

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Review Petition No. 40/RP/2018 in Petition No. 175/TT/2017
alongwith IA No.84 of 2018**

Coram:

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

Date of order : 30.01.2019

In the matter of:

Petition for review and modification of order dated 29.6.2018 in Petition No. 175/TT/2017 under section 94(1)(f) of the Electricity Act, 2003 read with Regulation 103 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999.

And in the matter of:

Delhi Transco Limited,
Shakti Sadan, Kotla Road,
New Delhi – 110002.

... Review Petitioner

Vs.

1. Power Grid Corporation of India Limited,
Saudamini, Plot No. 2, Sector-29,
Gurgaon - 122001 (Haryana)
2. Rajasthan Rajya Vidyut Prasaran Nigam
Limited,
Vidyut Bhawan, Janpath,
Jaipur – 302 005.
3. Ajmer Vidyut Vitran Nigam Limited,
Vidyut Bhawan, Panchsheel Nagar,
Makarwali Road,



Order in Petition No. 40/RP/2018

Ajmer – 305 004.

4. Jaipur Vidyut Vitran Nigam Limited,
Vidyut Bhawan, Jyoti Nagar,
Jaipur – 302 005.
5. Jodhpur Vidyut Vitran Nigam Limited,
New Power House, Industrial Area,
Jodhpur – 342 003.
6. Himachal Pradesh Electricity Board Limited,
Through its Chief Engineer,
Vidyut Bhawan,
Kumar House, Complex Building II,
Shimla – 171 004.
7. Punjab State Power Corporation Limited,
PSEB Head Office, The Mall,
Patiala – 147 001.
8. Haryana Power Purchase Centre,
Shakti Bhawan, Sector-6,
Panchkula (Haryana)-134 109.
9. Power Development Department,
Government of Jammu & Kashmir,
Mini Secretariat, Jammu.
10. Uttar Pradesh Power Corporation Limited,
Shakti Bhawan, 14, Ashok Marg,
Lucknow – 226 001.
11. BSES Yamuna Power Limited,
Shakti Kiran Building, Karkardooma,
Delhi – 110 092.
12. BSES Rajdhani Power Limited,
BSES Bhawan, Nehru Place,
New Delhi – 110 019.
13. Tata Power Delhi Distribution Ltd.,
Grid Sub-station Building, Hudson Lines,
Kingsway Camp, Delhi – 110 009.



14. Chandigarh Administration,
4th Floor, Additional Deluxe Building,
Sector 9-D, Chandigarh – 160 009.
15. Uttarakhand Power Corporation Limited,
Victoria Cross Vijeyta Gabar Singh Urja Bhawan,
Kanwali Road, Balliwala Chowk,
Dehradun – 248 001
16. North Central Railway,
Subedar Ganj Road, Subedarganj
Allahabad – 211 015.
17. New Delhi Municipal Council,
Palika Kendra, Parliament Street,
New Delhi – 110 001. ...Respondents

For Review Petitioner: Ms. Swapna Sheshadri, Advocate, PGCIL
Ms. Parichita Chodhwary, Advocate, PGCIL
Shri S.S. Raju, PGCIL
Shri S.S. Venkatesan, PGCIL

For Respondents : None

Order

The instant review petition has been filed by Delhi Transco Limited ('DTL') seeking review of the order dated 29.6.2018 in Petition No. 175/TT/2017. In order dated 29.6.2018, the Commission determined tariff of two inter-State transmission lines i.e. Asset-1: 400 kV D/C Mandaula Bawana and Asset-2: 400 kV D/C Bamnauli-Ballabgarh (hereinafter referred to as "transmission assets") for the period 2014-19 in accordance with Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (hereinafter referred to as "2014 Tariff Regulations"). The Review



Petitioner has also filed I.A. No.84/IA/2018 seeking condonation of delay of 18 days in filing the review petition.

2. The Commission in the impugned order observed that the Review Petitioner did not submit the audited capital cost certificate in case of the instant assets and accordingly determined the tariff of the instant transmission assets as per the methodology evolved by the Commission in orders dated 19.12.2017 in Petition Nos. 88/TT/2017, 173/TT/2016 and 168/TT/2016.

3. Aggrieved by the said order dated 29.6.2018 as well as the methodology evolved by the Commission for allowing transmission charges of the inter-State transmission lines connecting two States in orders dated 19.12.2017, the Review Petitioner has filed the instant review petition. The Review Petitioner has sought review of the impugned order on the following grounds:-

a. The Review Petitioner has submitted the audited acquisition cost of the instant transmission assets in the original petition. Hence, the methodology and principle evolved for determining the tariff of the natural ISTS line that are more than 25 years old and lines that do not have relevant details of the capital cost, funding etc. is not applicable to the instant transmission assets of the Review Petitioner. Determining the tariff on the basis of the said methodology when the Review Petitioner has submitted the audited acquisition cost is an apparent error.

b. Despite submission of all relevant details, the Commission reduced the weighted average rate of interest on loan. The fact is the Review Petitioner is



drawing loans from State Government and commercial banks on overall requirement basis.

c. Income Tax ought to have been allowed by grossing up the Return on Equity as provided for under Regulation 25 of 2014 Tariff Regulations.

4. The Interlocutory Application No. 84/IA/2018 accompanying the review petition for condonation of delay of 18 days in filing the review petition is allowed for the reasons mentioned in the application and the delay of 18 days in filing the review petition is condoned. IA No. 84/IA/2018 is accordingly disposed of.

5. Heard the learned counsel for the Review Petitioner and perused the record. Admit and issue notice to the respondents.

6. The Review Petitioner is directed to serve a copy of the review petition on the respondents by 8.2.2019. The respondents shall file their reply by 28.2.2019, with advance copy to the Review Petitioner, who shall file its rejoinder, if any, by 7.3.2019. The parties shall ensure completion of pleadings within the due date as mentioned above.

7. Matter shall be listed for hearing in due course for which separate notices shall be issued to the parties.

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

sd/-
(P.K. Pujari)
Chairperson

