

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.7/RP/2017
In
Petition No. 33/TT/2015

Subject: Review of the Commission's order dated 25.5.2016 in
Petition No. 33/TT/2015 under Regulation 103(1) of Central
Electricity Regulatory Commission (Conduct of Business)
Regulations, 1999.

Date of Hearing : 23.5.2017

Coram : Shri A.S. Bakshi, Member
Dr. M. K. Iyer, Member

Petitioner : Power Grid Corporation of India Limited (PGCIL)

Respondents : Rajasthan Rajya Vidyut Prasaran Nigam Ltd. & 17 others

For petitioner : Shri Sanjay Sen, Sr. Advocate, PGCIL
Shri S.S. Raju, PGCIL
Shri Rakesh Prasad, PGCIL

For respondent : None

Record of Proceedings

Learned senior counsel for the Review Petitioner submitted that instant review petition has been filed seeking review of the order dated 25.5.2016 in Petition No. 33/TT/2015. Learned senior counsel submitted that in the impugned order, the Commission has disallowed time over-run of 2 months in case of Asset A & B, 6 months and 12 months in case of Asset C and Asset F respectively. He submitted that the reasons leading to delay in commissioning the transmission assets A,B, C and F viz. ROW issues at Shahjahanpur, were placed on record vide affidavit dated 19.4.2016, however the same were not adequately considered while passing the impugned order dated 25.5.2016. He submitted that non-consideration of this information is an error on the face of record which requires to be corrected. He further submitted that certain other documents viz. correspondence dated 18.8.2011, 9.9.2011, 18.10.2011 were not produced at the time of adjudication of the impugned tariff petition, as the same could not be traced, and the said documents are now being produced in support of the averments for justification of the delay in commissioning of the instant transmission assets and the same may be considered.



2. Learned counsel for the Review Petitioner submitted that linking the recovery of the transmission charges in a manner other than the POC mechanism, till the availability of the downstream, is not envisaged either in the Tariff Regulations or Sharing Regulations. Further, the Review Petitioner has not executed any Indemnification Agreement with Discoms for sharing of downstream network charges and as such, there is no contractual liability under which the State Transmission Utility or Discoms can be compelled to pay the transmission charges till the commissioning of the downstream system. As such, the tariff allowed in the impugned order should be included in the PoC charges from the date of commercial operation of the assets.
3. None of the respondents has filed any reply to the instant review petition.
4. The Commission reserved the order in the petition.

By order of the Commission

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

