

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 13/RP/2018 in 187/MP/2015**

**Subject** : Petition for review of the Order dated 11.10.2017 in Petition No. 187/MP/2015.

**And in the matter of:**

**I.A. No. 7/2018 in 187/MP/2015**

**Subject** : Interlocutory Application for expunging portions of the order dated 11.10.2017 in Petition No. 187/MP/2015.

**And in the matter of:**

**Petition No. 64/TT/2015**

**Subject** : Approval of transmission tariff for "Essar Gujarat TPS-Bachau 400 kV DIC (triple) line and Extension of Bachau Sub-station under "Transmission System for connectivity of Essar Power Gujarat Limited" in Western Region.

**Date of Hearing** : 20.12.2018

**Coram** : Shri P.K. Pujari, Chairperson  
Dr. M. K. Iyer, Member

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

**Respondents** : Essar Power Gujarat Ltd. (EPGL) and 8 others

**Parties present** : Shri S. B. Upadhyay, Senior Advocate, PGCIL  
Ms. Swapna Seshadri, Advocate, PGCIL  
Ms. Parichita Choudhary, Advocate, PGCIL  
Ms. Astha Sharma Advocate, EPGL  
Ms. Shilpa Singh, Advocate, EPGL  
Ms. Shruti Verma, EPGL  
Shri Alok Shankar, Advocate, EPGL  
Shri S. K. Venkatesan, PGCIL  
Shri S. S. Raju, PGCIL  
Shri Pankaj Sharma, PGCIL  
Shri Vivek Kumar Singh, PGCIL  
Shri Zafrul Hasan, PGCIL  
Shri Mukesh Kori, Advocate, MPPMCL



## **Record of Proceedings**

In Petition No. 13/RP/2018, learned senior counsel for PGCIL submitted that the decision of the Commission in the impugned order to adjust the amount recovered on account of encashment of BG against the capital cost is contrary to the provisions of Regulations 9 and 6 of the 2014 Tariff Regulations and requested that PGCIL be allowed to adjust the said amount against the PoC charges after determination of tariff. Learned counsel for EGPL submitted that the order of the Commission does not suffer from any error. The Commission directed PGCIL and EPGL to file their written submissions by 7.1.2019.

2. In IA No. 7/IA/2018 in Petition No. 184/MP/2015, learned senior counsel for PGCIL submitted that the IA has been filed seeking expunging of certain remarks made by the Commission in order dated 11.10.2017. He submitted that though the order dated 11.10.2017 was in favour of PGCIL, observations of the Commission in last sentence of para 46 of the impugned order are contrary to the findings. He submitted that the observations made by the Commission may be used in future by other parties against it. Referring to the judgement of the Hon'ble Supreme Court in 'K', A Judicial Officer, in RE, (2001) 3 SCC 54, the learned senior counsel further submitted that the observations made by the Commission against PGCIL should conform to the test laid down in the said judgement and requested the Commission that last sentence of para 46 of the impugned order be expunged. Learned counsel for EPGL submitted that the case referred by the learned senior counsel is not applicable in the instant case and the remarks made by the Commission are based on the detailed analysis and documents available on record and hence they should not be expunged. After hearing the parties, the Commission reserved the order in IA No. 7/IA/2018.

3. The Commission directed that Petition No. 64/TT/2015 would be taken up after disposal of Petition No. 13/RP/2018.

4. The Commission directed PGCIL and EPGL to submit the Written Submissions in Petition No.13/RP/2018 within the specified time and observed and no extension of time will be granted and if no information is received within the said time, the matter will be decided on the basis of the information already on record.

By order of the Commission

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

