

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 6/RP/2017  
alongwith I.A. No. 11/2017**

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

**Date of Order : 19.04.2017**

**In the matter of:**

Review of the Commission's order dated 31.3.2016 in Petition No. 280/TT/2015 under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 103 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999.

**And in the matter of:**

Power Grid Corporation of India  
"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. Bihar State Power (Holding) Company Limited  
(Formerly Bihar State Electricity Board),  
Bidyut Bhawan, Bailey road,  
Patna-800 001, Bihar
19. West Bengal State Electricity Distribution Company Ltd.  
Bidyut Bhawan, Bidhan Nagar Block DJ  
Sector-II, Salt Lake City  
Calcutta-700 091.
20. Grid Corporation of Orissa Ltd.  
Shahid Nagar, Bhubaneswar-751 007.
21. Damodar Valley Corporation  
DVC Tower, Maniktala Civic Centre,  
VIP Road, Calcutta-700 054.
22. Power Department, Government of Sikkim,  
Gangtok- 737 101
23. Jharkhand State Electricity Board  
In Front of Main Secretariat Doranda,  
Ranchi-834 002.

.....Respondents

**For petitioner** : Shri Sanjay Sen, Advocate, PGCIL  
Shri Matrugupta Mishra, Advocate, PGCIL  
Shri B. Dash, PGCIL  
Shri S.K. Venkatesan, PGCIL



Shri Nimesh Jha, PGCIL

**For respondents** : None

### **Interim Order**

The instant review petition has been filed by the petitioner, Power Grid Corporation of India limited (PGCIL), for review of order dated 31.3.2016 in Petition No 280/TT/2015, whereby the Commission had determined the transmission tariff for Asset-I: Balance portion of 400 kV D/C Maithan Gaya transmission line CKT II including multi circuit, Asset-II: Balance portion of 400 kV D/C Maithan Gaya transmission line CKT I including multi circuit, Asset-III: 1 no. 400 kV Line Bay at 765/400 kV Gaya Substation (Koderma II Bay) and Asset IV: 765 kV Line Bay at 765/400 kV Gaya Substation associated with 765 kV S/C Gaya Balia transmission line under common scheme for 765 kV pooling stations and network for NR, import by NR from ER and from NER/SR/WR via ER and common scheme for network for WR and import by WR from ER and from NER/SR/WR via ER in Eastern Region for the 2014-19 tariff period under Central Electricity Regulatory Commission Terms and Conditions of Tariff) Regulations, 2009 (referred as "2014 Tariff Regulations"). PGCIL has also filed an Interlocutory Application No. 11/IA/2017 for condonation of the delay in filing the instant review petition.



2. There was time over-run of 24 months and 7 days in case of Asset-I and 28 months each in case of Assets-II to IV. The time over-run of 8 months and 7 days in case of Asset-I and 12 months in case of Asset-II and III was disallowed., however the time over-run 28 months in commissioning the Asset-IV was condoned. Aggrieved by the order dated 31.3.2016, PGCIL has filed the instant review petition praying for condonation of the time over-run of 8 months and 7 days in case of Asset I and 12 months in case of Asset II and III and also allow the IDC and IEDC disallowed for the period of time over-run.

3. PGCIL has submitted that non-consideration of notification dated 3.8.2009 of MoEF, issued after the Investment Approval dated 29.8.2008 which has the effect of change in law and certain other documents by the Commission are errors apparent on the face of record and require to be rectified to prevent any miscarriage of justice. PGCIL has also submitted certain documents and events could not be brought on record at the time of adjudication of Petition No.280/TT/2015 even after the exercise of due diligence and requested to consider the same for appreciation of material facts in the interest of justice.

4. PGCIL has also filed I.A No.11/IA/2017 seeking condonation of delay of 204 days in filing the instant review petition.



5. The matter was heard on 13.4.2017. During the hearing, learned senior counsel for the review petitioner submitted that Ministry of Environment and Forest vide order dated 3.8.2009, directed all State Governments to ensure compliance of Forest Rights Act, 2006, which inter-alia required NOC and written consent from each Gram Sabha (in which at least 50% of the members were present) and certification of the same by the respective State Governments. This was made mandatory for submission of forest proposal and it consumed lot of time leading to time over-run. Learned senior counsel further submitted that in a similar circumstances, in case of Koderma-Gaya line, the Commission in order dated 30.3.2016 in Petition No. 132/TT/2015 had condoned the entire time over-run. He requested to condone the time over-run in commissioning of the instant assets.

6. Learned senior learned counsel for the review petitioner further submitted that there is delay of 204 days in filing the instant review petition and that the delay is due to the time taken for getting clearances from various departments and approval of the management for filing the review petition. We have considered the submissions of the review petitioner. There is substantial delay in filing the review petition. We are of the view that the review petitioner should streamline its procedure for internal processing of the files so that the review petitions are filed within the time line prescribed in the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999. We condone the delay in filing of the review petition in this case. I.A. No.11/IA/2017 is disposed. Issue notice to the respondents. PGCIL is directed to serve a copy of the



petition on the beneficiaries by 28.4.2017 and the parties are directed complete the pleadings by 22.5.2017.

7. PGCIL is further directed to submit the details of the number of Gram Sabhas from which clearance is required to be obtained as provided in the Forest Rights Act, 2006 and the time taken for the same on affidavit by 28.4.2017, with an advance copy to the respondents.

8. The review petition shall be listed for final hearing on 23.5.2017.

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

sd/-  
**(A.S. Bakshi)**  
**Member**

