

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 331/MP/2019

Coram:

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

Date of Order: 28.10.2019

In the matter of:

Miscellaneous petition under Regulation 76 "Power to Relax" and under Regulation 77 "Power to Remove Difficulty" of the Central Electricity Regulatory Commission (Terms & Conditions of Tariff) Regulations, 2019, read with Regulation 24 and 111 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for relaxation of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 as detailed in the petition.

And in the matter of:

Power Grid Corporation of India Limited
"Saudamini", Plot No.2,
Sector-29, Gurgaon -122 001

.....**Petitioner**

Vs

1. Assam Electricity Grid Corporation Limited
(Formerly Assam State Electricity Board)
Bijulee Bhawan, Paltan Bazar,
Guwahati-781001, Assam
2. Meghalaya Energy Corporation Limited
(Formerly Meghalaya State Electricity Board)
Short Round Road, "Lumjingshai"
Shillong-793001, Meghalaya
3. Government Of Arunachal Pradesh
Vidyut Bhawan, Itanagar-791111,
Arunachal Pradesh
4. Power and Electricity Department
Government of Mizoram
Aizawl, Mizoram



5. Manipur State Power Distribution Company Limited
(Formerly Electricity Department, Govt. of Manipur)
Electricity Complex, Patta No. 1293 Under 87(2),
Khwai Bazar, Keishampat,
District-Imphal West, Manipur-795001
6. Department of Power
Government of Nagaland
Kohima, Nagaland
7. Tripura State Electricity Corporation Limited
Vidyut Bhawan, North Banamalipur,
Agartala, Tripura (W)-799001, Tripura
8. Himachal Pradesh State Electricity Board
Vidyut Bhawan, Shimla-171 004 (H.P)
9. Chief Engineer (Inter-state Building)
Punjab State Power Corporation Ltd.
Thermal Shed T-1A, Patiala
10. Haryana Power Purchase Centre, IInd Floor,
Shakti Bhawan, Sector-6, Panchkula-134 109
11. Power Development Deptt.
Janipura Grid Station, Jammu (Tawi)-180 007
12. Uttar Pradesh Power Corporation Ltd.
10th Floor, Shakti Bhawan Extn.
14, Ashok Marg, Lucknow-226 001
13. Delhi Transco Ltd.
Shakti Sadan
Kotla Road (Near ITO), New Delhi
14. Chandigarh Administration
Sector-9, Chandigarh
15. Uttarakhand Power Corporation Ltd.
Urja Bhawan, Kanwali Road, Dehradun.
16. Rajasthan Power Procurement Centre
Vidyut Bhawan, Janpath, Jaipur
17. Ajmer Vidyut Vitran Nigam Ltd.
400 kV GSS Building
Ajmer Road, Heerapura, Jaipur



18. Jodhpur Vidyut Vitran Nigam Ltd.
400 kV GSS Building, Ajmer Road,
Heerapura, Jaipur
19. Jaipur Vidyut Vitran Nigam Ltd.
400 kV GSS Building
Ajmer Road, Heerapura, Jaipur
20. Northern Central Railway,
Allahabad.
21. BSES Yamuna Power Ltd.
Shakti Kiran Building, Karkardooma,
Delhi-110092
22. BSES Rajdhani Power Ltd.
BSES Bhawan, Nehru Place, New Delhi
23. TATA Power Delhi Distribution Ltd.
33 kV Sub-station, Building
Hudson Lane, Kingsway Camp
North Delhi - 110009
24. New Delhi Municipal Council
Palika Kendra, Sansad Marg,
New Delhi-110002
25. Madhya Pradesh Power Management Company Ltd.
Shakti Bhawan, Rampur
Jabalpur-482 008
26. Maharashtra State Electricity Distribution Co. Ltd.
Prakashgad, 4th Floor
Andheri (East), Mumbai-400 052
27. Gujarat Urja Vikas Nigam Ltd.
Sardar Patel Vidyut Bhawan,
Race Course Road, Vadodara-390 007
28. Electricity Department
Govt. of Goa
Vidyut Bhawan, Panaji,
Near Mandvi Hotel, Goa-403 001
29. Electricity Department
Administration Of Daman & Diu
Daman-396 210



30. Electricity Department
Administration of Dadra Nagar Haveli
U.T., Silvassa-396 230
31. Chhattisgarh State Electricity Board
P.O. Sunder Nagar, Dangania, Raipur
Chhatisgaarh-492013
32. Madhya Pradesh Audyogik Kendra
Vikas Nigam (Indore) Ltd.
3/54, Press Complex, Agra-Bombay Road,
Indore-452 008
33. Karnataka Power Transmission Corporation Ltd. (KPTCL),
Kaveri Bhavan, Bangalore-560 009
34. Transmission Corporation of Andhra Pradesh Ltd. (APTRANSCO),
Vidyut Soudha, Hyderabad-500082
35. Kerala State Electricity Board (KSEB)
Vaidyuthi Bhavanam
Pattom, Thiruvananthapuram-695 004
36. Tamil Nadu Electricity Board (TNEB)
NPKRR Maaligai, 800, Anna Salai
Chennai – 600 002
37. Electricity Department
Govt. of Pondicherry,
Pondicherry-605001
38. Eastern Power Distribution Company of Andhra Pradesh Limited (APEPDCL)
APEPDCL, P&T Colony, Seethmmadhara,
Vishakhapatnam, AP
39. Southern Power Distribution Company of Andhra Pradesh Limited (APSPDCL)
Srinivasasa Kalyana Mandapam Backside,
Tiruchanoor Road, Kesavayana Gunta,
Tirupati-517 501, Chittoor District, AP
40. Southern Power Distribution Company of Telangana Limited (TSSPDCL)
6-1-50, Corporate Office, Mint Compound,
Hyderabad-500 063, Telangana
41. Northern Power Distribution Company of Telanagana Limited (TSNPDCL)
H. No. 2-5-3 1/2, Vidyut Bhawan,



- Corporate Office, Nakkal Gutta,
Hanamkonda,
Warangal-506 001, Telangana
42. Bangalore Electricity Supply Company Ltd., (BESCOM)
Corporate Office, K.R. Circle
Bangalore-560 001, Karnataka
43. Gulbarga Electricity Supply Company Ltd. (GESCOM)
Station Main Road, Gulbarga, Karnataka
44. Hubli Electricity Supply Company Ltd., (HESCOM)
Navanagar, PB Road
Hubli, Karnataka
45. MESCOM Corporate Office,
Paradigm Plaza, AB Shetty Circle
Mangalore-575 001, Karnataka
46. Chamundeswari Electricity Supply Corp. Ltd., (CESC)
927, L J Avenue Ground Floor,
New Kantharaj URS Road, Saraswatipuram,
Mysore-570 009, Karnataka
47. Telanagana State PC Co-Ordination Committee
TSPCC, TSTRANSCO, R. No. 547/A Block,
Vidyut Soudha, Somajiguda, Khairathabad, Somajiguda,
Hyderabad-500082 Telangana
48. Andhra Pradesh Power Co-ordination Committee
Room No. 547, 5th Floor, Block-A,
Vidyut Soudha, Somajiguda, Khairathabad,
Hyderabad- 500 082, Telangana
49. Bihar State Electricity Board
Vidyut Bhawan, Bailey Road
Patna-800 001
50. West Bengal State Electricity Distribution Company Ltd.
Bidyut Bhawan, Bidhan Nagar
Block DJ, Sector-II, Salt Lake City, Calcutta-700 091
51. Grid Corporation of Orissa Ltd.
Shahid Nagar, Bhubaneswar-751 007
52. Damodar Valley Corporation
DVC Tower, Maniktala



Civic Centre, VIP Road, Calcutta-700 054

53. Power Department
Govt. of Sikkim, Gangtok - 737 101
54. Jharkhand State Electricity Board
In Front of Main Secretariat
Doranda, Ranchi-834002
55. North Bihar Power Distribution Company Ltd.
Vidyut Bhawan, Bailey Road
Patna, Bihar- 800 001
56. South Bihar Power Distribution Company Ltd.
Vidyut Bhawan, Bailey Road
Patna, Bihar- 800 001
57. Tata Steel Limited
Generation Office (W-175) Jamshedpur, Jharkhand
58. Maithan Power Limited
MA-5, Gogna Colony, Maithan Dam Post Office
Distt: Dhanbad-828 207, Jharkhand
59. Ind-Barath Energy (Utkal) Limited
Plot No: 30-A, Road No. 1, Film Nagar,
Jubilee Hills, Hyderabad, 500033
60. AD Hydro Power Limited
Bhilwara Towers, A-12, Sector-1
NOIDA-201 301, Uttar Pradesh
61. Lanco Budhil Power Pvt. Ltd.
Plot No. 397, Udyog Vihar Phase-III
Gurgaon, Haryana
62. Himachal Sorang Power Pvt. Ltd.
D-7, Sector-I, Lane-1, 2nd Floor
New Shimla, Shimla-171009, Himachal Pradesh
63. MB Power (Madhya Pradesh) Ltd.
239, Okhla Industrial Area
Phase-III, New Delhi-110020
64. Himachal Baspa Power Co. Ltd. (HBPCL)
Karcham Wangtoo HEP, Sholtu Colony,
PO: Tapri, Distt: Kinnaur-172104, Himachal Pradesh



65. Jindal Power Limited
6th Floor, MTNL Building
8, Bhikaji Cama Place, New Delhi-110066
66. KSK Mahanadi Power Company Limited
8-2-293/82/A/431/A Road No. 22,
Jubilee Hills, Hyderabad-500033
67. PTC India Ltd.
2nd Floor, NBCC Tower,
15, Bhikaji Cama Place, New Delhi-110066
68. IL & FS Tamil Nadu Power Company Ltd.
C. Pudhupettai Post, Parangipettai (VIA),
Chidambaram (TK), Cuddalore-608502
69. Adani Power Limited
10B, Sambhav Press Building,
Judges Bungalow Road, Badakdev,
Ahmedabad - 380 015
70. Torrent Power Limited,
Naranpura Zonal Office,
Sola Road, Ahmedabad-380013
71. Heavy Water Board,
Vikram Sarabhai Bhavan,
5th Floor, Anushaktinagar, Mumbai-400 094
72. ACB India Ltd.
7th Floor, Corporate Tower
Ambience Mall, NH-8, Gurgaon-122 001,
73. EMCO Energy Ltd.,
Plot No.-F-5, Road No.-28,
Wagle Industrial Area, Thane, Mumbai-400604.
74. Spectrum Coal and Power Ltd.
7th Floor, Corporate Tower
Ambience Mall, NH 8, Gurgaon-122 001, HARYANA
75. BARC
TRP, Post-Ghivali, Dist-Palghar
BARC Plant Site,
Dist-Palghar-401505, Maharashtra



76. Balco Raipur
Bharat Aluminium Co. Ltd.,
Captive Power Plant-II, Balco Nagar,
Korba-495684
77. Dhariwal Infrastructure Ltd.
C-6 Tadali Growth Centre, M.I.D.C. T.,
District Chandrapur,
Maharashtra-442406
78. DB Power Ltd.
Opp. Dena Bank, C-31, G-Block,
3rd Floor, Naman Corporate Link,
Bandar-Kurla Complex, Bandra (East)
Mumbai-400051, Maharashtra
79. NEEPCO
15, NBCC Tower,
Bhikaji Cama Place, New Delhi
80. NHPC LTD.
NHPC Office Complex, Sector-33,
Faridabad.
81. NTPC Ltd.
CORE-7, Scope Complex,
New Delhi

....Respondents

For Petitioner : Shri S. S. Raju, PGCIL
Shri Zafrul Hasan, PGCIL
Shri A. K. Verma, PGCIL
Shri Nitin Kumar, PGCIL
Shri Amit Yadav, PGCIL
Shri Anshul Garg, PGCIL
Shri B. Dash, PGCIL

For Respondents : Shri R. B. Sharma, Advocate, BRPL
Shri Mohit Mudgal, Advocate, BYPL
Ms. Sanya Sood, Advocate, BSP(H)CL



ORDER

The Petitioner, Power Grid Corporation of India Limited, has filed the instant petition seeking extension of time to file the truing up petitions in case of the existing transmission assets owned by it by 180 days from 31.10.2019 by relaxing Regulation 9(2) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (2019 Tariff Regulations).

2. The Petitioner has submitted that as per Regulation 9(2) of the 2019 Tariff Regulations, the petitions for grant of tariff of the existing transmission assets for the 2019-24 period and truing up of the 2014-19 tariff period is 31.10.2019. The Petitioner has sought additional 180 days from 31.10.2019 for filing the petitions for which final tariff order for the 2014-19 period has been issued and in case of assets where tariff order for the 2014-19 period is yet to be issued, grant time extension by 180 days from the date of issuance of final tariff order. The Petitioner has submitted that they are not able to file the tariff petitions for the existing assets within the time specified in Regulation 9(2) of the 2019 Tariff Regulations for the following reasons:-

a) That the Petitioner is required to file huge number of petitions i.e more than 425 petitions for its existing assets by 31.10.2019, as per Regulation 9(2) of the 2019 Tariff Regulations. These petitions are in addition to the petition for determination of tariff in accordance with 2019 Tariff Regulations for the new assets being put into commercial operation progressively.

b) That the details for each asset are required to be gathered from the respective sites/regions before making the application. As there are large



number of assets, consolidating the details requires considerable time. Best efforts are made to file the requisite applications within the due date as per the Regulation 9(2) of 2019 Tariff Regulations.

c) That out of total 425 petitions to be filed, presently order in about 343 petitions are available and tariff petitions in respect of the assets covered under these petitions can be filed. Despite its best efforts, the Petitioner has filed only 70 petitions so far and 273 petitions are yet to be filed. Further, 82 petitions can be filed only after receipt of their order for the preceding block i.e. 2014-19. There are cases wherein Review Petition has been filed and order in review petition is yet to be received. Accordingly, petition for true up can be filed only after receipt of such orders.

d) As there are significant modifications in the tariff filing Forms from the draft formats issued by the Commission, the Petitioner is required to modify its system and software to align the same with the requirement of the revised Tariff Filing Forms which requires some time.

3. The representative of the Petitioner, during the course of hearing on 16.10.2019, submitted that though efforts are being made to file the tariff petitions on time, the Petitioner is unable to file the petitions in case of the existing assets within the time specified in Regulation 9(2) of 2019 Tariff Regulations due to reasons beyond its control. He further requested the Commission to relax the time specified in Regulation 9(2) of 2019 Tariff Regulations by invoking Regulation 76 of the 2019 Tariff Regulations and to allow additional time to the Petitioner to file the tariff



petitions. Learned counsel for BRPL submitted that they do not have any objections and the time sought by the Petitioner may be allowed.

4. Regulation 9(2) of the 2019 Tariff Regulations provides as under:-

“9. Application for determination of tariff

(1) xxxx

(2) In case of an existing generating station or unit thereof, or transmission system or element thereof, the application shall be made by the generating company or the transmission licensee, as the case may be, by 31.10.2019, based on admitted capital cost including additional capital expenditure already admitted and incurred up to 31.3.2019 (either based on actual or projected additional capital expenditure) and estimated additional capital expenditure for the respective years of the tariff period 2019-24 along with the true up petition for the period 2014-19 in accordance with the CERC (Terms and Conditions of Tariff) Regulations, 2014.”

5. Regulation 76 of the 2019 Tariff Regulations provides as under:-

“76. Power to Relax: The Commission, for reasons to be recorded in writing, may relax any of the provisions of these regulations on its own motion or on an application made before it by an interested person.”

6. We have considered the submissions of the petitioner. As stated above, as per Regulation 9(2) of the 2019 Tariff Regulations, the tariff petitions in case of existing assets are required to be filed by 31.10.2019. The petitioner has sought extension of time by 180 days for filing the petitions, in case of existing assets in which orders have already been issued and 180 days from the date of the issue of order, where orders are yet to be issued.

7. The Petitioner has highlighted the difficulties being faced by it in filing the tariff petitions within the stipulated time. The petitioner is required to consolidate the detailed information regarding a large number of assets before making the tariff petitions, which involve considerable time. Besides this, tariff orders in around 82



petitions pertaining to 2014-19 period are yet to be issued. Considering the practical difficulties being faced by the petitioner, we are of the view that the petitioner should be allowed additional time to file the tariff petitions.

8. Regulation 76 of the 2019 Tariff Regulations empower the Commission to relax the provisions on its own motion or on an application made by an interested person. In exercise of power under Regulation 76 of the 2019 Tariff Regulations, we relax the Regulation 9(2) of the 2019 Tariff Regulations and allow the Petitioner to file the tariff petitions for 2019-24 as under:-

(a) Tariff petitions of the existing assets for truing up of the tariff of the 2014-19 tariff period and determination of tariff for the 2019-24 period shall be filed by the Petitioner by 31.1.2020, where final orders for the 2014-19 period have already been issued. The applicable fees shall be paid along with the petition;

(b) In case of the existing assets, where final orders for the 2014-19 period are yet to be issued, tariff petitions for truing up of the tariff of the 2014-19 tariff period and determination of tariff for the 2019-24 petition shall be filed by the Petitioner within three months from the date of issue of the final order for the period 2014-19 period. The fees for these petitions shall be paid on or before 31.12.2019 on the basis of provisional tariff already determined for 2014-19. Balance fee shall be paid along with the tariff petitions for the period 2019-24.

9. The above clarification shall also apply to generating companies and other transmission licensees whose tariff is determined by the Commission.



10. This order disposes of Petition No. 331/MP/2019.

sd/-
(I. S. Jha)
Member

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

sd/-
(P. K. Pujari)
Chairperson

