

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 360/TT/2018**

- Subject** : Petition for determination of transmission tariff from anticipated COD to 31.3.2019 for two nos. of assets associated with “East Coast Energy Pvt. Ltd. and NCC Power Projects Ltd. LTOA Generation Projects in Srikakulam Area Part-B” in Eastern and Western Region.
- Date of Hearing** : 11.7.2019
- Coram** : Shri P.K. Pujari, Chairperson  
Dr. M. K. Iyer, Member  
Shri Indu Shekar Jha, Member
- Petitioner** : Power Grid Corporation of India Limited (PGCIL)
- Respondents** : Bihar State Power (Holding) Company Ltd & Ors.
- Parties present** : Shri R.B. Sharma, Advocate, BSP(H)CL  
Shri Mohit Mudgal, Advocate, BSP(H)CL  
Shri S.K. Venkatesan, PGCIL  
Shri S.S. Raju, PGCIL  
Shri S.K. Niranjana, PGCIL  
Shri Amit Yadav, PGCIL

**Record of Proceedings**

The representative of the petitioner submitted that there are two assets covered in the present petition, namely, Asset-I Angul-Jharsuguda (Sundargarh) 765 kV 2nd D/C line with line reactors (switchable) and termination bays at Angul Sub-station and line reactors at Jharsuguda Sub-station whose actual COD is 1.12.2018 and Asset-II Jharsuguda (Sundargarh)-Dharamjaygarh 765 kV 2nd D/C line with termination bays at Jharsuguda Sub-station which was put into commercial operation on 3.11.2018. There is time over-run of 34 months and 29 days and 34 months in case of Assets-I and II respectively due to delay in obtaining forest clearance and RoW issues. He further submitted that there is cost over-run in case of the instant assets as compared to the FR cost. He submitted that PGCIL has furnished RCE which indicates that the completion cost of Asset-I is more than the revised cost estimate and as such there is cost over-run in case of Asset-I. He submitted that cost of the assets has increased because of the increase in line length and higher compensation paid and due to increase in IDC. He submitted that they have furnished the reasons for cost variations. He further submitted that all the information as required for tariff determination of the assets is available on record, therefore, the tariff as prayed for should be granted.



2. Learned counsel for BSP(H)CL submitted that the subject assets were conceived for evacuation of power from the generation projects in Srikakulam area especially from East Coast Energy Pvt. Ltd. and NCC Power Projects Limited. He further submitted that East Coast Energy Pvt. Ltd. at Srikakulam area is delayed while the other generating project, NCC Power Projects Limited which was earlier part of HCPTC-VIII has been shifted to HCPTC-VI. He submitted that there was no need of the present assets till the completion of generation project of East Coast Energy Pvt. Ltd. He further submitted that there is time over-run of 32 months in achieving the COD of the subject assets for which the petitioner has cited reasons of forest clearance, court cases, law and order situation and ROW issues. He submitted that PGCIL should have taken all relevant facts into consideration at the time of finalising the time schedule. He submitted that the delay in achieving the COD of the subject assets is mainly attributable to the petitioner, therefore, the time over-run may not be allowed as the same falls under Regulation 12 of 2014 Tariff Regulations. He also submitted that in the present case there is lack of co-ordination of the petitioner with the generation project which shows that the petitioner has failed to discharge its functions as contemplated under Section 38(2) of the Electricity Act, 2003. He further submitted that the petitioner be directed to place on record TSA in terms of Regulation 3(63) of 2014 Tariff Regulations, information relating to use of OPGW in place of earth wire, DPR, CPM analysis, PERT chart and bar chart. He submitted that in the present case, there are lapses on part of the petitioner for which respondents/beneficiaries cannot be made liable to pay and as such the tariff of the present assets should not be included in the POC.

3. In response, the representative of the petitioner submitted that regulatory approval for executing the subject project was granted by the Commission vide order dated 31.5.2010 in Petition No. 233 of 2009. He further submitted that initially there were two generators East Coast Energy Pvt. Ltd. and NCC Power Projects Ltd. He further submitted that NCC Power Projects Ltd. which was earlier part of HCPTC-VIII was shifted to HCPTC-VI. He submitted that the only generator left was East Coast Energy Pvt. Ltd. and it kept on informing the petitioner till 2018 that its project would come in 2019-20. He submitted that it was only in the 19th JCC meeting that PGCIL was informed by East Coast Energy Pvt. Ltd. that owing to certain issues they have applied for relinquishment of LTA and the present position of East Coast Energy Pvt. Ltd. project is that the same cannot be materialized as it is before the NCLT. He, however, submitted that the tariff of the present assets should be included in the POC as the power is flowing in the assets and it also facilitates power transfer among WR, ER, NR and SR.

4. After hearing the parties, the Commission reserved the order in the Petition.

**By order of the Commission**

Sd/-  
(V. Sreenivas)  
Dy. Chief (Law)

