case may be on year to year basis.*

*27. Accordingly, following effective tax rates based on notified MAT rates are considered for the purpose of grossing up of rate of return on equity:*

<b>Year</b>	<b>Notified MAT rates (inclusive of surcharge &amp; cess)</b>	<b>Effective tax (in %)</b>
2014-15	20.961	20.961
2015-16	21.342	21.342
2016-17	21.342	21.342
2017-18	21.342	21.342
2018-19	21.549	21.0549

”

41. The same MAT rates as considered in order dated 27.04.2020 in Petition No. 274/TT/2019 are considered for the purpose of grossing up of rate of ROE for truing up



of the tariff of the 2014-19 tariff period in terms of the provisions of the 2014 Tariff Regulations.

Year	Notified MAT rates (inclusive of surcharge & cess) (in %)	Base Rate of ROE (in %)	Grossed up ROE (Base Rate/1-t) (in %)
2014-15	20.961	15.50	19.610
2015-16	21.342	15.50	19.705
2016-17	21.342	15.50	19.705
2017-18	21.342	15.50	19.705
2018-19	21.549	15.50	19.758

42. The Petitioner has claimed ROE for the 2014-19 period after grossing up the ROE of 15.50% with Effective Tax rates (based on MAT rates) each year as per the above said Regulation. The ROE is trued up on the basis of the MAT rate applicable in the respective years and is allowed as follows:-

Particulars	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Opening Equity	1193.57	1193.57	1193.57	1193.57	1193.57
Addition due to Additional Capitalization	0.00	0.00	0.00	0.00	0.00
Closing Equity	1193.57	1193.57	1193.57	1193.57	1193.57
Average Equity	1193.57	1193.57	1193.57	1193.57	1193.57
Return on Equity (Base Rate) (%)	15.50%	15.50%	15.50%	15.50%	15.50%
MAT rate for the Respective year (%)	<b>20.961%</b>	<b>21.342%</b>	<b>21.342%</b>	<b>21.342%</b>	<b>21.549%</b>
Rate of Return on Equity (Pre-tax) (%)	19.610%	19.705%	19.705%	19.705%	19.758%
<b>Return on Equity (Pre-tax)</b>	<b>234.06</b>	<b>235.19</b>	<b>235.19</b>	<b>235.19</b>	<b>235.83</b>

43. The details of the RoE approved vide order dated 16.2.2016 in Petition 150/TT/2014, the trued up RoE claimed in the instant petition and the trued up RoE allowed in the instant order are as under:

Particulars	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Approved vide order dated 16.2.2016 in Petition No. 150/TT/2014	234.06	234.06	234.06	234.06	234.06
Claimed by Petitioner in the instant petition	234.24	235.31	235.19	235.19	235.83
Allowed after true-up in this order	<b>234.06</b>	<b>235.19</b>	<b>235.19</b>	<b>235.19</b>	<b>235.83</b>





## **Depreciation**

44. The depreciation has been worked out as per the methodology provided in Regulation 27 of the 2014 Tariff Regulations. The depreciation allowed is as follows:-

(₹ in lakh)					
Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Opening Gross Block	4678.43	4678.43	4678.43	4678.43	4678.43
Additional Capital expenditure	0.00	0.00	0.00	0.00	0.00
Closing Gross Block	4678.43	4678.43	4678.43	4678.43	4678.43
Average Gross Block	4678.43	4678.43	4678.43	4678.43	4678.43
Rate of Depreciation (%)	5.2922%	5.2922%	1.5886%	1.5886%	1.5886%
Depreciable Value	4210.59	4210.59	4210.59	4210.59	4210.59
Remaining Depreciable Value	2204.58	1956.99	1709.40	1635.08	1560.76
<b>Depreciation</b>	<b>247.59</b>	<b>247.59</b>	<b>74.32</b>	<b>74.32</b>	<b>74.32</b>

45. The details of the depreciation approved vide order dated 16.2.2016 in Petition 150/TT/2014, the trued up depreciation claimed in the instant petition and the trued up depreciation allowed in the instant order are as under:

(₹ in lakh)					
Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Approved vide order dated 16.2.2016 in Petition No. 150/TT/2014	247.59	247.59	66.10	66.10	66.10
Claimed by Petitioner in the instant petition	247.60	247.60	74.33	74.33	74.33
Allowed after true-up in this order	247.59	247.59	74.32	74.32	74.32

## **Operation and Maintenance Expenses (O&M Expenses)**

46. As stated above, the instant transmission system includes the LILO Chamera-I-Kishenpur transmission line at Chamera-II (400 kV D/C twin conductor of 35.560 km line length). The Regulation 29(3) of the 2014 Tariff Regulations specifies the norms for O&M Expenses for the transmission system.

47. The Petitioner has claimed the O&M Expenses for the instant transmission system for the 2014-19 period as per the norms specified in the 2014 Tariff Regulations. Hence, it is allowed and the details are as follows:-



	(₹ in lakh)				
<b>Particulars</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Claimed	25.14	25.99	26.85	27.74	28.66
Allowed after true-up	25.14	25.99	26.85	27.74	28.66

### **Interest on Working Capital (IWC)**

48. The Petitioner is entitled for IWC as per Regulation 28 of the 2014 Tariff Regulations. The components of the working capital and the petitioner's entitlement to interest thereon are discussed hereunder:-

#### **a. Receivables**

Receivables as a component of working capital will be equivalent to two months fixed cost. The Petitioner has claimed the receivables on the basis of 2 (two) month's annual transmission charges. In the tariff being allowed, receivables have been worked out on the basis of 2 (two) month's transmission charges.

#### **b. Maintenance spares**

Regulation 28 of the 2014 Tariff Regulations provides for maintenance spares @ 15% per annum of the O&M expenses. The value of maintenance spares has accordingly been worked out.

#### **c. O & M Expenses**

Operation and maintenance expenses have been considered for one month as a component of working capital. The petitioner has claimed O&M expenses for 1(one) month of the respective year as claimed in the petition. This has been considered in the working capital.

#### **d. Rate of interest on working capital**

As per proviso 3 of Regulation 28 of the 2014 Tariff Regulations, SBI Base Rate (10.00%) as on 1.4.2014 Plus 350 bps i.e. 13.50% has been considered as the rate of interest on working capital.

49. IWC allowed as per the methodology provided in the Regulation 28 of the 2014 Tariff Regulations is as under:-



(₹ in lakh)					
Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Maintenance Spares	3.77	3.90	4.03	4.16	4.30
O&M expenses	2.10	2.17	2.24	2.31	2.39
Receivables	104.61	101.58	69.92	68.68	67.01
<b>Total</b>	<b>110.48</b>	<b>107.64</b>	<b>76.18</b>	<b>75.15</b>	<b>73.70</b>
Rate of Interest on working capital	13.50%	13.50%	13.50%	13.50%	13.50%
<b>Interest on Working Capital</b>	<b>14.91</b>	<b>14.53</b>	<b>10.28</b>	<b>10.15</b>	<b>9.95</b>

50. The details of IWC approved vide order dated 16.2.2016 in Petition 150/TT/2014, the trued up IWC claimed in the instant petition and the trued up IWC allowed in the instant order are as under:

(₹ in lakh)					
Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Approved vide order dated 16.2.2016 in Petition No. 150/TT/2014	14.57	14.17	9.74	9.63	9.46
Claimed by Petitioner in the instant petition	14.92	14.54	10.29	10.15	9.95
Allowed after true-up in this order	14.91	14.53	10.28	10.15	9.95

#### **APPROVED ANNUAL TRANSMISSION CHARGES FOR 2014-19 TARIFF PERIOD**

51. The trued up annual fixed charges for the transmission assets for the tariff period 2014-19 are summarised below:-

(₹ in lakh)					
Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Depreciation	247.59	247.59	74.32	74.32	74.32
Interest on Loan	105.98	86.17	72.85	64.67	53.30
Return on Equity	234.06	235.19	235.19	235.19	235.83
Interest on Working Capital	14.91	14.53	10.28	10.15	9.95
O&M Expenses	25.14	25.99	26.85	27.74	28.66
<b>Total</b>	<b>627.69</b>	<b>609.48</b>	<b>419.50</b>	<b>412.07</b>	<b>402.06</b>

52. The details of the transmission charged approved vide order dated 16.2.2016 in Petition 150/TT/2014, the trued up transmission charges claimed in the instant petition and the trued up transmission charges allowed in the instant order are as under:



Particulars	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Approved vide order dated 16.2.2016 in Petition No. 150/TT/2014	612.56	593.26	395.36	389.10	380.32
Claimed by Petitioner in the instant petition	627.88	609.61	419.51	412.08	402.07
Allowed after true-up in this order	627.69	609.48	419.50	412.07	402.06

### **DETERMINATION OF ANNUAL FIXED CHARGES FOR 2019-24 TARIFF PERIOD**

53. The Petitioner has claimed the following transmission charges for the 2019-24 tariff period:-

Particulars	(₹ in lakh)				
	2019-20	2020-21	2021-22	2022-23	2023-24
Depreciation	74.33	74.32	74.33	74.32	74.33
Interest on Loan	48.33	43.37	38.40	33.44	28.47
Return on Equity	224.18	224.18	224.18	224.18	224.18
Interest on Working Capital	6.63	6.62	6.60	6.57	6.53
O&M Expenses	32.50	33.60	34.74	35.91	37.12
<b>Total</b>	<b>385.97</b>	<b>382.09</b>	<b>378.25</b>	<b>374.42</b>	<b>370.63</b>

54. The details of the interest on working capital claimed by the Petitioner are as under:-

Particulars	(₹ in lakh)				
	2019-20	2020-21	2021-22	2022-23	2023-24
Maintenance Spares	4.88	5.04	5.21	5.39	5.57
O&M expenses	2.71	2.80	2.90	2.99	3.09
Receivables	47.46	47.11	46.63	46.16	45.57
<b>Total</b>	<b>55.05</b>	<b>54.95</b>	<b>54.74</b>	<b>54.54</b>	<b>54.23</b>
Rate of Interest	12.05%	12.05%	12.05%	12.05%	12.05%
<b>Interest on Working Capital</b>	<b>6.63</b>	<b>6.62</b>	<b>6.60</b>	<b>6.57</b>	<b>6.53</b>

55. The tariff for 2019-24 period is allowed as discussed in the subsequent paragraphs.

### **Capital Cost**

56. Regulation 19 of the 2019 Tariff Regulations provides as follows: -



*“(1) The Capital cost of the generating station or the transmission system, as the case may be, as determined by the Commission after prudence check in accordance with these regulations shall form the basis for determination of tariff for existing and new projects.”*

*(2) The Capital Cost of a new project shall include the following:*

*(a) The expenditure incurred or projected to be incurred up to the date of commercial operation of the project;*

*(b) Interest during construction and financing charges, on the loans (i) being equal to 70% of the funds deployed, in the event of the actual equity in excess of 30% of the funds deployed, by treating the excess equity as normative loan, or (ii) being equal to the actual amount of loan in the event of the actual equity less than 30% of the funds deployed;*

*(c) Any gain or loss on account of foreign exchange risk variation pertaining to the loan amount availed during the construction period;*

*(d) Interest during construction and incidental expenditure during construction as computed in accordance with these regulations;*

*(e) Capitalised initial spares subject to the ceiling rates in accordance with these regulations;*

*(f) Expenditure on account of additional capitalization and de-capitalisation determined in accordance with these regulations;*

*(g) Adjustment of revenue due to sale of infirm power in excess of fuel cost prior to the date of commercial operation as specified under Regulation 7 of these regulations;*

*(h) Adjustment of revenue earned by the transmission licensee by using the assets before the date of commercial operation;*

*(i) Capital expenditure on account of ash disposal and utilization including handling and transportation facility;*

*(j) Capital expenditure incurred towards railway infrastructure and its augmentation for transportation of coal upto the receiving end of the generating station but does not include the transportation cost and any other appurtenant cost paid to the railway;*

*(k) Capital expenditure on account of biomass handling equipment and facilities, for co-firing;*

*(l) Capital expenditure on account of emission control system necessary to meet the revised emission standards and sewage treatment plant;*

*(m) Expenditure on account of fulfilment of any conditions for obtaining environment clearance for the project;*

*(n) Expenditure on account of change in law and force majeure events; and*

*(o) Capital cost incurred or projected to be incurred by a thermal generating station, on account of implementation of the norms under Perform, Achieve and Trade (PAT) scheme of Government of India shall be considered by the Commission subject to sharing of benefits accrued under the PAT scheme with the beneficiaries*

*(3) The Capital cost of an existing project shall include the following:*

*(a) Capital cost admitted by the Commission prior to 1.4.2019 duly trued up by excluding liability, if any, as on 1.4.2019.*

*(b) Additional capitalization and de-capitalization for the respective year of tariff as determined in accordance with these regulations.*

*(c) Capital expenditure on account of renovation and modernisation as admitted by this Commission in accordance with these regulations;*



(d) Capital expenditure on account of ash disposal and utilization including handling and transportation facility;

(e) Capital expenditure incurred towards railway infrastructure and its augmentation for transportation of coal up to the receiving end of generating station but does not include the transportation cost and any other appurtenant cost paid to the railway; and

(f) Capital cost incurred or projected to be incurred by a thermal generating station, on account of implementation of the norms under Perform, Achieve and Trade (PAT) scheme of Government of India shall be considered by the Commission subject to sharing of benefits accrued under the PAT scheme with the beneficiaries.”

(4) The capital cost in case of existing or new hydro generating station shall also include:

(a) cost of approved rehabilitation and resettlement (R&R) plan of the project in conformity with National R&R Policy and R&R package as approved; and

(b) cost of the developer's 10% contribution towards Rajiv Gandhi Grameen Vidyutikaran Yojana (RGGVY) and Deendayal Upadhyaya Gram JyotiYojana (DDUGJY) project in the affected area.

(5) The following shall be excluded from the capital cost of the existing and new projects:

(a) The assets forming part of the project, but not in use, as declared in the tariff petition;

(b) De-capitalised Assets after the date of commercial operation on account of replacement or removal on account of obsolescence or shifting from one project to another project:

*Provided that in case replacement of transmission asset is recommended by Regional Power Committee, such asset shall be decapitalised only after its redeployment;*

*Provided further that unless shifting of an asset from one project to another is of permanent nature, there shall be no de-capitalization of the concerned assets.*

(c) In case of hydro generating stations, any expenditure incurred or committed to be incurred by a project developer for getting the project site allotted by the State Government by following a transparent process;

(d) Proportionate cost of land of the existing project which is being used for generating power from generating station based on renewable energy; and

(e) Any grant received from the Central or State Government or any statutory body or authority for the execution of the project which does not carry any liability of repayment.“

57. The capital cost of ₹4678.43 lakh has been considered by the Commission for the Asset as on 31.3.2019. The Petitioner has not claimed any additional capital expenditure during 2019-24 period. Therefore, the capital cost of ₹4678.43 lakh as on 31.3.2019 has been considered for the purpose of determination of transmission tariff for 2019-24 period in accordance with Regulation 19 of the 2019 Tariff Regulations.



## **Debt-Equity Ratio**

58. Regulation 18 of the 2019 Tariff Regulations provides as under:-

*“18. Debt-Equity Ratio: (1) For new projects, the debt:equity ratio of 70:30 as on date of commercial operation shall be considered. If the equity actually deployed is more than 30% of the capital cost, equity in excess of 30% shall be treated as normative loan:*

*Provided that:*

- i. where equity actually deployed is less than 30% of the capital cost, actual equity shall be considered for determination of tariff:*
- ii. the equity invested in foreign currency shall be designated in Indian rupees on the date of each investment:*
- iii. any grant obtained for the execution of the project shall not be considered as a part of capital structure for the purpose of debt: equity ratio.*

*(2) The generating company or the transmission licensee, as the case may be, shall submit the resolution of the Board of the company or approval of the competent authority in other cases regarding infusion of funds from internal resources in support of the utilization made or proposed to be made to meet the capital expenditure of the generating station or the transmission system including communication system, as the case may be.*

*(3) In case of the generating station and the transmission system including communication system declared under commercial operation prior to 1.4.2019, debt: equity ratio allowed by the Commission for determination of tariff for the period ending 31.3.2019 shall be considered:*

*Provided that in case of a generating station or a transmission system including communication system which has completed its useful life as on or after 1.4.2019, if the equity actually deployed as on 1.4.2019 is more than 30% of the capital cost, equity in excess of 30% shall not be taken into account for tariff computation;*

*Provided further that in case of projects owned by Damodar Valley Corporation, the debt: equity ratio shall be governed as per sub-clause (ii) of clause (2) of Regulation 72 of these regulations.*

*(4) In case of the generating station and the transmission system including communication system declared under commercial operation prior to 1.4.2019, but where debt: equity ratio has not been determined by the Commission for determination of tariff for the period ending 31.3.2019, the Commission shall approve the debt: equity ratio in accordance with clause (1) of this Regulation.*

*(5) Any expenditure incurred or projected to be incurred on or after 1.4.2019 as may be admitted by the Commission as additional capital expenditure for determination of tariff, and renovation and modernisation expenditure for life extension shall be serviced in the manner specified in clause (1) of this Regulation.”*





59. The debt-equity ratio for the 2019-24 period is allowed as per Regulation 18(3) of the 2019 Tariff Regulations. The details of the debt-equity ratio considered for the purpose of tariff for 2019-24 tariff period is as follows:-

(₹ in lakh)				
Particulars	Capital cost as on 1.4.2019	%	Total cost as on 31.3.2024	%
Debt	3484.86	74.49	3484.86	74.49
Equity	1193.57	25.51	1193.57	25.51
<b>Total</b>	<b>4678.43</b>	<b>100.00</b>	<b>4678.43</b>	<b>100.00</b>

### **Return on Equity (“ROE”)**

60. Regulation 30 and Regulation 31 of the 2019 Tariff Regulations specify as under:-

*“30. Return on Equity: (1) Return on equity shall be computed in rupee terms, on the equity base determined in accordance with Regulation 18 of these regulations.*

*(2) Return on equity shall be computed at the base rate of 15.50% for thermal generating station, transmission system including communication system and runof river hydro generating station, and at the base rate of 16.50% for the storage type hydro generating stations including pumped storage hydro generating stations and run-of river generating station with pondage:*

*Provided that return on equity in respect of additional capitalization after cut-off date beyond the original scope excluding additional capitalization due to Change in Law, shall be computed at the weighted average rate of interest on actual loan portfolio of the generating station or the transmission system;*

*Provided further that:*

*i. In case of a new project, the rate of return on equity shall be reduced by 1.00% for such period as may be decided by the Commission, if the generating station or transmission system is found to be declared under commercial operation without commissioning of any of the Restricted Governor Mode Operation (RGMO) or Free Governor Mode Operation (FGMO), data telemetry, communication system up to load dispatch centre or protection system based on the report submitted by the respective RLDC;*

*ii. in case of existing generating station, as and when any of the requirements under (i) above of this Regulation are found lacking based on the report submitted by the concerned RLDC, rate of return on equity shall be reduced by 1.00% for the period for which the deficiency continues;*

*iii. in case of a thermal generating station, with effect from 1.4.2020:*

*a) rate of return on equity shall be reduced by 0.25% in case of failure to achieve the ramp rate of 1% per minute;*



*b) an additional rate of return on equity of 0.25% shall be allowed for every incremental ramp rate of 1% per minute achieved over and above the ramp rate of 1% per minute, subject to ceiling of additional rate of return on equity of 1.00%:*

*Provided that the detailed guidelines in this regard shall be issued by National Load Dispatch Centre by 30.6.2019.”*

*“31. Tax on Return on Equity:(1) The base rate of return on equity as allowed by the Commission under Regulation 30 of these regulations shall be grossed up with the effective tax rate of the respective financial year. For this purpose, the effective tax rate shall be considered on the basis of actual tax paid in respect of the financial year in line with the provisions of the relevant Finance Acts by the concerned generating company or the transmission licensee, as the case may be. The actual tax paid on income from other businesses including deferred tax liability (i.e. income from business other than business of generation or transmission, as the case may be) shall be excluded for the calculation of effective tax rate.*

*(2) Rate of return on equity shall be rounded off to three decimal places and shall be computed as per the formula given below:*

$$\text{Rate of pre-tax return on equity} = \text{Base rate} / (1-t)$$

*Where “t” is the effective tax rate in accordance with clause (1) of this Regulation and shall be calculated at the beginning of every financial year based on the estimated profit and tax to be paid estimated in line with the provisions of the relevant Finance Act applicable for that financial year to the company on pro-rata basis by excluding the income of non-generation or non-transmission business, as the case may be, and the corresponding tax thereon. In case of generating company or transmission licensee paying Minimum Alternate Tax (MAT), “t” shall be considered as MAT rate including surcharge and cess.*

*(3) The generating company or the transmission licensee, as the case may be, shall true up the grossed up rate of return on equity at the end of every financial year based on actual tax paid together with any additional tax demand including interest thereon, duly adjusted for any refund of tax including interest received from the income tax authorities pertaining to the tariff period 2019-24 on actual gross income of any financial year. However, penalty, if any, arising on account of delay in deposit or short deposit of tax amount shall not be claimed by the generating company or the transmission licensee, as the case may be. Any under-recovery or over-recovery of grossed up rate on return on equity after trueing up, shall be recovered or refunded to beneficiaries or the long term customers, as the case may be, on year to year basis.”*

61. The Petitioner has submitted that MAT rate is applicable to the Petitioner's company. Accordingly, the MAT rate applicable in 2019-20 has been considered for the



purpose of ROE, which shall be trued up with actual tax rate in accordance with Regulation 31(3) of the 2019 Tariff Regulations. The ROE has been allowed as follows:-

(₹ in lakh)					
Particulars	2019-20	2020-21	2021-22	2022-23	2023-24
Opening Equity	1193.57	1193.57	1193.57	1193.57	1193.57
Addition due to Additional Capitalization	0.00	0.00	0.00	0.00	0.00
Closing Equity	1193.57	1193.57	1193.57	1193.57	1193.57
Average Equity	1193.57	1193.57	1193.57	1193.57	1193.57
Return on Equity (Base Rate)	15.50%	15.50%	15.50%	15.50%	15.50%
MAT rate for the Financial year 2019-20	<b>17.472%</b>	<b>17.472%</b>	<b>17.472%</b>	<b>17.472%</b>	<b>17.472%</b>
Rate of Return on Equity (Pre-tax)	18.780%	18.780%	18.780%	18.780%	18.780%
<b>Return on Equity (Pre-tax)</b>	224.15	224.15	224.15	224.15	224.15

### **Interest on Loan (“IOL”)**

62. Regulation 32 of the 2019 Tariff Regulations provides as under:-

*“32. Interest on loan capital: (1) The loans arrived at in the manner indicated in Regulation 18 of these regulations shall be considered as gross normative loan for calculation of interest on loan.*

*(2) The normative loan outstanding as on 1.4.2019 shall be worked out by deducting the cumulative repayment as admitted by the Commission upto 31.3.2019 from the gross normative loan.*

*(3) The repayment for each of the year of the tariff period 2019-24 shall be deemed to be equal to the depreciation allowed for the corresponding year/period. In case of de-capitalization of assets, the repayment shall be adjusted by taking into account cumulative repayment on a pro rata basis and the adjustment should not exceed cumulative depreciation recovered upto the date of de-capitalisation of such asset.*

*(4) Notwithstanding any moratorium period availed by the generating company or the transmission licensee, as the case may be, the repayment of loan shall be considered from the first year of commercial operation of the project and shall be equal to the depreciation allowed for the year or part of the year.*

*(5) The rate of interest shall be the weighted average rate of interest calculated on the basis of the actual loan portfolio after providing appropriate accounting adjustment for interest capitalized:*

*Provided that if there is no actual loan for a particular year but normative loan is still outstanding, the last available weighted average rate of interest shall be considered;*



*Provided further that if the generating station or the transmission system, as the case may be, does not have actual loan, then the weighted average rate of interest of the generating company or the transmission licensee as a whole shall be considered.*

*(6) The interest on loan shall be calculated on the normative average loan of the year by applying the weighted average rate of interest.*

*(7) The changes to the terms and conditions of the loans shall be reflected from the date of such re-financing”.*

63. The weighted average rate of IOL has been considered on the basis of rate prevailing as on 1.4.2019. The Petitioner has prayed that the change in interest rate due to floating rate of interest applicable, if any, during 2019-24 tariff period will be adjusted. Accordingly, the floating rate of interest, if any, shall be considered at the time of true up. In view of the above, the IOL has been worked out in accordance with Regulation 32 of the 2019 Tariff Regulations. The IOL allowed is as follows:-

(₹ in lakh)					
Particulars	2019-20	2020-21	2021-22	2022-23	2023-24
Gross Normative Loan	3484.86	3484.86	3484.86	3484.86	3484.86
Cumulative Repayment upto previous Year	2724.15	2798.47	2872.80	2947.12	3021.44
Net Loan-Opening	760.71	686.39	612.06	537.74	463.42
Addition due to Additional Capitalization	0.00	0.00	0.00	0.00	0.00
Repayment during the year	74.32	74.32	74.32	74.32	74.32
Net Loan-Closing	686.39	612.06	537.74	463.42	389.10
Average Loan	723.55	649.22	574.90	500.58	426.26
Weighted Average Rate of Interest on Loan (%)	6.6806%	6.6806%	6.6806%	6.6806%	6.6806%
<b>Interest on Loan</b>	<b>48.34</b>	<b>43.37</b>	<b>38.41</b>	<b>33.44</b>	<b>28.48</b>

### Depreciation

64. Regulation 33 of the 2019 Tariff Regulations provide that:-

*"33. Depreciation:(1) Depreciation shall be computed from the date of commercial operation of a generating station or unit thereof or a transmission system or element thereof including communication system. In case of the tariff of all the units of a generating station or all elements of a transmission system including communication system for which a single tariff needs to be determined, the depreciation shall be computed from the effective date of commercial operation of the generating station or the transmission system taking into consideration the depreciation of individual units:*



*Provided that effective date of commercial operation shall be worked out by considering the actual date of commercial operation and installed capacity of all the units of the generating station or capital cost of all elements of the transmission system, for which single tariff needs to be determined.*

*(2) The value base for the purpose of depreciation shall be the capital cost of the asset admitted by the Commission. In case of multiple units of a generating station or multiple elements of a transmission system, weighted average life for the generating station of the transmission system shall be applied. Depreciation shall be chargeable from the first year of commercial operation. In case of commercial operation of the asset for part of the year, depreciation shall be charged on pro rata basis.*

*(3) The salvage value of the asset shall be considered as 10% and depreciation shall be allowed up to maximum of 90% of the capital cost of the asset:*

*Provided that the salvage value for IT equipment and software shall be considered as NIL and 100% value of the assets shall be considered depreciable;*

*Provided further that in case of hydro generating stations, the salvage value shall be as provided in the agreement, if any, signed by the developers with the State Government for development of the generating station:*

*Provided also that the capital cost of the assets of the hydro generating station for the purpose of computation of depreciated value shall correspond to the percentage of sale of electricity under long-term power purchase agreement at regulated tariff:*

*Provided also that any depreciation disallowed on account of lower availability of the generating station or unit or transmission system as the case may be, shall not be allowed to be recovered at a later stage during the useful life or the extended life.*

*(4) Land other than the land held under lease and the land for reservoir in case of hydro generating station shall not be a depreciable asset and its cost shall be excluded from the capital cost while computing depreciable value of the asset.*

*(5) Depreciation shall be calculated annually based on Straight Line Method and at rates specified in Appendix-I to these regulations for the assets of the generating station and transmission system:*

*Provided that the remaining depreciable value as on 31st March of the year closing after a period of 12 years from the effective date of commercial operation of the station shall be spread over the balance useful life of the assets.*

*(6) In case of the existing projects, the balance depreciable value as on 1.4.2019 shall be worked out by deducting the cumulative depreciation as admitted by the Commission upto 31.3.2019 from the gross depreciable value of the assets.*

*(7) The generating company or the transmission licensee, as the case may be, shall submit the details of proposed capital expenditure five years before the completion of useful life of the project along with justification and proposed life extension. The*



Commission based on prudence check of such submissions shall approve the depreciation on capital expenditure.

(8) In case of de-capitalization of assets in respect of generating station or unit thereof or transmission system or element thereof, the cumulative depreciation shall be adjusted by taking into account the depreciation recovered in tariff by the decapitalized asset during its useful services.”

65. The depreciation has been worked out considering the admitted capital cost of ₹4678.43 lakh as on 31.3.2019 and accumulated depreciation up to 31.3.2019. The detailed calculations for depreciation for the transmission asset are worked out and allowed as follows:-

(₹ in lakh)					
Particulars	2019-20	2020-21	2021-22	2022-23	2023-24
Opening Gross Block	4678.43	4678.43	4678.43	4678.43	4678.43
Additional Capital expenditure	0.00	0.00	0.00	0.00	0.00
Closing Gross Block	4678.43	4678.43	4678.43	4678.43	4678.43
Average Gross Block	4678.43	4678.43	4678.43	4678.43	4678.43
Rate of Depreciation (%)	1.5886%	1.5886%	1.5886%	1.5886%	1.5886%
Depreciable Value	4210.59	4210.59	4210.59	4210.59	4210.59
Remaining Depreciable Value	1486.43	1412.11	1337.79	1263.47	1189.15
<b>Depreciation</b>	<b>74.32</b>	<b>74.32</b>	<b>74.32</b>	<b>74.32</b>	<b>74.32</b>

### **Operation and Maintenance Expenses (“O&M Expenses”)**

66. Regulation 35(3)(a) of the 2019 Tariff Regulations specifies the norms for the O&M Expenses for the transmission system and it is as follows:

“(3) Transmission system: (a) The following normative operation and maintenance expenses shall be admissible for the transmission system:

Particulars	2019-20	2020-21	2021-22	2022-23	2023-24
<i>Norms for sub-station Bays (₹ Lakh per bay)</i>					
765 kV	45.01	46.60	48.23	49.93	51.68
400 kV	32.15	33.28	34.45	35.66	36.91
220 kV	22.51	23.30	24.12	24.96	25.84
132 kV and below	16.08	16.64	17.23	17.83	18.46
<i>Norms for Transformers (₹ Lakh per MVA)</i>					
765 kV	0.491	0.508	0.526	0.545	0.564
400 kV	0.358	0.371	0.384	0.398	0.411
220 kV	0.245	0.254	0.263	0.272	0.282
132 kV and below	0.245	0.254	0.263	0.272	0.282





<b>Particulars</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>
<b>Norms for AC and HVDC lines (₹ Lakh per km)</b>					
Single Circuit (Bundled Conductor with six or more sub-conductors)	0.881	0.912	0.944	0.977	1.011
Single Circuit (Bundled conductor with four sub-conductors)	0.755	0.781	0.809	0.837	0.867
Single Circuit (Twin & Triple Conductor)	0.503	0.521	0.539	0.558	0.578
Single Circuit (Single Conductor)	0.252	0.260	0.270	0.279	0.289
Double Circuit (Bundled conductor with four or more sub-conductors)	1.322	1.368	1.416	1.466	1.517
Double Circuit (Twin & Triple Conductor)	0.881	0.912	0.944	0.977	1.011
Double Circuit (Single Conductor)	0.377	0.391	0.404	0.419	0.433
Multi Circuit (Bundled Conductor with four or more sub-conductor)	2.319	2.401	2.485	2.572	2.662
Multi Circuit (Twin & Triple Conductor)	1.544	1.598	1.654	1.713	1.773
<b>Norms for HVDC stations</b>					
HVDC Back-to-Back stations (Rs Lakh per 500 MW) (Except Gazuwaka BTB)	834	864	894	925	958
Gazuwaka HVDC Back-to-Back station (₹ Lakh per 500 MW)	1,666	1,725	1,785	1,848	1,913
500 kV Rihand-Dadri HVDC bipole scheme (Rs Lakh) (1500 MW)	2,252	2,331	2,413	2,498	2,586
±500 kV Talcher- Kolar HVDC bipole scheme (Rs Lakh) (2000 MW)	2,468	2,555	2,645	2,738	2,834
±500 kV Bhiwadi-Balia HVDC bipole scheme (Rs Lakh) (2500 MW)	1,696	1,756	1,817	1,881	1,947
±800 kV, Bishwanath-Agra HVDC bipole scheme (Rs Lakh) (3000 MW)	2,563	2,653	2,746	2,842	2,942

*Provided that the O&M expenses for the GIS bays shall be allowed as worked out by multiplying 0.70 of the O&M expenses of the normative O&M expenses for bays;*

*Provided further that:*

- i. the operation and maintenance expenses for new HVDC bi-pole schemes commissioned after 1.4.2019 for a particular year shall be allowed pro-rata on the basis of normative rate of operation and maintenance expenses of similar HVDC bi-pole scheme for the corresponding year of the tariff period;*
- ii. the O&M expenses norms for HVDC bi-pole line shall be considered as Double Circuit quad AC line;*
- iii. the O&M expenses of ±500 kV Mundra-Mohindergarh HVDC bipole scheme (2000 MW) shall be allowed as worked out by multiplying 0.80 of the normative O&M expenses for ±500 kV Talchar-Kolar HVDC bi-pole scheme (2000 MW);*
- iv. the O&M expenses of ±800 kV Champa-Kurukshetra HVDC bi-pole scheme (3000 MW) shall be on the basis of the normative O&M expenses for ±800 kV, Bishwanath-Agra HVDC bi-pole scheme;*
- v. the O&M expenses of ±800 kV, Alipurduar-Agra HVDC bi-pole scheme (3000 MW) shall be allowed as worked out by multiplying 0.80 of the normative O&M expenses for ±800 kV, Bishwanath-Agra HVDC bi-pole scheme; and*





vi. the O&M expenses of Static Synchronous Compensator and Static Var Compensator shall be worked at 1.5% of original project cost as on commercial operation which shall be escalated at the rate of 3.51% to work out the O&M expenses during the tariff period. The O&M expenses of Static Synchronous Compensator and Static Var Compensator, if required, may be reviewed after three years.

(b) The total allowable operation and maintenance expenses for the transmission system shall be calculated by multiplying the number of sub-station bays, transformer capacity of the transformer (in MVA) and km of line length with the applicable norms for the operation and maintenance expenses per bay, per MVA and per km respectively.

(c) The Security Expenses and Capital Spares for transmission system shall be allowed separately after prudence check:

*Provided that the transmission licensee shall submit the assessment of the security requirement and estimated security expenses, the details of year-wise actual capital spares consumed at the time of truing up with appropriate justification.*

(4) Communication system: The operation and maintenance expenses for the communication system shall be worked out at 2.0% of the original project cost related to such communication system. The transmission licensee shall submit the actual operation and maintenance expenses for truing up.”

67. The O&M Expenses claimed by the Petitioner are as per the norms specified in the 2019 Tariff Regulations and hence, they are allowed as claimed as under:-

Particulars	(₹ in lakh)				
	2019-20	2020-21	2021-22	2022-23	2023-24
Claimed by the Petitioner	32.50	33.60	34.74	35.91	37.12
Allowed in this order	32.50	33.60	34.74	35.91	37.12

### **Interest on Working Capital (“IWC”)**

68. Regulation 34(1)(c), Regulation 34(3), Regulation 34(4) and Regulation 3(7) of the 2019 Tariff Regulations specifies as follows:

“34. Interest on Working Capital  
(1)...

(c) For Hydro Generating Station (including Pumped Storage Hydro Generating Station) and Transmission System:

- i. Receivables equivalent to 45 days of fixed cost;
- ii. Maintenance spares @ 15% of operation and maintenance expenses including security expenses; and



iii. Operation and maintenance expenses, including security expenses for one month”

“(3)Rate of interest on working capital shall be on normative basis and shall be considered as the bank rate as on 1.4.2019 or as on 1st April of the year during the tariff period 2019-24 in which the generating station or a unit thereof or the transmission system including communication system or element thereof, as the case may be, is declared under commercial operation, whichever is later:

Provided that in case of truing-up, the rate of interest on working capital shall be considered at bank rate as on 1st April of each of the financial year during the tariff period 2019-24.

(4) Interest on working capital shall be payable on normative basis notwithstanding that the generating company or the transmission licensee has not taken loan for working capital from any outside agency.”

“3.Definitions ...

(7) ‘Bank Rate’ means the one year marginal cost of lending rate (MCLR) of the State Bank of India issued from time to time plus 350 basis points;”

69. The Petitioner has submitted that it has computed interest on working capital for 2019-24 period considering the SBI Base Rate plus 350 basis points as on 1.4.2019. The Petitioner has considered the rate of interest on working capital as 12.05%.The interest on working capital is worked out in accordance with Regulation 34 of the 2019 Tariff Regulations. The rate of interest on working capital considered is 12.05% (SBI 1 year MCLR applicable as on 1.4.2019 of 8.55% plus 350 basis points). The components of the working capital and interest thereon allowed is as follows:-

Particulars	(₹ in lakh)				
	2019-20	2020-21	2021-22	2022-23	2023-24
Maintenance Spares	4.88	5.04	5.21	5.39	5.57
O&M expenses	2.71	2.80	2.90	2.99	3.09
Receivables	47.45	47.10	46.63	46.16	45.57
<b>Total</b>	<b>55.04</b>	<b>54.94</b>	<b>54.74</b>	<b>54.54</b>	<b>54.23</b>
Rate of Interest on working capital	12.05%	12.05%	12.05%	12.05%	12.05%
<b>Interest on Working Capital</b>	<b>6.63</b>	<b>6.62</b>	<b>6.60</b>	<b>6.57</b>	<b>6.53</b>



## **APPROVED ANNUAL TRANSMISSION CHARGES FOR 2019-24 TARIFF PERIOD**

70. The transmission charges allowed for the instant transmission assets for the 2019-24 period are summarised below:-

Particulars	(₹ in lakh)				
	2019-20	2020-21	2021-22	2022-23	2023-24
Depreciation	74.32	74.32	74.32	74.32	74.32
Interest on Loan	48.34	43.37	38.41	33.44	28.48
Return on Equity	224.15	224.15	224.15	224.15	224.15
Interest on Working Capital	6.63	6.62	6.60	6.57	6.53
O&M Expenses	32.50	33.60	34.74	35.91	37.12
<b>Total</b>	<b>385.94</b>	<b>382.07</b>	<b>378.22</b>	<b>374.40</b>	<b>370.61</b>

### **Filing Fee and Publication Expenses**

71. The Petitioner has sought reimbursement of fee paid by it for filing the petition and publication expenses. The Petitioner shall be entitled for reimbursement of the filing fees and publication expenses in connection with the present petition, directly from the beneficiaries on pro-rata basis in accordance with Regulation 70(1) of the 2019 Tariff Regulations.

### **License fee and RLDC Fees and Charges**

72. The Petitioner shall be entitled for reimbursement of licence fee in accordance with Regulation 70(4) of the 2019 Tariff Regulations for 2019-24 period. The Petitioner shall also be entitled for recovery of RLDC fee and charges in accordance with Regulations 70(3) of the 2019 Tariff Regulations for 2019-24 period.

### **Security Expenses**

73. The Petitioner has submitted that security expenses for the instant assets are not claimed in the instant petition and it would file a separate petition for claiming the overall security expenses and the consequential Interest on Working Capital. The petitioner has requested to consider the actual security expenses incurred during 2018-19 for claiming estimated security expenses for 2019-20 which shall be subject to true up at the end of



the year based on the actuals. The petitioner has submitted that similar petition for security expenses for 2020-21, 2021-22, 2022-23 and 2023-24 shall be filed on a yearly basis on the basis of the actual expenses of previous year subject to true up at the end of the year on actual expenses. The petitioner has submitted that the difference, if any, between the estimated security expenses and actual security expenses as the audited accounts may be allowed to be recovered from the beneficiaries on a yearly basis.

74. We have considered the submissions of the Petitioner. We are of the view that the Petitioner should claim security expenses for all the transmission assets in one petition. The Commission observes that the Petitioner has already filed the Petition No.260/MP/2020 claiming consolidated security expenses on projected basis for the 2019-24 tariff period on the basis of actual security expenses incurred in 2018-19. Therefore, security expenses will be dealt with in Petition No. 260/MP/2020 in accordance with the applicable provisions of the 2019 Tariff Regulations.

### **Goods and Services Tax**

75. The Petitioner has submitted that, if GST is levied at any rate and at any point of time in future on Charges of Transmission of Electricity, the same shall be borne and additionally paid by the respondent(s) to the Petitioner and the same shall be charged & billed separately by the Petitioner. Further additional taxes, if any, are to be paid by the Petitioner on account of demand from Govt. / Statutory authorities, the same may be allowed to be recovered from the beneficiaries.

76. We have considered the submissions of the Petitioner. GST is not levied on transmission service at present and we are of the view that Petitioner's prayer is premature.



### **Capital Spares**

77. As The Petitioner has sought reimbursement of capital spares at the end of tariff block. The Petitioner's claim, if any, shall be dealt with in accordance with the provisions of the 2019 Tariff Regulations.

### **Sharing of Transmission Charges**

78. The billing, collection and disbursement of the transmission charges approved shall be governed by the provisions of Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010, as amended from time to time as provided in Regulation 43 of 2014 Tariff Regulations for the 2014-19 tariff period and Regulation 57 of the 2019 Tariff Regulations for the 2019-24 tariff period.

### **Summary**

79. To summarise, the revised Annual Fixed Charges allowed for the instant assets as per the APTEL's judgements are as under:

<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>312.49</b>	<b>592.30</b>	<b>598.34</b>	<b>591.18</b>	<b>572.23</b>	<b>640.23</b>

The consequential revision of Annual Fixed Charges allowed for the instant assets for the 2009-14 tariff period are as under:

<b>Particulars</b>	<b>(₹ in lakh)</b>				
	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
Annual Fixed Charges	<b>712.47</b>	<b>702.06</b>	<b>683.61</b>	<b>665.00</b>	<b>649.27</b>

The trued-up Annual Fixed Charges allowed for the instant assets for the 2014-19 tariff period are as under:

<b>Particulars</b>	<b>(₹ in lakh)</b>				
	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Annual Fixed Charges	<b>627.69</b>	<b>609.48</b>	<b>419.50</b>	<b>412.07</b>	<b>402.06</b>



The Annual Fixed Charges allowed for the Combined Asset for the 2019-24 tariff period in this order are as under:

Particulars	(₹ in lakh)				
	2019-20	2020-21	2021-22	2022-23	2023-24
Annual Fixed Charges	385.94	382.07	378.22	374.40	370.61

80 This order disposes of Petition No.288/TT/2019.

**Sd/-**  
**(I. S. Jha)**  
**Member**

**Sd/-**  
**(P. K. Pujari)**  
**Chairperson**

