

## CENTRAL ELECTRICITY REGULATORY COMMISSION

### Petition No.135/2011

**Sub:** Petition for remedies under Section 62 and 79 (1) (c) and (d) of the Electricity Act, 2003 read with Regulation 3 (12) (c) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 and Regulations 24, 111 to 113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as applicable to (a) Parbati-Koldam 400 kV (Quad) Moose Conductor) 2 x S/C transmission line and (b) Koldam Ludhiana 400 kV D/C (Triple snowbird Conductor) transmission line.

Date of hearing: 17.11.2011

Coram Dr. Pramod Deo, Chairperson  
Shri S.Jayaraman, Member  
Shri V.S.Verma, Member  
Shri M.Deena Dayalan, Member

Petitioner Parbati Koldam Transmission Company Limited

Respondents BSES Rajdhani Power Limited & Others

Parties present

1. Shri Amit Kapur, Advocate for the Petitioner
2. Shri Vishal Anand, Advocate for the petitioner
3. Shri S.K.Deb, PKTCL
4. Shri S.Bhattacharya, PKTCL
5. Shri Ramesh Bahri , PKTCL
6. Shri Krishan Singh, NHPC
7. Shri Sachin Datta, Advocate for NHPC
8. Shri R.Raina, NHPC
9. Shri S.Datta, NHPC
10. Shri V.K.Padha, NTPC
11. Shri Ajay Hulani, PGCIL
12. Shri Mukhesh Khanna, PGCIL

### Record of Proceedings

The learned counsel for petitioner submitted that present petition is not a petition for determination of tariff but has been filed seeking remedies under Sections 62 and 79 (1) (c) and (d) of the Electricity Act, 2003 read with Regulation 3 (12) (c) of the Central Electricity Regulatory

Commission (Terms and Conditions of Tariff) Regulations, 2009 (tariff regulations 2009) for approval of the date of commercial operation. Learned counsel for the petitioner referring to Para (v) and (vi) of the NHPC reply dated 27.9.2011 submitted that since difficulties were apprehended by both parties in completing the work by mutually accepted zero date, the zero date was revised from 31.12.2011 to 31.12.2012. Learned counsel also submitted that para 15 of the said reply provides that zero date cannot be shifted further without mutual consent of the parties. Pursuant to a meeting between the NHPC and the petitioners on 19.11.2010, NHPC has written a letter dated 15.12.2010 informing the petitioner that due to prevailing circumstances the completion of Parbati-II would be delayed till July, 2014.

2. The learned counsel for the petitioner requested the Commission to:

- a) Direct NHPC to file an affidavit stating the date of the commercial operation of the Transmission Project as July, 2014 based on NHPC's above stated letter.
- b) Direct the NHPC to revise the zero date in its Indemnification Agreement to July 2014; and
- c) Direct both NHPC and NTPC to ensure completion of the projects by July, 2014

3. The learned Counsel for the petitioner also informed the Commission that PGCIL has requested the petitioner to complete 70 kms. stretch of its transmission lines so that the same could be used to evacuate power from Parbati-III HEP.

4. The learned counsel for the NHPC submitted that there is no occasion to invoke Regulation 3 (12) (c) of the tariff regulations, 2009 as the transmission system of the petitioner is not ready. He further submitted that as per the agreement entered into by the petitioner and NHPC, there is contractual mechanism regarding the zero date and the petitioner instead of approaching the Commission could have invoked the same. The learned counsel further submitted that Commission's order on which the petitioner has relied upon is not relevant in the present case, since in the said petition, the transmission system was already commissioned which is not the case in the present petition.

5. The representative of the NTPC submitted that NTPC has also been made a respondent in this petition. The information as called for

by the Commission has already been filed. However, NTPC is not a relevant party in this petition as the project in question is not pertaining to NTPC Koldam project.

6. The representative of the Power Grid submitted that the date of the commercial operation of the Transmission Project should be declared and a firm date should be given to the petitioner to complete the transmission system so that the overall system development is not hampered and the petitioners' project remain financially viable.

7. After hearing the parties, the petitioner was directed to file the information, on affidavit regarding the determination of tariff for using 70 kms of the transmission line as submitted by the petitioner, in terms of tariff regulations, 2009, as and when the portion is complete, with an advance copy to the respondents. The petitioner was also granted liberty to file agreements for approval of date of commercial operation for the remaining system before the next hearing.

8. The petition will be listed for hearing on 24.1.2012 after compliance of direction as above.

SD/-  
(T. Rout)  
Joint Chief (Legal)