

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Review Petition No. 28/RP/2018
alongwith
I.A. No.61/2018 and IA No. 62/2018**

Subject : Review of order 14.11.2017 in Petition No. 183/TT/2013 with regard to approval of transmission tariff of Assets I, II and III under Sikkim Generation Projects-Part B in Eastern Region for the period 2014-19.

Date of Hearing : 16.10.2018

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

Petitioner : DANS Energy Private Limited

Respondents : Power Grid Corporation of India Limited and Others

Parties present: Shri M.G. Ramachandran, Advocate, DANS
Ms. Poorva Saigal, Advocate, Advocate, DANS
Ms. Anushree Bardhan, Advocate, DANS
Shri Shubham Arya, Advocate, DANS

Shri P.C. Sharma, DANS
Ms. Suparna Srivastava, Advocate, PGCIL
Shri R.P. Padhi, PGCIL
Shri S.S. Raju, PGCIL

Record of Proceedings

The Review Petition was listed for admission alongwith the IAs.

2. During the hearing, the learned counsel for the Petitioner prayed that there are errors apparent on the face of the order dated 14.11.2017 on the following grounds:-

(a) Error in directing DANS to pay IDC and IEDC for the period from 21.5.2015 to 21.9.2015.

(b) Error in directing DANS to pay transmission charges for the said assets from 21.9.2015 till the operationalization of LTA.

3. The learned counsel for the Petitioner further submitted that it has filed IA No. 61 of 2018 for condonation of delay 128 days in filing the Review



Petition on the ground that the Petitioner had knowledge of the order 14.11.2017 only when it had received a bill from PGCIL on 9.4.2018 for payment of transmission charges. He further submitted that though the Petitioner was a party in Petition No. 183/TT/2016, it was not served the petition copy or any pleadings and therefore it was unrepresented in the proceedings before the Commission in the said petition. The learned counsel also submitted that based on discussions with the counsel and after completion of other formalities, the Review Petition was filed only on 7.5.2018 thereby causing the said delay. The learned counsel stated that the delay was unintentional and the delay may be condoned.

4. The learned counsel also pointed out that it has filed IA No. 62 of 2018 for stay of operation of order dated 14.11.2017 and the bill dated 9.4.2018 raised by PGCIL. Accordingly, he prayed that the Commission may grant interim order as prayed for in the IA.

5. In response to the above, learned counsel for the Respondent-PGCIL submitted that the Review Petition filed by the Petitioner was not maintainable. She, however, submitted that the Commission may grant a week's time to file its replies to the said IAs filed by the Petitioner.

6. The Commission accepted the prayer of the Respondent-PGCIL and directed the said Respondent to file its replies in the IAs on or before 9.11.2018 with copy to the Petitioner, who shall file its rejoinder by 16.11.2018. However, the Commission, considering the prayer of the Petitioner in IA No. 62 of 2018 directed PGCIL not to take any coercive action till the next date of hearing of the matter.

7. The petition alongwith IAs shall be listed for hearing in due course for which separate notices shall be issued to the parties.

By order of the Commission

sd/
(B.Sreekumar)
Dy. Chief (Law)

