

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

1. **Shri Ashok Basu, Chairperson**
2. **Shri Bhanu Bhushan, Member**
3. **Shri A.H. Jung, Member**

Petition No. 44/2006

In the matter of

Declaring 132 kV Balipara-Khupi (Tenga)-Kimi transmission line and associated 220/132 kV & 132/33 sub-stations of Kameng Hydroelectric Project, 600 MW of NEEPCO as dedicated transmission line.

And in the matter of

North Eastern Electric Power Corporation Ltd.

...**Petitioner**

Vs

1. North Eastern Regional Power Committee, Shillong
2. North Eastern Regional Load Despatch Centre, Shillong ... **Respondents**

The following were present:

1. Shri P.K. Bora, NEEPCO
2. Ms. M.R. Karmarker, NEEPCO
3. Ms. C. Ranee, NEEPCO
4. Shri U.K. Tyagi, PGCIL
5. Shri Prashant Sharma, PGCIL
6. Shri Avinash Pangi, PGCIL
7. Shri Umesh Chandra, PGCIL
8. Shri Rakesh Prasad, PGCIL

**ORDER
(DATE OF HEARING: 19.9.2006)**

The petitioner is constructing Kameng Hydroelectric Project, the approved cost of which is stated to be Rs.2496.90 crore (March 2004 price level). The approved cost estimate includes facilities for drawal of construction power from 400/220 kV Balipara Grid sub-station of Power Grid Corporation of India Ltd. (PGCIL). The

provision is stated to have been made in the cost estimates for this purpose because adequate transmission and distribution facilities are not available in the area to ensure supply of about 10-12 MW of reliable peak power required during construction. The construction power facility, as indicated by the petitioner, includes construction of the following assets:

- (a) Augmentation of Balipara sub-station by construction of 50 MVA, 220/132 kV sub-station with Transfer Bus arrangement.
- (b) Construction of 132 kV S/C Balipara-Khupi (Tenga)-Kimi transmission line (approximately 85 kms). Initially, the transmission line is proposed to be operated by charging the Balipara-Khupi (Tenga) section at 132 kV and Khupi (Tenga) – Kimi section at 33 kV.
- (c) Construction of 132/33 kV sub-station at Khupi (Tenga).
- (d) Construction of 33/11/0.415 kV sub-stations along with associated 33 kV, 11 kV and 0.415 kV lines at the construction sites, namely Khupi (Tenga), Bichom and Kimi and construction of Diesel Power Houses at Khupi (Tenga), Bichom and Kimi for standby power source.

2. It has been stated that the first phase of the work on construction power facility comprising augmentation of 220/132 kV sub-station at Balipara, construction of 132 kV S/C Balipara-Khupi (Tenga)-Kimi transmission line and 132/33 kV sub-station at Khupi (Tenga) awarded to PGCIL as deposit work, has been completed. Government of Arunachal Pradesh is to supply the construction power under an agreement. After construction of the generating station is complete, the transmission assets are proposed to be utilized for supply of power to different locations of the generating

station and may also be utilized for drawing power from the grid in emergency situations. The transmission facility can also be utilized for evacuation of a portion of power from the generating station after its commissioning. Under these circumstances, the petitioner seeks a declaration to the effect that the transmission lines and other associated assets are the dedicated transmission lines and no licence is needed for operation and maintenance of these transmission assets. The petitioner has submitted that in terms of Section 10 of the Electricity Act, 2003, the petitioner, as a generating company is required to establish, operate and maintain, *inter alia*, the dedicated transmission lines.

3. We have heard Shri P.K. Bora on admission. To a pointed question the representative of the petitioner clarified that it seeks the declaration from the Commission involving interpretation of the provisions of the Act, to obviate any difficulty or problem on a later date.

4. In our opinion, there is no reason for the petitioner to approach the Commission to seek the declaration as prayed for. Presently, the issue raised is purely of academic nature. The question may be considered as and when the need for the purpose may arise against the specific factual background. Accordingly, at this stage we do not consider it appropriate to venture into the exercise of interpretation of the provisions of the Act, without considering the factual position under which an interpretation of the provisions of the Act may become necessary. The petitioner is at

liberty to take such action as considered appropriate in accordance with law after taking advice of legal experts, if so advised.

5. With the above observations, the petition stands disposed of at the admission stage.

Sd/-
(A.H. JUNG)
MEMBER

Sd/-
(BHANU BHUSHAN)
MEMBER

Sd/-
(ASHOK BASU)
CHAIRPERSON

New Delhi dated the 19th September, 2006