

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 121/2007**

**Coram:**

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

**Date of Order: 18.01.2019**

**In the matter of:**

Misc. Petition under Sections 64(5) and 79 of the Electricity Act, 2003 Read with Regulations 110, 111 and 113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for revision of tariff for the block years 2001-04 and 2004-09 in terms of the interpretation of Tariff Regulations by the Appellate Tribunal for Electricity.

**And in the matter of:**

Power Grid Corporation of India Limited  
"Saudamini", Plot No. 2, Sector 29  
Gurgaon -122001

**.....Petitioner**

**Vs**

1. Madhya Pradesh Power Management Company Limited  
Shakti Bhawan, Rampur  
Jabalpur-482 008
2. Maharashtra State Electricity Distribution Co. Ltd.  
Prakashgad, 4th Floor,  
Bandra (East),  
Mumbai-400052.
3. Gujarat Urja Vikas Nigam Ltd.  
Sardar Patel Vidyut Bhawan,  
Race Course,  
Vadodara-390007.
4. Electricity Department  
Government of Goa,  
Vidhut Bhawan,  
Panji, Goa-403001.



5. Electricity Department  
Administration of Daman and Diu  
Daman-396210.
6. Electricity Department  
Administration of Dadra Nagar Haveli  
U. T. Silvassa-396230.
7. Chhattisgarh State Electricity Board  
P. O. Sunder Nagar, Dangania, Raipur  
Chhattisgarh-492013.
8. Madhya Pradesh Audyogik Kendra  
Vikas Nigam (Indore) Ltd.  
3/54, Press Complex, Agra-Bombay Road,  
Indore-452 008.
9. West Bengal State Electricity Distribution Company  
Bidyut Bhawan, Bidhan Nagar  
Block DJ, Sector-II, Salt Lake City  
Kolkata - 700 091.
10. Damodar Valley Corporation  
DVC Tower, Maniktala  
Civic Centre, VIP Road,  
Kolkata-700054.
11. Bihar State Power (Holding) Company Ltd.  
Vidyut Bhawan, Bailey Road,  
Patna-800001.
12. Grid Corporation of Orissa Ltd.  
Shahid Nagar,  
Bhubaneswar-751007.
13. Power Department  
Government of Sikkim,  
Gangtok-737 101
14. Jharkhand State Electricity Board  
In Front Of Main Secretariat  
Doranda, Ranchi – 834002
15. Himachal Pradesh State Electricity Board  
Vidyut Bhawan,



Shimla-171004.

16. Punjab State Power Corporation Limited  
Thermal Shed TIA,  
Near 22 Phatak, Patiala-147001
17. Haryana Power Purchase Centre  
Shakti Bhawan, Sector-6  
Panchkula (Haryana) 134109
18. Power Development Deptt.  
Government of Jammu & Kashmir  
Mini Secretariat, Jammu
19. Uttar Pradesh Power Corporation Limited  
(Formerly Uttar Pradesh State Electricity Board)  
Shakti Bhawan, 14, Ashok Marg  
Lucknow - 226001
20. Delhi Transco Ltd.  
Shakti Sadan, Kotla Road,  
New Delhi-110002
21. BSES Yamuna Power Ltd.  
BSES Bhawan, Nehru Place,  
New Delhi.
22. BSES Rajdhani Power Ltd.  
BSES Bhawan, Nehru Place,  
New Delhi
23. North Delhi Power Ltd.  
33 kV Sub-station Building,  
Hudson Line, Kingsway Camp,  
New Delhi
24. Chandigarh Administration  
Sector -9, Chandigarh
25. Uttarakhand Power Corporation Ltd.  
Urja Bhawan, Kanwali Road,  
Dehradun.
26. Rajasthan Rajya Vidyut Prasarn Nigam Limited  
Vidyut Bhawan, Vidyut Marg,  
Jaipur - 302005



27. Ajmer Vidyut Vitran Nigam Limited  
400 kV GSS Building (Ground Floor),  
Ajmer Road, Heerapura, Jaipur
28. Jodhpur Vidyut Vitran Nigam Limited  
400 kV GSS Building (Ground Floor),  
Ajmer Road, Heerapura, Jaipur.
29. Jaipur Vidyut Vitran Nigam Limited  
400 kV GSS Building (Ground Floor),  
Ajmer Road, Heerapura, Jaipur.
30. Northern Central Railway,  
Allahabad.
31. Karnatak Power Transmission Corporation Ltd.  
Kaveri Bhawan, K. G. Road  
Bangalore—560 009.
32. Transmission Corporation of Andhra Pradesh Ltd.  
Vidyut Soudha, Khairatabad,  
Hyderabad-500 082.
33. Kerala State Electricity Boards,  
Vydyuthi Bhavanam,  
Thiruvananthapuram-695 004.
34. Tamil Nadu Electricity Board (TNEB)  
NPKRR Maaligai, 800, Anna Salai,  
Cennai-600 002
35. Electricity Department  
Government of Pondicherry,  
Pondicherry -605 001.
36. Assam Electricity Grid Corporation Ltd.  
Bijulee Bhawan, Paltan Bazar,  
Guwahati-781001.
37. Meghalaya Energy Corporation Ltd.  
Short Round Road, “Lumjingshai”  
Shillong-793001.
38. Power and Electricity Department  
Government of Mizoram  
Aizwal, Mizoram



39. Manipur State Power Distribution Company Ltd.  
Keishampat, Imphal,  
Manipur-795004
40. Department of Power,  
Government of Arunachal Pradesh  
Vidyut Bhawan, Itanagar,  
Arunachal Pradesh-791 111
41. Department of Power  
Government of Nagaland  
Kohima, Nagaland
42. Department of Power  
Government of Tripura, Agartala,  
Tripura-799001

.....Respondents

### **ORDER**

PGCIL has filed the instant petition under Sections 64(5) and 79 of the Electricity Act, 2003 seeking revision of tariff allowed for the period 1.4.2001 to 31.3.2004 and 1.4.2004 to 31.3.2009 for the various transmission systems owned by PGCIL in terms of the Hon'ble Appellate Tribunal for Electricity's (APTEL) common judgments dated 22.1.2007 in Appeal No. 81/2005 and other related appeals and judgment dated 13.6.2007 in Appeal No. 139/2006 and other related appeals pertaining to the generating stations of NTPC on the following issues:-

- (a) Computation of interest on loan;
- (b) Consequences of Refinancing of loan;
- (c) Deprecation as deemed repayment;
- (d) Admissibility of depreciation up to 90% of the value of assets;
- (e) Consideration of maintenance of spares for working capital; and
- (f) Depreciation of assets.



2. NTPC, aggrieved with the methodology adopted by the Commission on certain issues, filed Appeals before the APTEL against the Commission's orders pertaining to its various generating stations. The appeals filed by NTPC against the Commission's tariff orders for the period 2001-04 and 2004-09 were partly allowed by APTEL vide judgments dated 22.1.2007 and 13.6.2007 in Appeal No. 81/2005 and related appeals and Appeal No. 139/2006 and related appeals, respectively in respect of the issues mentioned in para 1 above. The Commission and certain beneficiaries filed Appeals against the APTEL's judgements before the Hon'ble Supreme Court in 2007. The appeals were admitted and initially stay was granted by the Hon'ble Supreme Court. Subsequently, on an assurance by NTPC that the issues under appeal would not be pressed for implementation during the pendency of the appeals, the stay was vacated by the Hon'ble Supreme Court.

3. PGCIL based on the APTEL's judgments dated 22.1.2007 and 13.6.2007, has sought re-determination of tariff of its transmission assets for the tariff blocks 2001-04 and 2004-09 through the present petition. The Commission after taking note of the pendency of the appeals before the Hon'ble Supreme Court directed to adjourn the present petition *sine die*, to be revived after the disposal of the civil appeals. The relevant portion of the ROP dated 12.8.2008 is extracted hereunder:-

"4. Request made by the learned counsel was allowed by the Commission. The application was adjourned *sine die*. The applicant may get the application revived after decision of the Hon'ble Supreme Court in the appeals pending."

4. The Hon'ble Supreme Court disposed of Appeals filed against the APTEL's judgments dated 22.1.2007 and 13.6.2007 vide judgement dated 10.4.2018 with the



following observations:-

“We have heard learned counsel for the parties and perused the record.

We do not find any merit in these appeals.

The appeals are, accordingly, dismissed.”

5. In the light of the Hon’ble Supreme Court’s judgement in NTPC matter as quoted above, the petition was listed for hearing on 8.1.2019. During the hearing, learned counsel for PGCIL suggested that for implementation of the APTEL’s judgments as upheld by the Hon’ble Supreme Court, the Commission may consider to allow PGCIL to submit its claims alongwith the true-up petition for the period 2014-19 which will save the precious time of the Commission to reopen all the tariff orders for the period 2001-04 and 2004-09.

6. Considering the submissions of the learned counsel for the petitioner, we dispose of the present petition with the direction that the petitioner shall separately submit its claim in the light of the APTEL’s judgments dated 22.1.2007 and 13.6.2007 alongwith the truing up petitions wherever applicable to be filed for the period 2014-19 in respect of concerned transmission assets.

7. This order disposes of Petition No. 121/2007.

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

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

