

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Review Petition No. 6/RP/2019

in

Petition No. 278/TT/2015

Coram:

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

Date of Order : 09.05.2019

In the matter of:

Petition for review and modification of the order dated 20.9.2017 in Petition No. 278/TT/2015.

And in the matter of:

Odisha Power Transmission Corporation Limited
Janpath, Bhubaneswar,
Odisha – 751022

.... Review Petitioner

Vs

1. Power Grid Corporation of India Limited (PGCIL),
“Saudamini”, Plot No. 2,
Sector-29, Gurgaon-122 001.
2. Bihar State Power (Holding) Company Ltd.
(Formerly Bihar State Electricity Board-BSEB)
Vidyut Bhavan, Bailey Road,
Patna-8000012.
3. West Bengal State Electricity Distribution Company,
Bidyut Bhawan, Bidhan Nagar,
Block DJ, Sector-II, Salt Lake City,
Calcutta - 7000913.
4. Grid Corporation of Orissa Ltd.
Shahid Nagar, Bhubaneswar - 751 0074.
5. Damodar Valley Corporation DVC Tower,
Maniktala Civic Centre,
VIP Road, Calcutta - 700 054.



6. Power Department Govt. of Sikkim,
Gangtok - 737 101
7. Jharkhand State Electricity Board,
In front of Main Secretariat,
Doranda, Ranchi – 843 002
8. Jharkhand Urja Sancharan Nigam Limited,
Engineering Building, HEC,
Dhurwa, Ranchi – 843 004

.....Respondents

For Review Petitioner: Shri Raj Kumar Mehta, Advocate, OPTCL
Ms. Himanshi Andley, Advocate, OPTCL

For Respondents: Shri Amit Yadav, Advocate, PGCIL
Shri Divyanshu Bhatt, Advocate, PGCIL
Shri S.S. Raju, PGCIL

ORDER

The instant Review Petition is filed by Odisha Power Transmission Corporation Limited (“OPTCL”) seeking review of the order dated 20.9.2017 in Petition No. 278/TT/2015 pursuant to the liberty granted by the Appellate Tribunal for Electricity vide order dated 31.1.2019 in Appeal No. 33 of 2018.

Background

2. PGCIL filed Petition No. 278/TT/2015 for determination of transmission tariff for 11 Assets under Eastern Region Strengthening Scheme-III (ERSS-III) in Eastern Region for 2014-19 tariff period under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 ('2014 Tariff Regulations'). The Commission vide its order dated 20.9.2017 allowed transmission tariff for the subject assets.



3. In the impugned order, the Commission directed that the transmission charges of Assets 2 and 6a, from the date of their COD till the COD of the downstream network will be borne by OPTCL. Aggrieved by the impugned order, the Review Petitioner has filed the present Review Petition.

4. The Review Petitioner has submitted that the observation of the Commission in the impugned order that the transmission charges of Assets 2 and 6a from the date of COD till the COD of downstream network will be borne by OPTCL is erroneous as it failed to take into consideration the pleas taken by it in its reply dated 28.12.2015 in Petition No. 278/TT/2015.

5. The Review Petitioner has submitted that OPTCL in its reply filed in the original petition dealt with the issues raised but the same were not considered by the Commission while passing the impugned order. The COD of Asset-2 was 19.8.2015 and the actual power flow through 400/200 kV 315 MVA ICT started on 29.8.2015 with a delay of 10 days as permission to charge ICTs from ERLDC was received by OPTCL on 29.8.2015. As the time over-run of almost 14.5 months in case of Asset-2 of PGCIL was condoned, the time over-run of 10 days on account of OPTCL, being procedural is liable to be condoned.

6. The Review Petitioner has further submitted that actual COD of Asset 6a was approved as 31.7.2016 and that one year prior to this, the Review Petitioner's two numbers of double circuit lines were ready except for 3 towers near PGCIL's Pandiabili Sub-station. Neither the 400 kV line nor sub-station of PGCIL were completed, as such both the lines were connected to the Review Petitioner's own 400/220 kV Sub-station at



Mendhasal and as such there was delay in declaring COD on the part of PGCIL and not on the part of the Review Petitioner.

7. The learned counsel for the Review Petitioner further sought 10 days' time to file additional documents.

8. We have considered the submissions of the Review Petitioner. We admit the Review Petition and direct to issue notice to the respondents.

9. The Commission directed the Review Petitioner to file additional documents with advance copy to the respondents by 20.5.2019 including the copy of the Review Petition and the respondents to file their reply by 7.6.2019 and the petitioner to file rejoinder, if any, by 17.6.2019. The parties are directed to comply with the directions within the specified timeline and no extension of time shall be granted.

10. The review petition shall be listed for hearing in due course of time, for which separate notice will be issued.

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

sd/-
(P.K. Pujari)
Chairperson

