

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**I. A. No. 11/IA/2019**  
**in**  
**Petition No. 184/TT/2011**

**Coram:**

**Shri P. K. Pujari, Chairperson**  
**Dr. M. K. Iyer, Member**  
**Shri I. S. Jha, Member**

**Date of Order : 22.08.2019**

**In the matter of:**

Interlocutory Application pursuant to the order dated 30.11.2018 in Appeal No. 101 of 2015 of Appellate Tribunal for Electricity.

**And in the matter of:**

NTPC Ltd.  
NTPC Bhawan,  
Core-7, Scope Complex,  
7, Institutional Area,  
Lodi Road, New Delhi-110 003

**...Applicant**

**Vs**

1. Assam State Electricity Board Bijulee Bhawan,  
Paltan Bazar,  
Guwahati-782001.
2. Meghalaya Energy Corporation Ltd.  
Short Round Road,  
Shillong-793001.
3. Department of Power,  
Government of Arunachal Pradesh,  
Itanagar - 791111
4. Power and Electricity Department,  
Government of Mizoram, Aizawal.



5. Electricity Department,  
Government of Manipur,  
Keishampat Imphal.
6. Department of Power,  
Government of Nagaland,  
Kohima.
7. Tripura State Electricity Corporation Ltd.  
Bidyut Bhawan,  
North Banamalipur Agartala – 700001.
8. ONGC Tripura Power Corporation Ltd.  
6 th Floor, A Wing,  
IFCI Towers,  
New Delhi -110019
9. Power Grid Corporation of India Ltd.  
"Saudamani", Plot No.2,  
Sector-29, Gurgaon -122 001

....**Respondents**

For Applicant : Shri M.G Ramachandran, Sr. Advocate, NTPC  
Ms. Poorva Saigal, Advocate, NTPC  
Ms. Anushree Bandhan, Advocate, NTPC

For Respondent : Ms. Suparna Srivastava, PGCIL  
Shri Tushar Mathur, PGCIL  
Shri S.S. Raju, PGCIL  
Shri B.D. Das, PGCIL  
Shri Manoj Gupta, PGCIL

### **ORDER**

The Commission vide order dated 22.2.2014 in Petition No.184/TT/2011 granted tariff for transmission assets of PGCIL associated with Pallatana Gas Based Project and Bongaingaon Thermal Power Station. The Commission in the said order held that the transmission charges of Asset-I, i.e. 400 kV D/C Bongaigaon-TPS Bongaigaon Line alongwith associated bays shall be borne by NTPC from its date of



commercial operation, i.e. 1.1.2013 till the commissioning of the Bongaigaon TPS by NTPC. The relevant portion of the order dated 22.2.2014 is extracted hereunder:-

“51. As per para 2.1.3 of Model Transmission Services Agreement approved by the Commission, ISGS who is not a signatory to a BPTA or TSA too shall enter into this agreement and bind itself to the terms of the agreement. Therefore, NTPC is governed by the Model Transmission Services Agreement. Accordingly, it is directed that NTPC shall bear the transmission charges for Asset I from 1.1.2013 till commissioning of Bongaigaon TPS in line with clause (6) of Regulation 8 of the Sharing Regulations. The petitioner shall bill the transmission charges for Asset I on NTPC. NTPC shall have liberty to claim capitalization of the transmission charges paid to the petitioner in accordance with law. If during the prudence check of the capital cost of the generating station, the Commission finds out that the delay in commissioning of the generating station was caused by reasons beyond the control of NTPC, it may allow capitalization of the transmission charges.”

2. Aggrieved by the Commission’s order dated 22.2.2014, NTPC filed Review Petition No.15/RP/2014 but the same was dismissed by the Commission vide its order dated 26.12.2014. NTPC preferred appeal against the Commission’s order dated 22.2.2014 before the Hon’ble Appellate Tribunal for Electricity (hereinafter referred to as “APTEL”). APTEL vide its judgment dated 30.11.2018 in Appeal No. 101 of 2015, remanded back the matter to the Commission for redressal of the grievances of NTPC regarding Asset-I for the period from 28.8.2014 to 1.4.2016 and directed NTPC to file an appropriate application before the Commission.

3. Pursuant to the APTEL’s order dated 30.11.2018, NTPC has filed the instant Interlocutory Application submitting that it should not be made liable to bear the transmission charges for Asset-I from 1.1.2013 to 1.4.2016.

4. In terms of the APTEL’s judgement dated 30.11.2018, the matter was taken up for hearing on 8.8.2019. In the course of hearing of I.A. No. 11 of 2019 in Petition No. 184/TT/2011, learned senior counsel for the applicant, NTPC, sought permission to withdraw the instant IA without prejudice to the other pending proceedings.



5. Learned counsel for PGCIL submitted that PGCIL does not have any objection if the said IA is withdrawn by NTPC except that both the parties shall be at liberty to raise all questions of law before the appropriate forum.

6. In view of above discussion, the applicant NTPC is allowed to withdraw I.A. No. 11 of 2019. Accordingly, I.A. No. 11 of 2019 in Petition No. 184/TT/2011 is dismissed as withdrawn. The parties are free to raise all questions of law as are available to them under the law.

sd/-  
**(I. S. Jha )**  
Member

sd/-  
**(Dr. M. K. Iyer)**  
Member

sd/-  
**(P. K. Pujari)**  
Chairperson

