

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Review Petition No. 46/RP/2018
In Petition No. 192/TT/2017**

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

Date of Hearing: 7.3.2019
Date of Order: 19.3.2019

In the matter of:

Review Petition No. 46/RP/2018 seeking review of order dated 9.10.2018 in Petition No. 192/TT/2017.

And in the matter of

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

Versus

1. Madhya Pradesh Power Management Company Ltd.
Shakti Bhawan, Rampur
Jabalpur - 482 008
2. Maharashtra State Electricity Distribution Co. Ltd.
Prakashgad, 4th Floor
Andheri (East), Mumbai - 400 052
3. Gujarat Urja Vikas Nigam Ltd.
Sardar Patel Vidyut Bhawan,
Race Course Road
Vadodara - 390 007
4. Electricity Department



Govt. of Goa
Vidyut Bhawan, Panaji,
Near Mandvi Hotel, Goa - 403 001

5. Electricity Department
Administration of Daman & Diu
Daman - 396 210

6. Electricity Department
Administration of Dadra Nagar Haveli
U.T., Silvassa - 396 230

7. Chhattisgarh State Electricity Board
P.O.Sunder Nagar, Dangania, Raipur
Chhatisgaarh-492013

8. Madhyapradesh Audyogik Kendra
Vikas Nigam (Indore) Ltd.
3/54, Press Complex, Agra-Bombay Road,
Indore-452 008.....**Respondents**

For Petitioner: Shri Sitiesh Mukherjee, Advocate, PGCIL
Shri Deep Rao, Advocate, PGCIL
Shri Divyanshu Bhatt, Advocate, PGCIL
Shri S. K. Venkatesan, PGCIL
Shri Pankaj Sharma, PGCIL
Shri S. S. Raju, PGCIL

For respondent: None

ORDER

Power Grid Corporation of India Limited (PGCIL) has filed the instant petition seeking review and modification of the order dated 9.10.2018 in Petition No. 192/TT/2017. The Commission in the aforesaid order dated 9.10.2018 determined the transmission tariff from DOCO to 31.03.2019 for **Asset I:** 400kV D/C Aurangabad - Boisar TL {from Aurangabad S/S to location 313/0 on D/C Towers &



from location 332/0 to Boisar S/S on Multi circuit towers} & **Asset II:** Part of 400kV D/C Navsari – Boisar TL from location 332/0 to Boisar S/S on Multi circuit towers under IPPs generation projects in Chhattisgarh (**IPP D**) in Western Region.

2. The Review petitioner has stated that vide the Impugned Order, while this Commission approved the COD as claimed by the review Petitioner, while determining the IDC, the Commission disallowed ₹1869 lakhs, out of the total IDC of ₹17552.69 lakhs, as claimed by the Review Petitioner. The relevant excerpts of the Impugned Order in this regard are as follows:

Asset	IDC Claimed as per the Auditor's Certificate (Accrual basis)	Accrued IDC as on COD as worked out	IDC disallowed as on COD due to computation difference	Undischarged portion of Entitled IDC as on COD*	IDC Allowed on cash basis as on COD	Discharge of IDC	
						2016-17	2017-18
	A	B	C	D	F=A-C-D		
1	17552.69	15683.50	1869.19	2017.14	13666.35	676.26	1340.88
2	314.59	314.59	0.00	129.22	185.37	0.00	129.22

*The Un-discharge portion of IDC has been considered as ACE during the year of discharge.

3. The Review petitioner has stated that the basis for such disallowance appears to be a purported difference in calculation for which no basis was allegedly provided by the Review Petitioner. However, this Commission inadvertently did not take cognizance of details of the loans procured by the Review Petitioner for the construction of the Transmission Assets, which included foreign loans availed by the Review Petitioner. The details of all these loans were duly placed on record before



this Commission by the Review Petitioner in Form 9C of the tariff filing forms. The amount of IDC disallowed by this Commission roughly comes out to be equal to the IDC for the foreign loan component of the total debt.

4. The Review petitioner has submitted that the aforementioned findings were erroneously reached by this Commission owing to an inadvertent omission to consider the relevant documents and material facts placed on the record. Further, it is submitted that the Review Petitioner was not provided with an adequate opportunity to explain this difference in computation. This constitutes an error apparent on the face of record and raises a valid ground for review and modification of the Impugned Order. Therefore, the Review Petitioner has approached this Commission, vide the present Review Petition, seeking review and modification of the Impugned Order dated 09.10.2018.

5. The Respondent No.1, M. P. Power Management Co. Ltd. has filed its reply on 22.2.2019. M. P. Power Management Co. Ltd. has submitted that Commission has asked the clarification for difference in IDC amount shown in the auditor's certificate and IDC amount shown in IDC statement for Asset-1. Further, the petitioner had submitted another additional statement for IDC amounting to Rs.10708.90 lakhs as against which the calculation is submitted for Rs.8718.93 lakhs only. From the above fact, it is very clear that the order of the Commission was delivered when the petitioner failed to justify its data and did not provide satisfactory reply to the observations of the commission.



6. Further the Respondent has submitted that the Review Petitioner has not submitted the exact calculation of IDC and rather is reiterating that the disallowed amount under the head IDC is around ₹1869.19 lakh as claimed by the Review Petitioner. In this way, the Petitioner is enabling to justify its claim regarding deduction made by the Commission.

Analysis and Decision

7. We have considered the submission of the petitioner. The prudence check of IDC claimed for the foreign loan component was not possible since the petitioner didn't submit the details of the same in petition no.192/TT/2017, which the petitioner has submitted now along with the present review petition. This is a new fact, which the petitioner has placed on record under the guise of review. In the above background, we do not find any error apparent on the face of the record and accordingly, review on this ground is rejected. However, petitioner is granted liberty to submit the details along with documentary evidence in this regard at the time of true-up.

8. Petition No. 46/RP/2018 is disposed of in terms of the above.

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

Sd/-
(P.K.Pujari)
Chairperson

