

**CENTRAL ELECTRICITY REGULATORY COMMISSION NEW DELHI**

**Review Petition Nos. 8/RP/2017 and 9/RP/2017**  
**alongwith I.A. No.15/IA/2017**  
**in Petition No. 312/TT/2014**

**Coram**

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

**Date of Order: 24.07.2019**

**Review Petition No. 8/RP/2017 in Petition No. 312/TT/2014**

**In the matter of:**

Review Petition for review of order dated 19.12.2016 in Petition No. 312/TT/2014 under Section 94 of the Electricity Act, 2003 read with order 47 Rule 1 of the Code of Civil Procedure, 1908, Regulations 103, 111 and 114 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999.

NTPC,  
Scope Complex, Institutional Area,  
Lodi Road, Pragati Vihar,  
New Delhi 110003

**...Review Petitioner**

**Vs.**

1. Parbati Koldam Transmission Company Limited,  
B-9, Qutab Institutional Area,  
Katwaria Sarai,  
New Delhi-110016.
2. Himachal Pradesh State Electricity Board,  
Vidyut Bhawan, Kumar House Complex Building II,  
Shimla-171 004.
3. Punjab State Electricity Board,  
220 kV Sub Station, Ablowal,  
Patiala-147 001.
4. Uttar Pradesh Power Corporation Limited,  
10th Floor, Shakti Bhawan Extension,  
14, Ashok Marg, Lucknow-226 001.



5. Chandigarh Administration,  
Sector-9, Chandigarh.
6. Rajasthan Power Procurement Centre,  
Vidyut Bhawan, Japtah,  
Jaipur- 302 005.
7. Jodhpur Vidyut Vitran Nigam Limited,  
400 kV GSS Building, Ajmer Road,  
Heerapura, Jaipur.
8. North Central Railway,  
Allahabad.
9. BSES Rajdhani Power Limited,  
2nd Floor, "B" Block, Nehru Place,  
New Delhi-110 019.
10. New Delhi Municipal Council,  
Palika Kendra, Sansad Marg,  
New Delhi-110 002.
11. Haryana Power Purchase Centre,  
IInd Floor, Shakti Bhawan,  
Sector-6, Panchkula-134 109.
12. Power Development Department,  
Janipura Grid Station,  
Jammu (Tawi)-180 007.
13. Delhi Transco Limited,  
Shakti Sadan, Kotla Road (Near ITO),  
New Delhi.
14. Uttarakhand Power Corporation Limited,  
Urja Bhawan, Kanwali Road,  
Dehradun.
15. Ajmer Vidyut Vitran Nigam Limited,  
400 kV GSS Building, Ajmer Road,  
Heerapura, Jaipur.
16. Jaipur Vidyut Vitran Nigam Limited,  
400 kV GSS Building,  
Ajmer Road, Heerapura, Jaipur.
17. Tata Power Delhi Distribution Limited,  
Power Trading & Load Dispatch Group,



Cennet Building, Adjacent to 66/11kV,  
Pitampura-3 Grid Building,  
Near PP Jewellers, Pitampura,  
New Delhi-110 034.

18. Northern Region Electricity Board,  
18-A, Shaheed Jeet Singh Marg,  
Katwaria Sarai, New Delhi – 110016.
19. Power Grid Corporation of India Limited,  
Saudamini, Plot No.2,  
Sector-29 Gurgaon-122001 (Haryana)

....Respondents

**For Petitioner** : Shri M.G. Ramachandran, Advocate, NTPC  
Ms. Poorva Saigal, Advocate, NTPC  
Ms. Anushree Bardhan, Advocate, NTPC  
Shri Nishant Gupta, NTPC  
Shri M.K. Malviya, NTPC

**For Respondents** : Shri Divyanshu Bhatt, Advocate, PGCIL  
Shri Deep Rao, Advocate, PGCIL  
Ms. Jyoti Prasad, PGCIL  
Shri Amit Kapur, Advocate, PKTCL  
Ms. Aparajita Upadhyay, Advocate, PKTCL  
Shri Lokendra Singh, PKTCL

**Review Petition No 9/RP/2017 in Petition No.312/TT/2014 alongwith I.A. No.15/IA/2017**

In the matter of:

Petition for review of order dated 19.12.2016 in Petition No. 312/TT/2014 under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 103 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999.

Parbati Koldam Transmission Company Limited,  
5<sup>th</sup> Floor, JMD Galleria,  
Sector-48, Sohna Road,  
Gurgaon-122018, Haryana

**Vs**

**Review Petitioner**

1. Rajasthan Rajya Vidyut Prasaran Nigam Limited,  
Vidyut Bhawan, Vidyut Marg,  
Jaipur-302 005.



2. Ajmer Vidyut Vitran Nigam Limited,  
400 kV GSS Building (Ground Floor),  
Ajmer Road, Heerapura,  
Jaipur.
3. Jaipur Vidyut Vitran Nigam Limited,  
400 kV GSS Building (Ground Floor) Ajmer Road,  
Heerapura, Jaipur.
4. Jodhpur Vidyut Vitran Nigam Limited,  
400 kV GSS Building (Ground Floor),  
Ajmer Road, Heerapura, Jaipur.
5. Himachal Pradesh State Electricity Board,  
Vidyut Bhawan,  
Kumar House Complex Building-II,  
Shimla-171 004 (HP)
6. Punjab State Power Corporation Limited,  
Thermal Shed Tia, Near 22 Phatak,  
Patiala-147 001.
7. Haryana Power Purchase Centre,  
Shakti Bhawan, Sector-6,  
IInd Floor, Panchkula  
(Haryana)-134 109
8. Power Development Department,  
Government of Jammu and Kashmir,  
Mini Secretariat, Jammu
9. Uttar Pradesh Power Corporation Limited,  
(Formerly Uttar Pradesh State Electricity Board),  
10<sup>th</sup> Floor, Shakti Bhawan Extn-14,  
Ashok Marg, Lucknow-226 001.
10. Delhi Transco Limited,  
Shakti Sadan,  
Kotla Road (Near ITO),  
New Delhi-110 002.
11. BSES Yamuna Power Limited,  
BSES Bhawan, Building No.-20,  
Nehru Place, New Delhi.
12. BSES Rajdhani Power Limited,  
BSES Bhawan, Building No.-20,  
Nehru Place, New Delhi.



13. Tata Power Delhi Distribution Limited,  
Power Trading and Load Dispatch Group,  
Cennet Building, Adjacent to 66/11 kV Pitampura-3  
Grid Building, Near PP Jewellers,  
Pitampura, New Delhi-110 034.
14. Chandigarh Administration,  
Sector-9, Chandigarh
15. Uttarakhand Power Corporation Limited,  
Urja Bhawan, Kanwali Road,  
Dehradun.
16. Northern Central Railway,  
Allahabad.
17. New Delhi Municipal Council,  
Palika Kendra, Sansad Marg,  
New Delhi-110 002.
18. Northern Region Electricity Board,  
18-A, Shaheed Jeet Singh Marg,  
Katwaria Sarai, New Delhi – 110016
19. Power Grid Corporation of India Limited,  
Saudamini, Plot No.2,  
Sector-29 Gurgaon-122001  
(Haryana).
20. NTPC Limited,  
Scope Complex Institutional Area,  
Lodhi Road, Pragati Vihar,  
New Delhi-110 016.

.....Respondents

**For Petitioner** : Shri Amit Kapur, Advocate, PKTCL  
Ms. Aparajita Upadhyay, Advocate, PKTCL  
Shri Lokendra Singh Ranawat, PKTCL

**For Respondent** : Shri Deep Rao, Advocate, PGCIL  
Shri Divyanshu Bhatt, Advocate, PGCIL  
Shri S.K. Veketesan, PGCIL  
Shri M.G. Ramachandran, Sr. Advocate, NTPC  
Ms. Poorva Saigal, Advocate, NTPC  
Ms. Anushree Bardhan, Advocate, NTPC  
Shri Nishant Gupta, NTPC



## Order

NTPC and Parbati Koldam Transmission Company Limited (hereinafter referred to as "PKTCL") has filed Review Petition No. 8/RP/2017 and No.9/RP/2017 respectively seeking review of the Commission's order dated 19.12.2016 in Petition No. 312/TT/2014. As both the Review Petitions are against order dated 19.12.2016 and the relief sought are inter-related, they are taken up together.

### Background

2. PKTCL filed Petition No. 312/TT/2014 for determination of transmission tariff of Asset-I: Ckt.-I of 400 kV Double Circuit Koldam-Ludhiana transmission line (Triple Snowbird Conductor) and Asset-II: Ckt.-II of 400 kV Double Circuit Koldam-Ludhiana transmission line (Triple Snowbird Conductor) (hereinafter referred to as "transmission assets") in Northern Region for tariff block 2014-19 under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 ("2014 Tariff Regulations"). The tariff for the said assets was allowed by the Commission vide order dated 19.12.2016, against which PKTCL and NTPC have filed the Review Petitions.

3. In Review Petition No. 8/RP/2017, NTPC has prayed for setting aside the order dated 19.12.2016 which holds NTPC liable for payment of IDC and IEDC for the period from 7.8.2014 and 14.8.2014 for Assets-I and II respectively till the date of their usage, which was 31.3.2015.

4. In Review Petition No. 9/RP/2017, PKTCL has sought review of the impugned order on the following issues:- (a) COD of Assets I and II should have been approved as 7.8.2014 and 14.8.2014 respectively under proviso (ii) to Regulation 4(3) of 2014 Tariff Regulations, (b) the cut-off date of the instant assets should have been declared



as 31.3.2018 instead of 31.3.2017 and (c) PKTCL should have been granted full transmission charges instead of IDC and IEDC from August 2014 to 30.3.2015. PKTCL has also pointed out certain typographical errors in the impugned order and prayed that the same may be corrected. PKTCL has also filed IA. No.15/IA/2017 stating that because of the change in the approval of COD of Assets-I and II from 7.8.2014 and 14.8.2018 respectively in provisional order dated 23.12.2014 to 31.3.2015 in the final order dated 19.12.2016, it has to refund an amount of ₹46.57 crore alongwith interest to CTU and requested to issue directions to CTU not to recover the same till the disposal of Review Petition No.9/RP/2017.

#### **Submissions of NTPC in Review Petition No. 8/RP/2017**

5. NTPC in Review Petition No. 8/RP/2017 has made the following submissions:-
  - (a) The Commission did not take into consideration at all the contents of para 6 of NTPC's affidavit dated 14.7.2016 which categorically shows that NTPC had completed the switchyard in July 2008. It was apprised by PKTCL vide letter dated 30.7.2014 for the first time about the charging of 400 kV D/C Koldam-Ludhiana transmission line from Koldam Sub-station to Ludhiana Sub-station of PGCIL. During the 34th Standing Committee Meeting held on 8.8.2014, it was decided to utilize the Koldam Ludhiana Ckt and Koldam-Nalagarh lines to provide a parallel corridor from Nalagarh by charging Koldam Switchyard as a pooling sub-station. On 18.8.2014, NTPC wrote to CEA for inspection of 400 kV switchyard and for grant of approval for energization of 400 kV Koldam Switchyard after completion of re-commissioning activities. On 6.9.2014, NTPC submitted a draft (Con-6) Connection Agreement to PGCIL for signature before the physical inter-connection with grid as envisaged in Detailed Procedure of



Central Electricity Regulatory Commission (Grant of Connectivity, Long term Access and Medium Term Open Access in inter-State Transmission and related matters) Regulations, 2009 (“2009 Connectivity Regulations”). As mentioned in Con-6, the Special Energy Meters were arranged by PGCIL and installed at Koldam panels on 26.9.2014 for line and generator bays. On 25.9.2014 CEA inspected the switchyard and on 17.10.2014 it granted clearance for charging of Koldam Switchyard at rated voltage of 400 kV. Pending works were executed by PKTCL during the period from 17.10.2014 to 31.12.2014. CTU took four months’ time for Con-6 clearance and finally signed the same on 2.1.2015. Koldam Switchyard was eventually charged on 6.2.2015 through Koldam Nalagarh line after completion of required jumper connection activities. The period from 6.2.2015 to 30.3.2015 was consumed in execution of PLCC.

(b) The charging of the switchyard at 400 kV was necessarily required to be done only when the 400 kV transmission line to be connected to the NTPC switchyard was ready either for the purpose of using the switchyard as a pooling station or for the purpose of evacuation of power from Koldam HEP of NTPC.

(c) No agreement was entered into between NTPC and PKTCL specifying timeline for execution of Koldam Switchyard of NTPC at 400 kV level and any consequential liabilities thereto. NTPC was not supposed to charge its switchyard at 400 kV level before 30.7.2014 till PKTCL informed NTPC regarding charging of Koldam-Ludhiana lines.

(d) In the 34th Standing Committee Meeting of the Northern Region held at the Office of the Chief Electricity Authority (CEA) on 8.8.2014, it was decided to utilise the Koldam-Ludhiana Circuit and Koldam-Nalagarh Corridor from Nalagarh





by charging the Koldam Switchyard as a pooling sub-station providing additional corridor and enhancing reliability.

(e) Pursuant to the decision in Standing Committee Meeting on 8.8.2014, NTPC sought CEA clearance for charging the switchyard at 400 kV and CEA after its inspection on 25.9.2014 granted approval for charging NTPC switchyard on 17.10.2014.

(f) The Connection Agreement between NTPC and CTU was agreed on 31.12.2014 and was signed on 2.1.2015 and NTPC Koldam Switchyard was charged at 400 kV on 6.2.2015.

(g) The delay between 8.8.2014 to 6.2.2015 was due to necessary formalities to be completed for charging of the line at 400 kV level which included approval of CEA till 17.10.2014 and signing and execution of Connection Agreement by PGCIL. Though charging of the line at 400 kV level was undertaken by NTPC on 6.2.2015, Koldam-Ludhiana line was put into commercial operation on 31.3.2015 when power flow on the said line commenced. In the circumstances, the commercial operation of the Koldam-Ludhiana 400 kV line was not in any manner affected by charging of the switchyard of Koldam HEP at 400 kV on 6.2.2015.

(h) During the period from 8.8.2014 to 6.2.2015, NTPC did not add or remove any capital equipment from its switchyard.

(i) In terms of clause 3(e) of Central Electricity Authority (Grid Standards) Regulations, 2010, placement of PLCC system was the responsibility of PGCIL which could only be done on 30.3.2015 at the request of NTPC.

(j) PKTCL sought permission to work from 24.11.2014 to 28.11.2014 and extension of time from 29.11.2014 to 2.12.2014 and from 4.12.2014 to



10.12.2014 for phase sequence changing at Koldam Switchyard gantry for Ludhiana 400 kV D/C line which indicates that PKTCL works were pending even after CEA clearance to NTPC for charging Koldam Switchyard at 400 kV level.

(k) Placing reliance on the Commission's order dated 27.6.2016 in Petition No. 236/MP/2015 in the matter of Kudgi Transmission Limited, NTPC contended that its responsibility in the present matter is limited to arranging CEA clearance for facilitating inter-connection of other transmission licensee. NTPC in the present case facilitated PKTCL for charging of switchyard by re-testing and re-inspection of switchyard by CEA as per CEA Technical standards and granted its approval for charging on 17.10.2014 as such observation of the Commission in attributing delay till 30.3.2015 is not as per the principle laid down in the present order.

6. After hearing, the Commission directed the respondents to file their reply on admissibility as well as on merits. The respondents, PKTCL and PGCIL have filed their reply vide affidavits dated 12.6.2017 and 4.9.2018 respectively. NTPC has submitted its rejoinder, vide affidavits dated 4.7.2017 and 15.10.2018, to the reply of PKTCL and PGCIL respectively.

### **Submissions of PKTCL, Respondent No.1**

7. PKTCL in its reply, filed vide affidavit dated 12.6.2017 has submitted that the Commission in its order dated 23.12.2014 in Petition No. 312/TT/2014 gave a categorical finding that NTPC did not make available its switchyard at Koldam HEP at rated voltage level and provisionally approved the COD of the assets under proviso (ii) of Regulation 4(3) of 2014 Tariff Regulations limited for the purpose of granting tariff under proviso (i) of Regulation 7(7) of 2014 Tariff Regulations leaving the issue to be



decided at the time of determination of final tariff. The aforesaid order of the Commission has attained finality and NTPC is precluded from contending or alleging otherwise. All the submissions of NTPC filed vide affidavit dated 14.7.2016 in Petition No. 312/TT/2014 and response thereto were dealt in paragraphs 26-35 of the impugned order.

8. PKTCL has submitted that in the 30th Standing Committee Meeting on Power System Planning for Northern Region, NTPC was informed that its switchyard will be used for connectivity of Koldam-Ludhiana line and the same was reiterated in the 34th Standing Committee Meeting. NTPC, vide email dated 3.10.2014, informed PKTCL that NTPC's Koldam Switchyard was not ready and it required some more time. PKTCL has refuted the NTPC's contention that PKTCL was doing the pending work from 17.10.2014 to 31.12.2014 and submitted that PKTCL was not required to perform any rectification work as the transmission lines were idle charged. PKTCL clarified that it approached NTPC for correction of circuit nomenclature on the direction of NRLDC and the same is substantiated by NTPC's e-mail dated 30.1.2015. PKTCL has denied the submission of NTPC that there was requirement of the switchyard to be charged only when the 400 kV transmission line of PKTCL was ready either for the purpose of using the switchyard as a pooling station or for the purpose of evacuation of power from Koldam HEP. PKTCL has submitted that NTPC alongwith all other associated power utilities was duly informed about the probable time of charging the transmission lines in 28th NRPC meeting and 25th TCC meeting held on 26.4.2013 and 25.4.2013 respectively wherein it was made clear that PKTCL would be able to complete all lines by the last quarter of 2013. PKTCL has denied that NTPC was informed regarding the possible date of charging of Koldam Ludhiana line vide its letter dated 30.7.2014 for the first time. The 26th Standing Committee Meeting of Power System Planning for NR



dated 13.10.2008 provided that PKTCL need not enter into an Agreement with NTPC as the transmission lines of PKTCL were required for evacuation from Parbati HEPs. Regarding timeline for execution of switchyard by NTPC, PKTCL submitted that NTPC was aware all along that its switchyard will be used for connectivity to the PKTCL lines. PKTCL's transmission lines have to emanate from the switchyard of Koldam HEP of NTPC and this was discussed and approved in 14th, 15th, 16th, 30th and 34th Standing Committee Meetings on Northern Region Planning to which NTPC was one of the members and it never objected to the said scheme or requested for change in the development of complete transmission scheme. The decision taken in the 34th Standing Committee Meeting on Northern Region Planning dated 8.8.2014 regarding additional utilization of Koldam-Ludhiana line for evacuation of power from Koldam HEP has no bearing to the present case. PKTCL issued letters dated 18.7.2014 and 28.7.2014 to CTU and NTPC regarding the expected completion date of Koldam-Ludhiana line. The NTPC's request to CEA to carry out inspection of Koldam Switchyard at rated voltage on 18.8.2014 are contradictory as NTPC's e-mail dated 3.10.2014 indicates that Koldam Switchyard was not ready and it would take some more time. Substantial work was pending in Koldam Switchyard which included revised application to CEA for inspection of switchyard on 18.8.2014, CEA inspection was done on 25.9.2014, NTPC wrote to CTU on 3.10.2014 regarding non-readiness of sub-station and sought some more time and approval for charging was given by CEA on 3.10.2014. It was only after charging of Koldam switchyard that NTPC approached PGCIL for establishing the PLCC setting for Koldam-Ludhiana line vide email dated 30.1.2015 and on 31.1.2015 to NRLDC. Thereafter, PLCC link was established by PGCIL on 31.3.2015. The Koldam-Ludhiana line was idle charged upto dead end tower as the switchyard of NTPC was not ready and after charging the Koldam Switchyard,



jumpering activity was done. Besides this, NRLDC through idle charging certificate informed NTPC regarding change in circuit configuration and accordingly PKTCL on checking with PGCIL's Ludhiana Sub-station informed NTPC through letter dated 17.10.2014 to correct the marking of circuits at the bays so that correction can be made accordingly which was necessitated due to respondent's going for 'Change in Phase Sequencing' required to be carried out based on circuit nomenclature at both the end points i.e. at Koldam HEP of NTPC as well Ludhiana Sub-station of PGCIL. PKTCL has, however, submitted that NTPC's reliance on Commission's order dated 27.6.2016 in Petition No. 236/MP/2015 is misplaced as same is premised on entirely different facts. PKTCL has submitted that the instant Review Petition is liable to be dismissed as it does not fulfill the requirements of Order 47 Rule 1 CPC.

9. In response, NTPC vide its affidavit dated 4.7.2017 reiterated the submissions made by it in the Review Petition. NTPC has clarified that it was ready to implement the charging of the transmission line at the rated voltage to the bay in the switchyard subject to necessary activities being undertaken as and when the transmission lines are ready and request for such charging was made. Approval of CEA was necessary once the transmission utility for charging of its transmission line, with connectivity at the bay in the switchyard approached NTPC. The transmission line laid by PKTCL was with reference to the generating station of NHPC Parbati-II and Parbati-III which were not ready till 30.3.2015 and as such there was no reason for NTPC to start the activities for charging of the bay in its switchyard for connecting the transmission line until such time the generating station at Parbati-II of NHPC is ready to generate and supply electricity. The power generated by Koldam HEP of NTPC or even the power generated at any other station was not intended to be evacuated through the transmission line of PKTCL which was to be inter-connected at the Koldam HEP



switchyard of NTPC and this position continued till July/August, 2014. In the 25<sup>th</sup> TCC meeting and 28<sup>th</sup> meeting of the Northern Regional Power Committee held on 25.4.2013 and 26.4.2013 respectively, the representation by PKTCL that it would complete the line by the last quarter of 2013 was with reference to the evacuation of power from Parbati-II HEP of NHPC and not for any other alternate use. PKTCL itself did not complete the line by end of 2013 or within the first quarter of 2014. The completion of the line was taken note of only in the 34<sup>th</sup> Standing Committee Meeting held in August 2014 and in the said meeting it was decided that the said line can be used for alternative purpose, pending the commissioning of Parbati-II Hydro Project of NHPC.

10. PGCIL, Respondent No.19, in its reply filed vide affidavit dated 4.9.2018 has submitted that during the 34<sup>th</sup> SCM of NR held on 8.8.2014, NTPC stated that pre-commissioning activities at Koldam Switchyard are being carried out and thereafter clearance of the Electrical Inspectorate shall be taken. NTPC applied for CEA clearance on 18.8.2014 and it is factually incorrect that NTPC completed the Koldam switchyard in July 2008. PGCIL has corroborated the submissions of PKTCL on all material issues regarding 26<sup>th</sup> SCM of NR held on 13.10.2008, 30<sup>th</sup> SCM of NR held on 19.12.2011, 28<sup>th</sup> Northern Regional Power Committee and 25<sup>th</sup> Technical Coordination Committee meeting held on 26.4.2013.

11. As regards the delay in signing Connection Agreement, PGCIL has submitted that the data submitted by NTPC was inadequate in several material respects due to which Connection Agreement could not be signed till 2.1.2015. NTPC applied for the Connection Agreement on 9.8.2012 for Koldam HEP (800 MW) with COD as March 2013. The application for Connection Agreement was submitted 8 months prior to



anticipated COD as against the two years period as prescribed in the procedure for making application for grant of connectivity under the 2009 Connectivity Regulations.

12. PGCIL has submitted that Koldam-Nalagarh and Koldam-Parbati Pooling Station lines being quad lines, NTPC was informed that the capacity of the switchgear should of 3150 Amp against which NTPC submitted that Koldam Hydro Generation Switchyard was designed with one and half breaker switching scheme with main bus rating of 3000 Amps but the rating of 400 kV line bay equipment is only 2000 Amps. The terminal bay equipment provided by NTPC was of lower rating in comparison to line rating. Therefore, in the 33rd SCM on Power System Planning of NR held on 23.12.2013, it was decided that line bay equipment rating of 2000 Amp provided at Koldam Switchyard be retained and upgradation of bay equipment rating in line with evacuation lines shall be taken up by NTPC at its own cost as and when need for the same arise in future. PGCIL has submitted that as agreed in the 33rd SCM for NR, NTPC neither approached PGCIL with revised Con-4 to capture the modifications as suggested nor did it approach the site office for signing Connection Agreement (Con-6). PGCIL has further submitted that on 19.8.2014, NTPC revised the execution schedule of Koldam HEP to February 2015. Accordingly, on 20.8.2014, PGCIL issued revised Con-5 incorporating the revised COD of Koldam HEP as February 2015 incorporating the modifications agreed in the 33rd SCM of NR. The agreement was eventually signed on 2.1.2015 and the generation was put online in July 2015 after about six months of signing the Connection Agreement. PGCIL has further submitted that there has been consistent and repetitive shift and delay in the construction of generation project on the part of NTPC and the same is evident from 16th SCM dated 24.3.2004, 10th NRPC meeting dated 29.9.2008, 26th SCM Standing Committee on Power System Planning in Northern Region dated 13.10.2008, 30th Standing



Committee on Power System Planning in Northern Region held on 19.12.2011 which goes to show that Koldam HEP which was initially expected in 2008-09 was ultimately revised till February 2015.

13. Regarding delay in placement of PLCC, PGCIL submitted that NTPC received the material sent by them on 7.7.2009 but testing of PLCC system at Koldam end could not be completed due to non-readiness of switchyard at Koldam. PGCIL has further submitted that CEA granted approval for energisation of 2 nos. of 400 kV (Koldam -1 and Koldam-2) at Ludhiana on 22.3.2011 and the charging code from NRLDC for the line bays at Ludhiana for Koldam-1 and 2 was received on 25.3.2011. PGCIL has submitted that PLCC system at Ludhiana end was completed and test charged on 25.3.2011 but the line could not be test charged on end to end basis as the Koldam Switchyard was not ready. The Koldam-Ludhiana 400 kV line was complete and was test charged on 6.8.2014 for Ckt-I and 13.8.2014 for Ckt-II respectively on account of delay in execution of 400 kV bays in Koldam switchyard of NTPC. PGCIL has submitted that NTPC did not inform it about the readiness of the switchyard and on being informed over phone by PKTCL about the readiness of the switchyard, PGCIL installed PLCC system at Koldam end on 27.3.2015 and the execution of PLCC system was delayed solely on account of non-readiness of Koldam switchyard of NTPC. PGCIL has prayed that the Review Petition may be dismissed with costs.

14. In response, NTPC vide its affidavit dated 15.10.2018 has reiterated the submissions made in the Review Petition. NTPC has clarified that the timelines envisaged in the 26th Standing Committee Meeting on 13.10.2008 and 30th SCM on 19.12.2011 were not adhered to by PKTCL and/or NHPC in relation to execution of Parbati-II and as such there was no requirement for NTPC to charge its switchyard at





400 kV prior to the transmission lines being ready. NTPC has submitted that 400 kV D/C Koldam-Ludhiana Line was not a part of the Associated Transmission System (ATS) of Koldam HEP as clarified by the CEA on 23.2.2009 and as such NTPC cannot be held liable for payment of IDC and IEDC due to delay in execution of 400 kV Koldam– Ludhiana Line in view of the judgment dated 16.7.2016 in Appeal No. 281 of 2016 in the case of NHPC Ltd. v. Powergrid Corporation of India. Regarding delay in signing Connection Agreement, NTPC has clarified that in terms of clause 5.3 of the Detailed Procedure issued by the Commission, NTPC was required to furnish additional details to CTU two years prior to the physical inter-connection, for obtaining Con-4 Agreement and NTPC did so on 9.8.2012 i.e. more than two and half years prior to the physical inter-connection in February, 2015. No such stipulation in the Detailed Procedure is there that Con 4 Agreement had to be furnished two years prior to the scheduled/ anticipated COD. NTPC has submitted that PGCIL has failed to indicate the reasons or causes for the delay in issuing/ entering into the Con-6 Agreement. NTPC has further submitted that PGCIL has given extensive details relating to the alleged delay on the part of NTPC in applying for Con-4 and Con-5 Agreements, but it has not addressed the period of delay between 20.8.2014 (Date of issuing of Con-5 Agreement by Powergrid) till 2.1.2015 (date of signing of Con-6 Agreement). NTPC specifically sought the Con-6 Agreement on 6.9.2014 which was ultimately granted by PGCIL only on 2.1.2015.

15. NTPC has submitted that the time taken by it to furnish the data to PGCIL in respect of Con-4 including in respect of the Governor and Exciter Block etc. was on account of the fact that tender for Koldam Switchyard was awarded much prior to 31.12.2009 i.e. prior to notifying the Detailed Procedures of Central Transmission Utility under Regulation 27 (1) of 2009 Connectivity Regulations. It was in terms of the said



Detailed Procedure, that the requirement to furnish the Exciter Block, Governor etc. data to PGCIL, was incorporated for the first time in the Regulations. All tenders prior to such Detailed Procedure did not require the Original Equipment Manufacturer (OEM) to furnish the said information to NTPC and as such time was taken to procure data from the OEM and submit to PGCIL. Further, PGCIL did not direct the NTPC to re-apply or approach PGCIL with a fresh application for signing of a Con-6 Agreement in respect of the rating of the switchgear equipment.

16. As regards the delay in placement of PLCC, NTPC has submitted that vide letter dated 18.12.2014 NTPC informed PGCIL that Koldam Switchyard is ready for charging at rated voltage. Before that services of BPL engineer was to be arranged for establishing speech, protection and data communication after end to end testing of all panels and PLCC at Koldam HPP. NTPC has further submitted that mere delivery of the material for PLCC does not mean that the PLCC stood installed and executed and it denied all the contentions of PGCIL in this regard.

### **Submissions of PKTCL in Review Petition No. 9/RP/2017**

17. PKTCL in its Review Petition No. 9/RP/2017 has made the following submissions: -

(a) The cut-off date of the instant assets has been declared as 31.3.2017, whereas the cut-off date as per Regulation 3(13) of the 2014 Tariff Regulations should be 31.3.2018, as the date of commercial operation of the instant assets was declared as 31.3.2015 in the impugned order.

(b) In the original petition, PKTCL sought approval of COD of Assets-I and II as 7.8.2014 and 14.8.2014 respectively after completion and idle charging from one end, because of non-readiness of associated bays of Koldam Switchyard of



NTPC, under proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations. The COD of the said line elements was approved by the Commission as 31.3.2015 due to delay in execution of 400 kV bays at Koldam Switchyard of NTPC. In the impugned order, the Commission allowed only IDC and IEDC from August 2014 to 30.3.2015 to be borne by NTPC and thereafter to be included in the PoC charges. PKTCL is deprived of receiving the other components of transmission charges like Return on Equity (RoE), depreciation and Interest on Working Capital (IWC).

(c) Referring to the orders of the Commission in Petition Nos. 11/SM/2014, 19/RP/2015 in Petition No. 91/TT/2012 and 236/MP/2015, PKTCL contended that the Commission has granted full transmission charges in similar cases to various power utilities including PGCIL in the past

(d) The impugned order permits PKTCL to recover only about ₹32 crore against full transmission charges of about ₹57.74 crore. The Commission in the past in identical cases had allowed recovery of full transmission charges for the transmission assets to various power utilities including PGCIL. Not allowing the full transmission charges for the period from August 2014 to 30.3.2015, has placed PKTCL in financial difficulties and it is not able to meet the financial obligations. The COD of Assets-I and II be approved as 7.8.2014 and 14.8.2014 respectively under proviso (ii) of Regulation 4(3) of 2014 Tariff Regulations and it be paid full transmission charges from 7.8.2014 and 14.8.2014 respectively for Asset-I and Asset-II.

(e) Owing to revised COD as 31.3.2015 and as per the direction of the Commission in the impugned order, PKTCL has received ₹46.57 crore excluding interest thereon under POC mechanism for the period from 7.8.2014 to 30.3.2015



for Asset-I and from 14.8.2014 to 30.3.2015 for Asset-II.. Pursuant to the impugned order, NTPC is to pay IEDC and IDC for the period from 7.8.2014 to 30.3.2015 for Asset-I and from 14.8.2014 to 30.3.2015 for Asset-II to PKTCL due to which PKTCL has to refund the received tariff of ₹46.76 crore as against the collection of IEDC and IDC from NTPC of ₹32 crore. The overall quarterly revenue of PKTCL for all the transmission line elements under the project comes to ₹38 crore against which PKTCL is required to refund ₹46.57 crore under POC and the same is not viable without first receiving the amount from NTPC. The Commission should devise a mechanism for differential tariff for the aforesaid period so that PKTCL may refund ₹46.57 crore only on receipt of payment from NTPC.

(f) In para no. 24 of the impugned order, the amount of interest was wrongly recorded as ₹7.47 lakh for 2014-15 instead of ₹132.06 lakh. In the footnote in para 37, it should be “PKTCL” and not “PGCIL” and in para no. 54, it should be “Total Time: 94 months 23 Days” and not “Total Delay: 94 months 23 Days”.

(g) In IA No.15/IA/2017, PKTCL has sought directions to CTU for not recovering any amount on account of provisional tariff received by it for the period from claimed COD (August 2014) to tariff COD (31.3.2015) till disposal of the present proceedings.

18. After hearing, the Commission vide its order dated 19.5.2017 directed the respondents to file their reply on admissibility as well as on merits. The Commission vide order dated 19.5.2017 further observed that no direction on IA No.15/IA/2017 can be issued without hearing the parties.



19. NTPC in its reply, vide affidavit dated 15.6.2017, has made the following submissions: -

(a) NTPC Switchyard of Koldam HEP was to be used for connectivity to the Koldam-Ludhiana Line constructed by PKTCL. The evacuation of power from the Koldam HEP is through the Koldam-Nalagarh Line and the Koldam-Ludhiana Lines are to be put into commercial operation with the Parbati-II project of NHPC.

(b) PKTCL is not entitled to claim transmission charges from NTPC or otherwise from any person prior to the COD i.e. 30.3.2015.

(c) The transmission asset laid by PKTCL was with reference to the generating station of NHPC, namely Parbati-II. The Parbati-II generating station was not ready till 30.3.2015. The proviso (ii) to Regulation 4(3) as well as proviso to Regulation 12 of the 2014 Tariff Regulations, in the context of the transmission line is to be considered with reference to the generating Company/ NHPC. The claim of PKTCL, if any, has to be against NHPC for non-execution of Parbati-II Power Station for the matters relating to the delay in the execution of the assets, namely, from Parbati to Koldam and from Koldam to Ludhiana.

(d) The decision to use the transmission asset for alternative purposes was taken by the Standing Committee in its meeting on 8.8.2014. There is no reason for NTPC to initiate proceedings for charging of the bay at 400 kV prior to 8.8.2014 when Parbati-II Station was nowhere near the commissioning stage and the NTPC bay was not envisaged for any other purpose.

(e) Petition No.11/SM/2014, Review Petition No.19/RP/2015 in Petition No. 91/TT/2012 and Petition No. 236/MP/2015 on which reliance is placed by PKTCL are misplaced and they do not apply to the facts of the present case.



(f) The Review Petition is not maintainable in terms of Section 91 of the Electricity Act, 2003 read with Order 47 Rule 1 of CPC and that the same is liable to be dismissed.

20. In response, PKTCL vide its affidavit dated 5.7.2017 reiterated all the facts as narrated by it in the Review Petition. Besides this, PKTCL has reiterated its submissions as made by it in Review Petition No. 8/RP/2017 regarding 26th SCM of NR held on 13.10.2008, 30th SCM of NR held on 19.12.2011, 28th Northern Regional Power Committee and 25th Technical Coordination Committee meeting held on 26.4.2013 in support of its claim that NTPC was well aware of the fact that its switchyard will be used for connectivity of Koldam-Ludhiana line. PKTCL has submitted that NTPC was aware of its commissioning schedule of transmission lines and was required to make the switchyard available accordingly. PKTCL has denied all other contentions of NTPC.

### **Analysis and Decision**

21. We have considered the submissions of the parties. As stated earlier, the issues raised by NPTC and PKTCL are inter-related and hence they are dealt together. The basic contention of NTPC, in Review Petition No.8/RP/2017 is that it is not liable to bear the IDC and IEDC for the Assets-I and II for the period starting from 7.8.2014 and 14.8.2014 respectively to 30.3.2015 as its Koldam Switchyard was ready since July 2008 and it was not responsible for the delay in COD of the instant assets. PKTCL has contended that it is eligible for the full transmission charges for the above said period instead of just IDC and IEDC in Review Petition No.9/RP/2017. The issues raised by NTPC and PKTCL are dealt in the following paragraphs.



**(A) Review Petition No. 8/RP/2017**

22. NTPC has submitted that it is not liable to pay the IDC and IEDC for the instant assets as NTPC Switchyard at Koldam HEP was ready and charged at 11 kV level since July 2008. NTPC has further contended that it was informed for the first time by PKTCL, through letter dated 30.7.2014, that NTPC's Koldam Switchyard will be used for connectivity of Koldam-Ludhiana line, which were planned for evacuation of power from Parbati-II HEP.

23. We observe that there is no dispute over the fact that NTPC Switchyard at Koldam HEP was ready and charged at 11 kV since July 2008. Though NTPC has contended that it was informed only on 30.7.2014 about the charging of 400 kV D/C Koldam-Ludhiana transmission line from Koldam Sub-station to Ludhiana Sub-station of PGCIL, as pointed out by PKTCL and PGCIL, it is observed that the issue was discussed in the 30<sup>th</sup> Standing Committee Meeting (SCM) on Northern Region Planning held on 19.12.2011 that the instant transmission lines would emanate from Koldam HEP of NTPC. The meeting was attended by the representatives of NTPC; the relevant portion of the minutes of the 30<sup>th</sup> SCM is extracted hereunder:-

“13. Evacuation of Power from Parbati-III HEP

Powergrid representative stated that a composite transmission scheme was evolved for Parbati-II, Parbati-III and Koldam HEPs. During the 26<sup>th</sup> Standing Committee Meeting the implementation schedule of Koldam-Ludhiana 400 D/C line was discussed and it was decided that the commercial operation date (COD) of 400 kV Koldam-Ludhiana D/C line would be nine months after the commissioning schedule of Koldam HEP. Subsequently, it was informed by CEA that the time frame of Koldam-Ludhiana 400 kV D/C line would be matching with the time frame of Parbati-II HEP.

NTPC representative stated that as per CEA, 400 kV Koldam-Ludhiana D/C line was part of ATS for Parbati-II HEP and therefore this line should not be considered as a part of ATS for Koldam HEP. However, NTPC did not have any objection for the commissioning of 400 kV Koldam-Ludhiana D/C line matching with the time frame of Koldam HEP. On a query from Member (PS), CEA, NTPC representative informed that the Koldam HEP was expected by March, 2013.”

It is noted that the NTPC representative did not have any objection to it.



24. Further, in the 25<sup>th</sup> TCC and 28<sup>th</sup> NRPC meeting dated 25<sup>th</sup> and 26<sup>th</sup> April, 2013, it was discussed that PKTCL was to make all efforts to complete one circuit of the section of Parbati-II-Koldam 400 kV Quad line (from LILO point of Parbati-III to Koldam) by July 2012 and complete the other section of Parbati-II-Koldam 400 kV Quad line (from LILO point of Parbati-III to Koldam) in next 4 to 5 months. It was also agreed and approved in the said meeting that PKTCL would make all efforts to complete 400 kV D/C Koldam-Ludhiana Transmission Line by March 2013. The relevant minutes of the 25<sup>th</sup> TCC and 28<sup>th</sup> NRPC Meetings are extracted hereunder: -

**“25<sup>th</sup> TCC and 28<sup>th</sup> NRPC Meeting (25<sup>th</sup> and 26<sup>th</sup> April, 2013)-Minutes**

B-16. Revision of COD for Parbati-Koldam and Koldam-Ludhiana 400 kV lines of PKTCL

B.16.1 Representative of Powergrid intimated that in the 30<sup>th</sup> Standing Committee Meeting on Power System Planning of Northern Region held on 19.12.2011 and in 25<sup>th</sup> NRPC meeting held on 24.2.2012 following was approved:-

- It was approved that PKTCL would make all efforts to complete one circuit of the section of Parbati-II-Koldam 400 kV Quad line (from LILO point of Parbati-III to Koldam) by July, 2012 and complete the other section of Parbati-II-Koldam 400 kV Quad line (from LILO point of Parbati-III to Koldam) in next 4-5 months.
- It was also approved that PKTCL would make all efforts to complete 400 kV D/C Koldam-Ludhiana Transmission line by March, 2013.”

25. Therefore, it is abundantly clear that it was in the knowledge of NTPC that PKTCL was to complete 400 kV D/C Koldam-Ludhiana Transmission line by March 2013. Thus, we are not able to agree with the contention of NTPC that for the first time on 30.7.2014, it was brought to its notice that PKTCL is likely to put the instant transmission assets into commercial operation by March 2013. Accordingly, NTPC should have taken steps to match the COD of its Koldam Switchyard with the COD of the instant transmission assets of PKTCL. As the Koldam Switchyard was not ready,





Assets-I and II were idle charged on 7.8.2014 and 14.8.2014 respectively. Though NTPC provided the bays for terminating the instant transmission assets at the Koldam Switchyard in July 2008 and charged the Koldam Switchyard at 11 kV, the Switchyard was charged at required voltage of 400 kV only on 6.2.2015 through Koldam-Nalagarh line after completion of required jumper connection activities. It is observed that after completion of installation of PLCC of Koldam-Ludhiana line by PGCIL on 30.3.2015, the power flow started on 31.3.2015 and the Koldam-Ludhiana line was put to use from 31.3.2015.

26. As Assets-I and II of PKTCL, which were idle charged on 7.8.2014 and 14.8.2014 respectively due to non-availability of NTPC Koldam switchyard at 400 kV level and put to use from 31.3.2015, the Commission held that NTPC is responsible for the delay and the consequent cost. Therefore, we see no infirmity in our findings in the impugned order and accordingly review sought by NTPC is disallowed.

**(B) Review Petition No. 9/RP/2017**

27. PKTCL has sought approval of COD of Assets-I and II as 7.8.2014 and 14.8.2014 respectively under proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations after completion and idle charging from one end, because of non-readiness of associated bays of Koldam Switchyard of NTPC. PKTCL has submitted that allowing only IDC and IEDC from August 2014 to 30.3.2015, to be borne by NTPC and thereafter to be included in the PoC charges, has deprived PKTCL of receiving the other components of transmission charges like Return on Equity (RoE), Depreciation and Interest on Working Capital (IWC). PKTCL has contended that in similar cases the Commission earlier approved the COD of the assets under proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations and allowed recovery of full transmission charges in



case a transmission system or an element thereof is prevented from regular service for reasons not attributable to the transmission licensee or its supplier or contractors but on account of the delay in commissioning of the concerned generating station or in COD of the upstream/ downstream transmission system.

28. NTPC has contended that it is not liable to pay either IDC and IEDC or full transmission charges from 7.8.2014 and 14.8.2014 for Assets-I and II respectively, till 30.3.2015. NTPC has contended that the instant transmission assets were built by PKTCL with reference to Parbati-II of NHPC, which was not ready till 30.3.2015 and therefore provisions of proviso (ii) to Regulation 4(3) as well as Regulation 12 of the 2014 Tariff Regulations has to be considered with reference to the generating company NHPC. There is no agreement between NTPC and PKTCL specifying timeline for execution of Koldam Switchyard of NTPC at 400 kV level and any consequential liabilities thereto. NTPC was not supposed to charge its switchyard at 400 kV level before 30.7.2014 till PKTCL informed NTPC regarding charging of Koldam-Ludhiana lines. NTPC has contended that in the 34<sup>th</sup> Standing Committee Meeting it was decided that there will be additional utilization of Koldam-Ludhiana line for evacuation of power from Koldam HEP. Referring to the judgment of Appellate Tribunal for Electricity dated 16.7.2016 in Appeal No. 281 of 2016, NTPC submitted that 400 kV D/C Koldam-Ludhiana Line was not a part of the Associated Transmission System (ATS) of Koldam HEP as clarified by the CEA on 23.2.2009 as such NTPC cannot be burdened with the liability of IDC and IEDC or full transmission charges.

29. We have considered the submissions of the parties and perused the impugned order and documents on record. We feel it necessary to reproduce the relevant portions of the impugned order as below:-



“35. The Koldam-Ludhiana line was not put into service in August, 2014 as contended by the petitioner and accordingly, we are not inclined to approve the petitioner’s prayer for approval of COD of the Ckt-I and Ckt-II of Koldam-Ludhiana line as on 7.8.2014 and 14.8.2014 respectively under Regulation 4(3) of the 2014 Tariff Regulations. The Ckt-I and Ckt-II of Koldam-Ludhiana line were put into use only on 31.3.2015 as against the claimed COD of August, 2014, on account of the delay in commissioning of the 400 kV bays in Koldam switchyard of NTPC. Accordingly, the COD of both Ckt-I and Ckt-II of Koldam-Ludhiana line shall be reckoned as 31.3.2015. However, the IDC and IEDC from 7.8.2014 and 14.8.2014 for Ckt-I and Ckt-II of Koldam-Ludhiana line respectively, till the date of usage of the Koldam-Ludhiana Line i.e. 30.3.2015 would be borne by NTPC and thereafter from 31.3.2015 it will be included in the POC. The IDC and IEDC borne by NTPC shall not be capitalized in its book of accounts for the purpose of claiming tariff for its generation from Koldam HEP by NTPC as well as for transmission services by the petitioner.”

“61. Further, the IDC and IEDC from 7.8.2014 and 14.8.2014 for Ckt-I and Ckt-II of Koldam-Ludhiana line respectively, till the date of usage of the Koldam-Ludhiana Line i.e. 31.3.2015, would be borne by NTPC.”

30. From the perusal of the impugned order, it is clear that Koldam-Ludhiana line could not be put into regular service in August 2014 and the request of PKTCL for approval of COD of Assets-I and II as 7.8.2014 and 14.8.2014 respectively under Regulation 4(3) of the 2014 Tariff Regulations was disallowed by us. We have, however, in the impugned order recorded a categorical finding that on account of the time over-run in COD of the 400 kV bays in Koldam HEP of NTPC, the Assets-I and II of PKTCL were put into regular use only on 31.3.2015. We have also observed that IDC and IEDC from 7.8.2014 and 14.8.2014 in case of Assets-I and II respectively, till the date of usage of Koldam-Ludhiana line i.e. 31.3.2015 would be borne by NTPC.

31. We agree with the contention of PKTCL that the Commission in its earlier orders in similar circumstances has approved the COD under proviso (ii) of Regulation 4(3) of 2014 Tariff Regulations and held that the defaulting party is liable to pay the transmission charges. We further agree with the contention of PKTCL that impugned order is a deviation from the settled practice which was consistently followed by the Commission in various orders including order dated 24.2.2017 in Petition No. 85/TT/2017. NTPC has contended that no agreement was entered into between NTPC



and PKTCL specifying timeline for execution of Koldam Switchyard of NTPC at 400 kV level and any consequential liabilities thereto. We do not find any force in the contention of NTPC in view of our finding that NTPC was aware that it was required to execute the 400 kV bays for the Koldam-Ludhiana D/C line matching with the execution of Koldam-Ludhiana line by dint of 25<sup>th</sup> TCC and 28<sup>th</sup> NRPC meeting which clearly suggests that PKTCL was to complete 400 kV D/C Koldam-Ludhiana Transmission line by March 2013. Moreover, it is clear from the 30<sup>th</sup> meeting of SCM on Power System Planning of Northern Region held on 19.12.2011 that NTPC had given unconditional no objection for the execution of 400 kV Koldam-Ludhiana D/C line matching with the time frame of Koldam HEP. We are not convinced with the contentions of NTPC that 400 kV D/C Koldam-Ludhiana Line was not a part of the Associated Transmission System (ATS) of Koldam HEP and that, therefore, NTPC cannot be burdened with liability of IDC and IEDC or full transmission charges for the duration as indicated above due to delay in upstream 400 kV bays for the Koldam-Ludhiana D/C line in the scope of NTPC. All these submissions have already been dealt by us in detail in paras 26-35 of the impugned order.

32. We are of the view that allowing IDC and IEDC of Assets-I and II from 7.8.2014 and 14.8.2014 respectively to 30.3.2015 is an error apparent in the present case. Assets-I and II were ready on 7.8.2014 and 14.8.2014 respectively but they were put into use only on 31.3.2015 due to delay in COD of the 400 kV bays in Koldam Switchyard of NTPC and as such the instant assets qualify for approval of COD under proviso (ii) to Regulation 4(3) of the 2014 Tariff Regulations which provides that if a transmission system or an element thereof is prevented from regular service for reasons not attributable to the transmission licensee or its supplier or its contractors



but is on account of the delay in commissioning of the concerned generating station or in COD of the upstream or downstream transmission system.

33. In view of above discussions, we hereby approve the COD of Assets-I and II as 7.8.2014 and 14.8.2014 respectively under proviso (ii) of Regulation 4(3) of 2014 Tariff Regulations as PKTCL has not been able to put the instant assets into commercial operation due to delay in completion of the Koldam Switchyard under the scope of NTPC. We further direct NTPC to pay full transmission charges to PKTCL from 7.8.2014 and 14.8.2014 for Assets-I and II respectively till the date of usage of Koldam-Ludhiana line i.e. 30.3.2015 and thereafter from 31.3.2015 it will be included in the POC. The impugned order is modified to that extent. Further, as we have approved the COD of Assets-I and II as 7.8.2014 and 14.8.2014 respectively, the cut-off date in case of these assets is 31.3.2017. Accordingly, PKTCL's prayer to allow the cut-off of the instant assets as 31.3.2018, which was based on the tariff COD of 31.3.2015, has become infructuous.

34. There are certain clerical errors, as pointed out by PKTCL, in para 37 and 54 of order dated 19.12.2016. These errors stand corrected. Accordingly, the word "PGCIL" in the footnote in para no. 37 shall be read as "PKTCL" and the words "Total Delay: 94 months 23 Days" in para no. 54, shall be read as "Total Time: 94 months 23 Days". The error pointed out by PKTCL in para 24 of the main order has become infructuous because of the decision regarding COD in para 33 above and consequential revised calculations.

35. In view of the above discussion, the tariff allowed for Asset-I: Ckt.-I of 400 kV Double Circuit Koldam-Ludhiana transmission line (Triple Snowbird Conductor) and Asset-II: Ckt.-II of 400 kV Double Circuit Koldam-Ludhiana transmission line (Triple



Snowbird Conductor) in order dated 19.12.2016 in Petition No.312/TT/2014 is revised as under:-

a. The table under Para 38 of the said order is revised as under:-

(₹ in lakh)

Asset	Approved apportioned cost as per RCE	Capital cost as on COD	Projected Additional Capital Expenditure	Total estimated completion cost as on 31.3.2019
Asset-I	24878.18	20527.94	2823.92	23351.86
Asset-II	24878.18	20527.55	2861.10	23388.65
<b>Total</b>	<b>49756.36</b>	<b>41055.49</b>	<b>5685.02</b>	<b>46740.51</b>

b. The table under Para 74 of the said order is revised as under:-

(₹ in lakh)

Particulars		As on COD of Asset-I 1.4.2014	As on 1.4.2019	As on COD of Asset-II 1.4.2014	As on 1.4.2019
		Amount	Amount	Amount	Amount
	%				
Loan/Debt	70.00	14369.56	16346.30	14369.29	16372.06
Equity	30.00	6158.38	7005.55	6158.26	7016.59
<b>Total</b>	<b>100.00</b>	<b>20527.94</b>	<b>23351.86</b>	<b>20527.55</b>	<b>23388.65</b>

c. The table under Para 78 of the said order is revised as under:-

(₹ in lakh)

Asset-I	2014-15	2015-16	2016-17	2017-18	2018-19
Opening Equity	6158.38	6830.76	7005.55	7005.55	7005.55
Addition due to Additional Capitalization	672.38	174.80	0.00	0.00	0.00
Closing Equity	6830.76	7005.55	7005.55	7005.55	7005.55
Average Equity	6494.57	6918.16	7005.55	7005.55	7005.55
Return on Equity (Base Rate)	15.50%	15.50%	15.50%	15.50%	15.50%
Tax rate for the year 2013-14 (MAT)	20.961%	20.961%	20.961%	20.961%	20.961%
Rate of Return on Equity (Pre Tax)	19.610%	19.610%	19.610%	19.610%	19.610%
<b>Return on Equity (Pre Tax)</b>	<b>826.96</b>	<b>1356.65</b>	<b>1373.79</b>	<b>1373.79</b>	<b>1373.79</b>
Asset-II	2014-15	2015-16	2016-17	2017-18	2018-19
Opening Equity	6158.26	6841.80	7016.59	7016.59	7016.59
Addition due to Additional Capitalization	683.53	174.80	0.00	0.00	0.00
Closing Equity	6841.80	7016.59	7016.59	7016.59	7016.59
Average Equity	6500.03	6929.19	7016.59	7016.59	7016.59
Return on Equity (Base Rate)	15.50%	15.50%	15.50%	15.50%	15.50%
Tax rate for the year 2013-14 (MAT)	20.961%	20.961%	20.961%	20.961%	20.961%
Rate of Return on Equity (Pre Tax)	19.610%	19.610%	19.610%	19.610%	19.610%
<b>Return on Equity (Pre Tax)</b>	<b>803.21</b>	<b>1358.81</b>	<b>1375.95</b>	<b>1375.95</b>	<b>1375.95</b>



d. The table under Para 83 of the said order is revised as under:-

(₹ in lakh)

<b>Asset – I</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Gross Normative Loan	14369.56	15938.44	16346.30	16346.30	16346.30
Cumulative Repayment upto Previous Year	0.00	737.97	1942.65	3162.71	4382.78
Net Loan-Opening	14369.56	15200.47	14403.65	13183.59	11963.52
Addition due to Additional Capitalisation	1568.88	407.86	0.00	0.00	0.00
Repayment during the year	737.97	1204.68	1220.06	1220.06	1220.06
Net Loan-Closing	15200.47	14403.65	13183.59	11963.52	10743.46
Average Loan	14785.01	14802.06	13793.62	12573.56	11353.49
Weighted Average Rate of Interest on Loan	13.0717%	13.0717%	13.0717%	13.0717%	13.0717%
<b>Interest</b>	<b>1254.90</b>	<b>1934.88</b>	<b>1803.06</b>	<b>1643.57</b>	<b>1484.09</b>
<b>Asset – II</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Gross Normative Loan	14369.29	15964.19	16372.06	16372.06	16372.06
Cumulative Repayment upto Previous Year	0.00	716.78	1923.40	3145.41	4367.41
Net Loan-Opening	14369.29	15247.42	14448.66	13226.65	12004.64
Addition due to Additional Capitalisation	1594.91	407.86	0.00	0.00	0.00
Repayment during the year	716.78	1206.62	1222.01	1222.01	1222.01
Net Loan-Closing	15247.42	14448.66	13226.65	12004.64	10782.64
Average Loan	14808.35	14848.04	13837.65	12615.65	11393.64
Weighted Average Rate of Interest on Loan	13.0717%	13.0717%	13.0717%	13.0717%	13.0717%
<b>Interest</b>	<b>1219.76</b>	<b>1940.89</b>	<b>1808.81</b>	<b>1649.08</b>	<b>1489.34</b>

e. The table under Para 88 of the said order is revised as under:-

(₹ in lakh)

<b>Asset – I</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Opening Gross Block	20527.94	22769.20	23351.86	23351.86	23351.86
Additional Capital expenditure	2241.26	582.66	0.00	0.00	0.00
Closing Gross Block	22769.20	23351.86	23351.86	23351.86	23351.86
Average Gross Block	21648.57	23060.53	23351.86	23351.86	23351.86
Rate of Depreciation	5.2499%	5.2240%	5.2247%	5.2247%	5.2247%
Depreciable Value	19431.28	20649.62	20911.82	20911.82	20911.82
Remaining Depreciable Value	19431.28	19911.66	18969.17	17749.11	16529.04
<b>Depreciation</b>	<b>737.97</b>	<b>1204.68</b>	<b>1220.06</b>	<b>1220.06</b>	<b>1220.06</b>



<b>Asset - II</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Opening Gross Block	20527.55	22805.99	23388.65	23388.65	23388.65
Additional Capital expenditure	2278.44	582.66	0.00	0.00	0.00
Closing Gross Block	22805.99	23388.65	23388.65	23388.65	23388.65
Average Gross Block	21666.77	23097.32	23388.65	23388.65	23388.65
Rate of Depreciation	5.2499%	5.2241%	5.2248%	5.2248%	5.2248%
Depreciable Value	19447.67	20682.74	20944.93	20944.93	20944.93
Remaining Depreciable Value	19447.67	19965.96	19021.53	17799.53	16577.52
<b>Depreciation</b>	<b>716.78</b>	<b>1206.62</b>	<b>1222.01</b>	<b>1222.01</b>	<b>1222.01</b>

f. The table under Para 90 of the said order is revised as under:-

Assets	2014-15 (Pro-rata)	2015-16	2016-17	2017-18	2018-19
<b>Asset-I:</b>	34.58	55.06	56.87	58.75	60.71
<b>Asset-II:</b>	33.56	55.06	56.87	58.75	60.71
<b>Total</b>	68.14	110.12	113.74	117.50	121.42

g. The table under Para 94 of the said order is revised as under:-

<b>Asset-I</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Maintenance Spares	7.99	8.26	8.53	8.81	9.11
O & M expenses	4.44	4.59	4.74	4.90	5.06
Receivables	749.82	776.30	759.69	732.83	705.98
<b>Total</b>	762.25	789.15	772.96	746.53	720.14
Rate of Interest	13.50	13.50	13.50	13.50	13.50
<b>Interest</b>	<b>66.82</b>	<b>106.53</b>	<b>104.35</b>	<b>100.78</b>	<b>97.22</b>
<b>Asset-II</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Maintenance Spares	7.99	8.26	8.53	8.81	9.11
O & M expenses	4.44	4.59	4.74	4.90	5.06
Receivables	750.69	778.03	761.37	734.46	707.57
<b>Total</b>	763.11	790.87	774.64	748.17	721.74
Rate of Interest	13.50	13.50	13.50	13.50	13.50
<b>Interest</b>	<b>64.92</b>	<b>106.77</b>	<b>104.58</b>	<b>101.00</b>	<b>97.43</b>





h. The table under Para 95 of the said order is revised as under:-

(₹ in lakh)

<b>Asset - I</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Depreciation	737.97	1204.68	1220.06	1220.06	1220.06
Interest on Loan	1254.90	1934.88	1803.06	1643.57	1484.09
Return on equity	826.96	1356.65	1373.79	1373.79	1373.79
Interest on Working Capital	66.82	106.53	104.35	100.78	97.22
O & M Expenses	34.58	55.06	56.87	58.75	60.71
<b>Total</b>	<b>2921.22</b>	<b>4657.80</b>	<b>4558.13</b>	<b>4396.96</b>	<b>4235.87</b>
<b>Asset - II</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Depreciation	716.78	1206.62	1222.01	1222.01	1222.01
Interest on Loan	1219.76	1940.89	1808.81	1649.08	1489.34
Return on equity	803.21	1358.81	1375.95	1375.95	1375.95
Interest on Working Capital	64.92	106.77	104.58	101.00	97.43
O & M Expenses	33.56	55.06	56.87	58.75	60.71
<b>Total</b>	<b>2838.22</b>	<b>4668.15</b>	<b>4568.22</b>	<b>4406.79</b>	<b>4245.44</b>

36. PKTCL is directed to submit the details of the IDC and IEDC as per the directions in para 59 and 63 of the order dated 19.12.2016 in Petition No.312/TT/2014 at the time of truing up.

37. In terms of above discussions, the Review Petition No. 8/RP/2017 and Review Petition No. 9/RP/2017 alongwith IA No. 15/IA/2017 are disposed of. All other terms of the order dated 19.12.2016 remain unchanged.

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

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



**Annexure-I**

<b>CALCULATION OF WEIGHTED AVERAGE RATE OF INTEREST ON LOAN</b>						
(₹ in lakh)						
	<b>Details of Loan</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
<b>1</b>	<b>PFC Loan</b>					
	Gross loan opening	8220.89	8407.86	8407.86	8407.86	8407.86
	Cumulative Repayment upto DOCO/previous year	0.00	0.00	624.06	1456.14	2288.22
	Net Loan-Opening	8220.89	8407.86	7783.80	6951.72	6119.64
	Additions during the year	186.97	0.00	0.00	0.00	0.00
	Repayment during the year	0.00	624.06	832.08	832.08	832.08
	Net Loan-Closing	8407.86	7783.80	6951.72	6119.64	5287.56
	Average Loan	8314.38	8095.83	7367.76	6535.68	5703.60
	Rate of Interest	13.08%	13.08%	13.08%	13.08%	13.08%
	Interest	1087.52	1058.93	963.70	854.87	746.03
	Rep Schedule	46 Quarters installments from 15.07.2015				
<b>2</b>	<b>REC Loan</b>					
	Gross loan opening	5867.35	6000.98	6000.98	6000.98	6000.98
	Cumulative Repayment upto DOCO/previous year	0.00	0.00	445.42	1039.31	1633.20
	Net Loan-Opening	5867.35	6000.98	5555.56	4961.67	4367.78
	Additions during the year	133.63	0.00	0.00	0.00	0.00
	Repayment during the year	0.00	445.42	593.89	593.89	593.89
	Net Loan-Closing	6000.98	5555.56	4961.67	4367.78	3773.89
	Average Loan	5934.17	5778.27	5258.62	4664.73	4070.84
	Rate of Interest	13.06%	13.06%	13.06%	13.06%	13.06%
	Interest	775.00	754.64	686.78	609.21	531.65
	Rep Schedule	46 Quarters installments from 30.09.2015				
	<b>Total Loan</b>					
	Gross loan opening	14088.24	14408.84	14408.84	14408.84	14408.84
	Cumulative Repayment upto DOCO/previous year	0.00	0.00	1069.48	2495.45	3921.42
	Net Loan-Opening	14088.24	14408.84	13339.36	11913.39	10487.42
	Additions during the year	320.60	0.00	0.00	0.00	0.00
	Repayment during the year	0.00	1069.48	1425.97	1425.97	1425.97
	Net Loan-Closing	14408.84	13339.36	11913.39	10487.42	9061.45
	Average Loan	14248.54	13874.10	12626.38	11200.41	9774.44
	Rate of Interest	13.0717%	13.0717%	13.0717%	13.0717%	13.0717%
	<b>Interest</b>	<b>1862.52</b>	<b>1813.58</b>	<b>1650.48</b>	<b>1464.08</b>	<b>1277.68</b>



## Annexure-II

CALCULATION OF WEIGHTED AVERAGE RATE OF INTEREST ON LOAN						
						(₹ in lakh)
Details of Loan	2014-15	2015-16	2016-17	2017-18	2018-19	
<b>1 PFC Loan</b>						
Gross loan opening	8220.89	8407.86	8407.86	8407.86	8407.86	
Cumulative Repayment upto DOCO/previous year	0.00	0.00	624.06	1456.14	2288.22	
Net Loan-Opening	8220.89	8407.86	7783.80	6951.72	6119.64	
Additions during the year	186.97	0.00	0.00	0.00	0.00	
Repayment during the year	0.00	624.06	832.08	832.08	832.08	
Net Loan-Closing	8407.86	7783.80	6951.72	6119.64	5287.56	
Average Loan	8314.38	8095.83	7367.76	6535.68	5703.60	
Rate of Interest	13.08%	13.08%	13.08%	13.08%	13.08%	
Interest	1087.52	1058.93	963.70	854.87	746.03	
Rep Schedule	46 Quarters installments from 15.07.2015					
<b>2 REC Loan</b>						
Gross loan opening	5867.35	6000.98	6000.98	6000.98	6000.98	
Cumulative Repayment upto DOCO/previous year	0.00	0.00	445.42	1039.31	1633.20	
Net Loan-Opening	5867.35	6000.98	5555.56	4961.67	4367.78	
Additions during the year	133.63	0.00	0.00	0.00	0.00	
Repayment during the year	0.00	445.42	593.89	593.89	593.89	
Net Loan-Closing	6000.98	5555.56	4961.67	4367.78	3773.89	
Average Loan	5934.17	5778.27	5258.62	4664.73	4070.84	
Rate of Interest	13.06%	13.06%	13.06%	13.06%	13.06%	
Interest	775.00	754.64	686.78	609.21	531.65	
Rep Schedule	46 Quarters installments from 30.09.2015					
<b>Total Loan</b>						
Gross loan opening	14088.24	14408.84	14408.84	14408.84	14408.84	
Cumulative Repayment upto DOCO/previous year	0.00	0.00	1069.48	2495.45	3921.42	
Net Loan-Opening	14088.24	14408.84	13339.36	11913.39	10487.42	
Additions during the year	320.60	0.00	0.00	0.00	0.00	
Repayment during the year	0.00	1069.48	1425.97	1425.97	1425.97	
Net Loan-Closing	14408.84	13339.36	11913.39	10487.42	9061.45	
Average Loan	14248.54	13874.10	12626.38	11200.41	9774.44	
Rate of Interest	13.0717%	13.0717%	13.0717%	13.0717%	13.0717%	
<b>Interest</b>	<b>1862.52</b>	<b>1813.58</b>	<b>1650.48</b>	<b>1464.08</b>	<b>1277.68</b>	

