

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Review Petition No. 8/RP/2017

Subject : Petition for review of order dated 19.12.2016 in Petition No. 312/TT/2014.

Review Petitioner : NTPC Limited

Respondents : Parbati Koldam Transmission Company Limited and 18 Others

And in the matter of:

Review Petition No. 9/RP/2017 alongwith IA No. 15/IA/2017

Subject : Petition for review of the order dated 19.12.2016 in Petition No. 312/TT/2014.

Review Petitioner : Parbati Koldam Transmission Company Limited

Respondents : Himachal Pradesh State Electricity Board and 19 others

And in the matter of:

Review Petition No. 10/RP/2017 in Petition No. 384/TT/2014

Subject : Petition for review of order dated 16.1.2017 in Petition No. 384/TT/2014.

Review Petitioner : Parbati Koldam Transmission Company Limited

Respondents : Rajasthan Rajya Vidyut Prasaran Nigam Limited and 19 others

And in the matter of:

Review Petition No. 16/RP/2017 in Petition No. 384/TT/2014

Subject : Petition for review of order dated 16.1.2017 in Petition No. 384/TT/2014.

Review Petitioner : NTPC Limited



Respondents : Parbati Koldam Transmission Company Limited and 19 others.

Date of Hearing : **12.2.2019**

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

Parties Present : Shri Amit Kapur, Advocate, PKTCL
Ms. Aparajita Upadhyay, Advocate, PKTCL
Shri Lokendra Singh, PKTCL
Shri Deep Rao, Advocate, PGCIL
Shri Divyanshu Bhatt, PGCIL
Shri M.G. Ramachandran, Advocate, NTPC
Ms. Poorva Saigal, Advocate, NTPC
Ms. Anushree Bardhan, Advocate, NTPC
Shri Nishant Gupta, NTPC

Record of Proceedings

Learned counsel for NTPC, in Petition No.8/RP/2017, submitted that in the impugned order dated 19.12.2016 in Petition No. 312/TT/2014 NTPC was made liable for payment of IDC and IEDC for the period from 7.8.2014 and 14.8.2014 for Ckt-I and Ckt-II respectively of Koldam-Ludhiana line till the date of usage of the Koldam-Ludhiana line i.e. 31.3.2015. He submitted that the Commission in the impugned order failed to take note of the submissions made in the main petition that NTPC had completed the switchyard in July, 2008 and the same was charged at 11 kV level. He contended that the said switchyard of NTPC was to be charged at 400 kV level only when 400 kV transmission line was complete and ready by PKTCL for the purposes of using the switchyard as pooling station or for evacuation of power from Koldam HEP of NTPC. He further contended that it was only on 8.8.2014 in the 34th SCM of NR it was decided to use Koldam-Ludhiana circuit and Koldam-Nalagarh corridor from Nalagarh by charging the Koldam switchyard as a pooling sub-station as such NTPC took up the matter with CEA for clearance relating to charging its switchyard at 400 kV level and Connection Agreement with CTU. He submitted that CEA accorded approval for charging on 17.10.2014 and Connection Agreement was signed with CTU on 2.1.2015. In the background of aforesaid submissions, learned counsel submitted that NTPC is not liable to make payment of IDC and IEDC for the period from 7.8.2014 and 14.8.2014 for Ckt-I and II respectively of Koldam-Ludhiana line upto 31.3.2015.

2. Learned counsel for PKTCL submitted that the Commission in its order dated 19.12.2016 in Petition No. 312/TT/2014 observed that the transmission line of PKTCL could not be charged in August, 2014 as NTPC switchyard at Koldam HEP was not made available at the rated voltage level. He further submitted that NTPC alongwith other utilities was informed about the charging of the transmission lines in 28th NRPC meeting, 25th Technical Co-ordination Sub Committee meeting on 26.4.2013 and 25.4.2013 that PKTCL would complete its lines by the last quarter of



2013 or first quarter of 2014. Learned counsel prayed for dismissal of the Review Petition filed by NTPC.

3. PKTCL has also filed Review Petition No. 9/RP/2017 against the impugned order dated 19.12.2016. Learned counsel for PKTCL submitted that COD of Assets I and II as 7.8.2014 and 14.8.2014 respectively in the main petition should be approved under proviso (ii) to Regulation 4 (3) of 2014 Tariff Regulations because of non-readiness of bays at Koldam HEP of NTPC. He further submitted that COD of Assets I and II was approved as 7.8.2014 and 14.8.2014 respectively but only IDC and IEDC were allowed to be paid to PKTCL from August, 2014 to 31.3.2015 by NTPC instead of full transmission charges as has been allowed by the Commission in similar matters. He submitted that there are some inadvertent errors in the impugned order such as in para no. 24, the amount of interest was wrongly recorded as ₹7.47 lakh for 2014-15 instead of ₹132.06 lakh, in the footnote in para 37, it should be "PKTCL" and not "PGCIL" and in para no. 54, it should be "Total Time: 93 months 15 Days" and not "Total Delay: 93 months 15 Days".

4. Learned counsel for NTPC submitted in Petition No.9/RP/2017 that PKTCL is not entitled to claim transmission charges from NTPC or any other person prior to the COD i.e. 30.3.2015 as no application was filed by PKTCL for COD of the assets before achieving the actual COD of the assets on 30.3.2015 and in a petition filed subsequently COD cannot be granted under proviso (ii) to Regulation 4(3) of 2014 Tariff Regulations. He further submitted that the transmission assets of PKTCL were meant for Parbati-II generating station of NHPC which was not ready till 30.3.2015 and is yet to be put into commercial operation. He submitted that proviso (ii) to Regulation 4(3) as well as Regulation 12 of 2014 Tariff Regulations should be considered qua NHPC as the power generated by NTPC Koldam HEP or from any other generating station was not to be evacuated through the transmission lines of PKTCL. The claim of PKTCL has to be against NHPC for non-commissioning of Parbati-II Power Station.

5. PKTCL in Review Petition No. 10/RP/2017 against the impugned order dated 16.1.2017 in Petition No. 384/TT/2014 submitted that Ckt-II of PKTCL was completed and idle charged on 4.10.2014 but was prevented from getting charged due to non-commissioning of Koldam switchyard of NTPC. COD of Ckt. II was approved as 4.10.2014 under proviso (ii) to Regulation 4(3) of 2014 Tariff Regulations but the same was put to use on 21.3.2015. Learned counsel submitted that the Commission allowed only IDC and IEDC for the period from 4.10.2014 to 20.3.2015 to be paid by NTPC instead of full transmission charges as has been allowed by the Commission in similar cases. Learned counsel submitted that there are some inadvertent errors in the impugned order such as in para 38 "The capital cost is stated to be varied from audited statement of accounts of PGCIL upto



31.3.2014 by the Auditors.” whereas the statement should be “The capital cost is stated to be verified from the audited statement of accounts of PKTCL upto 31.3.2014 by the Auditors” and the table given in para 56 mentions “Total Delay 93 months 15 days” instead of “Total Time 93 months 15 days.

6. In response, learned counsel for NTPC submitted that PKTCL is not entitled to claim transmission charges from NTPC or otherwise from any person for the period prior to COD i.e. 20.3.2015. He further submitted that on the one hand PKTCL has sought cut-off date for Asset-II as 31.3.2018 in terms of proviso to Regulation 3(13) of 2014 Tariff Regulations based on consideration of COD as 20.3.2015, on the other hand it is claiming transmission charges on the basis of deemed COD from 4.10.2014 which is not permissible. Learned counsel prayed that the review petition filed by PKTCL should be dismissed.

7. NTPC has also filed Review Petition No. 16/RP/2017 against the impugned order dated 16.1.2017 in Petition No. 384/TT/2014. Learned counsel contended that the principle settled by the Commission on apportionment of charges vide its order dated 27.6.2016 in Petition No. 236/MP/2015 was not applied for the period of time over-run in the present case from 4.10.2014 to 20.3.2015. He submitted that the impugned order holding NTPC liable for the time over-run from 4.10.2014 to 20.3.2015 and in turn liable to pay IDC and IEDC should be set aside.

8. In response, PKTCL has reiterated the submissions as made in the preceding para.

9. Learned counsel for CTU submitted that during 34th SCM of NR held on 8.8.2014, NTPC asserted that pre-commissioning activities at Koldam Switchyard were being carried out and thereafter CEA clearance shall be obtained belies the version of NTPC that it had completed the Koldam Switchyard in July, 2008. He submitted that during 26th SCM of NR dated 13.10.2008 NTPC indicated the commissioning schedule of Koldam HEP as March, 2011 and later in 30th SCM of NR dated 19.11.2011 it was decided to take up the implementation of 400 kV S/C lines from Parbati-III to Koldam on priority for power evacuation from Parbati-III. He also submitted that Parbati-III-Koldam 400 kV lines would provide both alternate evacuation in case of constraints in completion/operation of Parbati Pooling to Amritsar 400 kV D/C line and would also integrate the two generators Parbati-III and Koldam for stable operation of the grid. He further submitted that prior to 34th SCM of NR, the commissioning schedule of Koldam HEP and commissioning schedule of transmission lines to be terminated at Koldam was discussed in the 28th NRPC meeting and 25th TCC meeting held on 26.4.2013 wherein it was informed that Parbati-Koldam line was to be commissioned by last quarter of 2013. This meeting was also attended by NTPC representatives. He submitted that NTPC initially applied for Connection Agreement on 9.2.2012 for 800 MW Koldam HEP just 8 months before the commissioning schedule as March, 2013 as against the prescribed period of 2 years contemplated in Detailed Procedure prior to physical



interconnection. He further submitted that on furnishing the data, PGCIL issued CON-5 for signing of the Connection Agreement by NTPC vide letter dated 12.6.2013. He stated that the terminal bay equipment provided by NTPC was of lower rating as compared to line rating, therefore, in 33rd SCM on Power System Planning of NR meeting held on 23.12.2013 it was decided that line bay equipment rating of 2000 Am provided at Koldam switchyard should be considered for the present and later upgradation work will be done by NTPC at their own cost. He submitted that NTPC revised the commissioning schedule of Koldam HEP as February, 2015 and accordingly PGCIL issued revised CON-5 on 20.8.2014 incorporating the revised schedule of Koldam HEP as February, 2015 alongwith modifications agreed in 33rd SCM of NR. He submitted that the Agreement was finally signed on 2.1.2015 and the generation was put online in July, 2015 about six months after signing of the Connection Agreement.

10. After hearing, the Commission reserved order in the matters.

By order of the Commission

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

