

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 195/MP/2017

Subject : Petition under Sections 61, 63 and 79 of the Electricity Act, 2003 read with statutory framework for tariff based competitive bidding for transmission services.

Date of Hearing : 12.4.2018

Coram : Shri P. K. Pujari, Chairperson
Shri A. K. Singhal, Member
Shri A. S. Bakshi, Member
Dr. M. K. Iyer, Member

Petitioner : NRSS XXXI (B) Transmission limited

Respondents : U.P Power Corporation Limited and Others

Parties present : Shri G. Umapathy, Advocate, NRSSXXXI (B) TL
Shri Amal Nair, Advocate, NRSSXXXI (B) TL
Shri Aditya Singh, Advocate, NRSSXXXI (B) TL
Shri Neeraj Verma, NRSSXXXI (B) TL
Shri Amit Kumar, NRSSXXXI (B) TL
Shri Neeraj Kumar, NRSSXXXI (B) TL
Shri Rajiv Srivastava, Advocate, UPPCL
Ms. Garima Srivastava, Advocate, UPPCL
Ms. Gargi Srivastava, Advocate, UPPCL
Ms. Swapna Seshadri, Advocate, PSPCL
Ms. Suparna Srivastava, Advocate, PGCIL
Shri S. S. Raju, PGCIL
Shri Deepak Khurana, PGCIL

Record of Proceedings

Learned counsels for PSPCL and UPPCL requested for time to file their replies. Request was allowed by the Commission.

2. After hearing the learned counsels for the parties, the Commission directed the petitioner to implead the Bid Process Coordinator, namely, REC as party to the petition and to file revised memo of parties by 30.4.2018.

3. The Commission directed the petitioner to serve copy of the petition and RoP on the REC immediately. The respondents including REC were directed to file their replies, by 31.5.2018 with an advance copy to the petitioner, who may file its rejoinder, if any, by 30.6.2018. The Commission directed that due date of filing the replies, rejoinders and information should be strictly complied with. No extension shall be granted on that account

4. The Commission directed the petitioner to file the following information/ clarification, on affidavit by 31.5.2018, with an advance copy to the respondents :

a) Documentary proof for original estimated project cost and IDC and IEDC considered in deciding original project cost;

b) Auditor's certificate clearly mentioning the actual capital cost and actual debt equity during construction period with documentary proof;

c) Audited accounts for all the years during construction up to the financial year 2016-17;

d) Clarification how the effective date and SCOD has been determined for each element with reference to Article 2.1 and Schedule 3 of the Transmission Service Agreement;

e) Categorize the events under force majeure and change in law separately along with the details of additional cost incurred linking with the clauses of TSA;

f) How the increase in the levelised transmission charges of Rs 14.04 crore has been quantified?

g) Auditor certified IDC computation for the period from actual drawl to SCOD and from SCOD to till the actual COD of concerned assets consisting of :

i. Loan-wise gross interest indicating the outstanding loan, rate of interest applied along with documentary proof for outstanding loan and rate of interest;

ii. Interest income made from the temporary parking of fund up;

iii. Net interest capitalized and booked into Profit and Loss account;

iv. Basis of allocation of IDC and FC among the assets (Element 1 and 2) which were commissioned in different dates;

v. Provide the above computations in Excel format along with all computation links;

- h) Computation for the increase in tax separately for service tax and excise duty worked out on the original estimated cost after deducting the estimated exclusions for which the service tax and excise duty are not applicable, duly certified by Auditor Certificate along with the documentary proof for payment of these taxes;
 - i) PERT chart detailing the different activities envisaged to be undertaken to complete the project;
 - j) Details of application of forest clearance, clearly indicating areas for which forest clearance have been applied;
 - k) To clarify which route was executed out of the 3 alternative routes provided in the survey report enclosed with the RFP documents or other route executed, if any.
5. The Commission directed REC to submit the following information, on affidavit by 31.5.2018 :
- a) Clarify on the claim of the petitioner that forest area was not envisaged in the survey report.
 - b) Position in the bidding documents to ensure co-ordinates are granted to bidder on time and what is procedure to ensure the same? How is associated commercial implication covered under TSA?
6. The Commission directed PGCIL to clarify the reasons for change in gantry co-ordinates at Malerkotla and Kurushetra sub- stations for the petitioners and the procedure of informing co-ordinates in all TBCB cases, on affidavit by 11.5.2018.
7. The petition shall be listed for hearing on 12.7.2018.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Legal)**