

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Petition No. 42/TT/2013

Subject : Approval of transmission tariff for 2 Nos. 400 kV line bays along with 2 Nos. 80 MVAR switchable line reactors at 400 kV Siliguri S/S and 2 Nos. 400 kV line bays at Bongaigaon S/S under Transmission Schemes for enabling import of NER/ER surplus power by NR in Eastern Region for tariff block 2009-14

Date of Hearing : 22.4.2014

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri M. Deena Dayalan, Member
Shri A.K. Singhal, Member

Petitioner : Power Grid Corporation of India Ltd. (PGCIL)

Respondents : Rajasthan Rajya Vidyut Prasaran Nigam Limited and 16 others

Parties present : Ms. Seema Gupta, PGCIL
Shri S.S. Raju, PGCIL,
Ms. Sangeeta Edwards, PGCIL
Shri S. Venkatesan, PGCIL
Shri R.B. Sharma, Advocate, BRPL
Shri Padamjit Singh, PSPCL
Shri T.P.S. Bawa, PSPCL

Record of Proceedings

The representative of petitioner submitted as under:-

- i) As per investment approval dated 19.9.2011, the assets were to be commissioned within 18 months from the date of investment approval, i.e. by 1.4.2013. Some elements, i.e., 2 Nos. 400 kV line bays along with 1 No. 80 MVAR switchable line reactors at 400 kV Siligurin sub-station and 2 Nos. 400 kV



line bays at Bongaigaon sub-station were commissioned on 1.4.2013. The remaining element, i.e. 1 No. 80 MVAR switchable line reactors at 400 kV Siliguri sub-station was commissioned on 1.6.2013 after a delay of two months;

- ii) During the hearing on 25.2.2014, the Commission directed the petitioner to implead M/s. Sterlite Ltd., which is laying the 400/200 kV Bongaigaon- Siliguri line, as one of the respondents. Accordingly, copy of the petition was sent to M/s. Sterlite Ltd. However, no reply has been received from them;
- iii) Reasons for delay of two months have been submitted vide affidavit dated 12.2.2014. He requested to condone the delay and also allow an additional return on equity of 0.5%. Reply has been received from AVVNL, PSPCL, and BRPL. Rejoinder to the reply of AVVNL has been filed and rejoinder to the replies of PSPCL and BRPL would be filed.

2. The representative of PSPCL, Respondent No. 6, submitted that in the instant petition, the lines are being constructed by M/s. Sterlite Ltd., the sub-station bays and equipment are being provided by PGCIL. As per the CEA document, the transmission line from Bongaigaon to Siliguri is not expected to be commissioned before June 2014, and PGCIL is claiming transmission tariff of the idle and unused bays. Under section 38 of the Electricity Act, 2003, it is the responsibility of the petitioner to coordinate with the private ISTS licensee so as to match the bays with the line, but the petition is silent on what the petitioner has done as CTU in this regard. Moreover, when the transmission line was awarded to M/s. Sterlite Ltd., the transmission charges were to be loaded to the Northern Region beneficiaries only till this interim arrangement is replaced by POC sharing mechanism. He submitted that the present petition should not be allowed until the line becomes operational.

3. The representative of BRPL, Respondent No. 12, submitted that the bays at Siliguri and Bongaigaon ends, which are under the scope of the petitioner, were commissioned without the line, which falls under the scope of M/s Sterlite Ltd. At the time of filing the petition on 18.1.2013, the petitioner did not invoke Regulation 3(12) (c) of the 2009 Tariff Regulations, whereas this point is covered by judgment of Hon'ble Appellate Tribunal for Electricity (hereinafter "the Tribunal") dated 2.7.2012 in Appeal No. 123 of 2011. This shows that the petitioner was aware that it cannot claim tariff in view of the said judgment of the Tribunal. He requested the Commission not to allow tariff till the line becomes operational.

4. The representative of the petitioner clarified that when the petition was filed in January, 2013, the asset was anticipated to be commissioned in April 2013 and in the CEA Coordination meeting held in July, 2012, Sterlite Ltd. stated that the lines would



come by March 2013. When the line got delayed because of factors beyond the control of the petitioner, it invoked Regulation 3 (12) (c) of the 2009 Tariff Regulations for approval of date of commercial operation because the line is not within its scope. He further submitted that the instant project has been conceived as a standalone project of construction of bays.

5. The Commission inquired from the petitioner as to what would be its responsibility if the lines get ready before bays, and whether indemnification agreement deals with such a situation. The representative of the petitioner submitted that such a situation has never arisen in the past and there is no indemnification agreement in this regard.

6. The Commission directed the petitioner to submit rejoinder to the reply filed by PSPCL and BRPL, by 30.5.2014.

7. Subject to the above, order in the petition was reserved.

By order of the Commission

Sd/-
(T. Rout)
Chief (Law)

