

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 48/TT/2017

Coram:

**Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M. K. Iyer, Member**

Date of Order : 28.04.2017

In the matter of:

Determination of transmission tariff of 2 No. 400 kV line bays at Fatehpur 400/220 kV Sub-station under "Provision of 400 kV bays at Fatehpur for ATS under Unchahar TPS" under Regulation 86 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014.

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 Limited
Vidyut Bhawan, Janpath, Jaipur - 302 005
Rajasthan, INDIA.
2. Ajmer Vidyut Vitran Nigam Limited,
Vidyut Bhawan, Panchsheel Nagar,
Makarwali Road, Ajmer- 305004 Jaipur
3. Jaipur Vidyut Vitran Nigam Limited,
Vidyut Bhawan, Janpath, Jaipur - 302 005
Rajasthan, INDIA.



4. Jodhpur Vidyut Vitran Nigam Limited,
New Power House, Industrial Area
Jodhpur-342003
5. Himachal Pradesh State Electricity Board,
Vidyut Bhawan Shimla
Himachal Pradesh (India)-171004
6. Punjab State Electricity Board,
1st Floor, Patiala - 147001,
Opposite Kali Mata Mandir
Shakti Sadan
7. Haryana Power Purchase Centre,
Shakti Bhawan, Sector -6
Panchkula-134109
8. Power Development Department,
Exhibition Ground, PDD Building,
Jahangir Chowk - 190001, Srinagar;
9. Uttar Pradesh Power Corporation Ltd.,
Shakti Bhawan, 14, Ashok Marg,
Lucknow - 226001, UP, India.
10. Delhi Transco Limited,
Shakti Sadan, Kotla Marg,
New Delhi-110002
11. BSES Yamuna Power Limited, New Delhi
C-7, Yamuna Vihar, New Delhi - 110053
12. BSES Rajdhani Power limited,
33 KV Grid, BSES Bhawan,
Adchini, New Delhi -110017
13. North Delhi Power Limited,
Shakti Deep Building,
District Office Building,
Rohini Sector 3 New Delhi- 110085



14. Chandigarh Administration,
Union Territory
5th Floor, Secretariat Deluxe Building,
Sector - 9 - D Chandigarh– 160017
15. Uttarakhand Power Corporation Ltd.,
Victoria Cross Vijeyta Gabar Singh Bhawan,
Kanwali Road, Balliwala Chowk,
Dehradun-248001, Uttarakhand
16. North Central Railway,
Subedarganj, Doomanganj, Allahabad
Uttar Pradesh - 211011
17. New Delhi Municipal Council,
Palika Kendra, Parliament Street,
New Delhi-110001
18. Powergrid Unchahar Transmission Limited (PUTL)
765/400/220 kV Powergrid Sub-station
Fatehpur-Lalganj-Lucknow Road
Village-Chaufera
Fatehpur- 212601
19. NTPC
TC/33/V-1, Near Lohia Hospital
PICUP Bhawan RD, Vibhuti Khand

.....**Respondents**

For petitioner : Shri S.S. Raju, PGCIL

For respondents : Shri Ajay Dua, NTPC
Shri E.P. Rao, NTPC
Shri Manoj Kumar Sharma, NTPC



ORDER

The petitioner, Power Grid Corporation of India Limited (PGCIL) has filed the instant petition for determination of tariff for 2 No. 400 kV line bays at Fatehpur 400/220 kV Sub-station (transmission assets) under "Provision of 400 kV bays at Fatehpur for ATS under Unchahar TPS" for the 2014-19 tariff period in accordance with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (hereinafter referred to as "the 2014 Tariff Regulations"). The petitioner has also prayed for allowing 90% of the Annual Fixed Charges claimed, in terms of proviso (i) of Regulation 7(7) of the 2014 Tariff Regulations for inclusion in PoC mechanism.

2. During the hearing on 13.4.2017, the representative of petitioner submitted that three parties are involved in execution of Unchahar-Fatehpur Transmission Project. PGCIL has been entrusted with construction of 400 kV bays at PGCIL Fatehpur Sub-station, Powergrid Unchahar Transmission Limited (PUTL) with construction of 400 kV D/C Unchahar-Fatehpur transmission Line and NTPC with construction of 400 kV bays at NTPC Unchahar Thermal Power Station (TPS). The instant transmission assets were scheduled to be commissioned on 20.11.2016 and they were commissioned before the scheduled date, i.e on 2.10.2016. The instant bays at Fatehpur (PGCIL) Sub-station and 400 kV D/C Unchahar-Fatehpur transmission line were ready and line was anti-theft charged upto NTPC Unchahar TPS bays on 2.10.2016. However, due to non-completion of 400 kV bays at Unchahar (NTPC), the petitioner could not declare its system under commercial operation on 2.10.2016. Accordingly, the petitioner has



prayed for approval of date of commercial operation under the proviso (ii) of the Regulation 4(3) of the 2014 Tariff Regulations. He further submitted that the RLDC certificate could not be obtained as the line was not charged from both the ends due to non-completion of bays NTPC at Unchahar end. The representative of the petitioner submitted that the line was commissioned as per the schedule given by the bid process coordinator, which was October, 2016 and hence the instant assets are eligible for tariff from 2.10.2016. The representative of the petitioner also prayed for grant of Annual Fixed Charges (AFC) in terms of proviso (i) of Regulation 7(7) of the 2014 Tariff Regulations.

3. The representative of NTPC submitted that NTPC Board approved the construction of bays at Unchahar end on 30.7.2013 with a timeline of 40 months and accordingly, the lines were scheduled to be commissioned on 30.11.2016. Accordingly, NTPC is not liable to pay any transmission charges for the period before 1.12.2016. He further submitted that the line was charged from both ends only on 6.12.2016 and as such tariff may be allowed from the said date. He also sought time to file reply.

4. As per proviso (i) of Regulation 7(7) of the 2014 Tariff Regulations, the Commission may grant tariff upto 90% of the AFC of the transmission system or element thereof for the purpose of inclusion in POC charges in accordance with the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses), Regulation, 2010. Regulation 7(2) of the 2014 Tariff Regulations provides that the application for tariff should be made in accordance with the Central



Electricity Regulatory Commission (Procedure for making of application for determination of tariff, publication of the application and other related matters) Regulations, 2004 (hereinafter referred to as "2004 Regulations"). Regulation 7(4) of the 2014 Tariff Regulations provides that such an application shall be filed as per Annexure-I of these regulations.

5. We have considered the submissions of the petitioner. The petitioner has made the applications as per Annexure-I of the 2014 Tariff Regulations. The petitioner has also complied with the requirements of 2004 Regulations, such as service of the copy of the application on the beneficiaries, publication of notice and web hosting of the application, etc. After carrying out preliminary prudence check of the AFC claimed by the petitioner, the Commission has decided to allow tariff in terms of proviso (i) of Regulation 7(7) of the 2014 Tariff Regulations as given in para 6 of this order for the years 2016-17 and 2017-18. However, the transmission charges allowed herein will be applicable only from the date when the bays at Fatehpur and Unchahar end and the 400 kV D/C Unchahar-Faehpur transmission line are commissioned and put to use. The petitioner's prayer for approval of COD under proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations as 2.10.2016 shall be considered at the time of issue of final order.

6. The details of the tariff claimed by the petitioner and tariff allowed are as under:-



A. Annual transmission charges claimed by the petitioner are as follows:-

(₹ in lakh)		
2016-17 (pro-rata)	2017-18	2018-19
121.49	278.25	302.88

B. Annual transmission charges allowed are given below:-

(₹ in lakh)	
2016-17 (pro-rata)	2017-18
103.26	236.51

7. The Annual Fixed Charges allowed in this order, as stated above, shall be applicable from the date of commercial operation of the transmission system and the billing, collection and disbursement of the transmission charges 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. Further, the transmission charges allowed in this order shall be subject to adjustment as per Regulation 7(7) of the 2014 Tariff Regulations

8. The petitioner is directed to submit the following information on affidavit with an advance copy to respondents by 19.5.2017:-

- (a) RLDC charging certificate;
- (b) Reason for claiming additional capitalisation under balance/retention payment;
- (c) Clarify as to whether the transmission assets are in use or not;



- (d) Color single line diagram along with upstream/downstream network details.
- (e) Status of commissioning of the asset and Auditors Certificates and Tariff Forms considering their actual CODs for final tariff.
- (f) Documents in support of Interest Rate and Repayment Schedule for LIII and LIV and Repayment Schedule for Bond LV (Proposed Loan 2016-17 (7.55%)) deployed as per Form-9C.
- (g) Computation of interest during construction (IDC) on cash basis for the Asset from:
 - i) The date of infusion of debt fund up to SCOD; and
 - ii) From SCOD to Actual COD of the Asset.
- (h) Date of drawl of each loan for the purpose of IDC calculation and clarify whether the un-discharged liability portion of IDC/IEDC has been included in the projected additional capital expenditure or not.
- (i) Clarify whether entire liability pertaining to initial spares has been discharged as on COD, if no, year wise detail of discharging of the same, among the Sub-station and transmission line, needs to be separately submitted.

9. The petitioner is further directed to submit the editable soft copy in excel format with links for the information sought in point (c) above by 19.5.2017.

10. NTPC is directed to submit the status of line bays at Unchahar associated with 400 kV D/C Unchahar-Fatehpur transmission line on affidavit with an advance copy to the petitioner. CTU is directed to submit the scheduled timeline given for construction of 400 kV D/C Unchahar-Fatehpur transmission line under TBCB and basis for arriving at the timeline and relevant minutes of Empowered Committee.



11. The respondents are directed to file their reply by 5.6.2017 with an advance copy to the petitioner who shall file its rejoinder, if any by 12.6.2017. The additional information sought above is as per the Commission's order dated 6.5.2016 in Petition No. 8/SM/2016, which has not been filed by the petitioner. The parties shall comply with the above directions within the due date mentioned above. In case of non-compliance, the matter shall be decided on the basis of information already on record.

12. The petition shall be listed for hearing on 20.6.2017 for final hearing.

sd/-
(Dr. M.K. Iyer)
Member

sd/-
(A.S. Bakshi)
Member

sd/-
(A.K. Singhal)
Member

sd/-
(Gireesh B. Pradhan)
Chairperson

