

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 156/TT/2015**

**Subject** : Petition for approval of transmission tariff for section of 400 kV (Quad) 2xS/C Parbati- Koldam transmission line, starting from Parbati-II HEP to LILO point of Parbati (Banala) pooling station for Ckt-I and from Parbati-II HEP to LILO point of Parbati-III HEP for Ckt-II for control period of 2014-2019

**Date of Hearing** : 13.2.2020

**Coram** : Shri P.K. Pujari, Chairperson  
Shri I. S. Jha, Member

**Petitioner** : Parbati Koldam Transmission Company Ltd. (PKTCL)

**Respondents** : Rajasthan Rajya Vidyut Prasaran Nigam Ltd. (RRVPL) and 18 others

**Parties present:** Shri Amit Kapur, Advocate, PKTCL  
Ms. Aparajita Upadhyay, Advocate, PKTCL  
Shri Azad Akbar, PKTCL  
Shri Piyush Kumar, Advocate, NHPC  
Shri Jitendra Kumar, NHPC  
Shri R.B. Sharma, Advocate, BRPL & BYPL

**Record of Proceedings**

Learned counsel for the Petitioner has submitted that the Commission vide order dated 29.12.2016 disposed of Petition No. 156/TT/2015 with the observations that due to delay in commissioning of 400 kV bays at NHPC's switchyard, PKTCL's transmission lines could not be put to use on 30.6.2015 and directed that IDC and IEDC for the period from 30.6.2015 till 3.11.2015 shall be borne by NHPC. The Commission further observed that w.e.f. 3.11.2015 the transmission charges for the instant assets shall be serviced in accordance with Sharing Regulations. He further submitted that against the said order two Review Petitions were filed, Petition No. 4/RP/2017 by PKTCL and Petition No. 15/RP/2017 by NHPC. The said Review Petitions were allowed by the Commission vide order dated 12.12.2018 with the direction to relist Petition No.156/TT/2015 for reconsideration in terms of the Appellate Tribunal's judgment dated 16.7.2018 on the issue of COD and sharing of transmission charges. He submitted that as per the said judgment of APTEL, the scope of hearing before the Commission is now



confined to the issues on which the matter was remanded. Relying on judgments of Hon'ble Supreme Court in the matter of (i) Bacchaj Nahar v. Nilima Mandal & Ors (2008) 17 SCC 49, (ii) Sita Ram v. Radha Bai & Ors. AIR 1968 SC 534, and (iii) T.H. Musthaffa v. M.P. Varghese [(1999) 8 SCC 692], he submitted that there cannot be a fresh hearing in the present matter. He further submitted that NHPC has raised seven grounds which have been mentioned as (a) to (g) in the Note handed over by him to the Commission. He submitted that the grounds (a) to (f) as mentioned in the said Note do not find mention in the affidavit of NHPC on which NHPC is relying. He submitted that the Tribunal accepting the contention of NHPC granted it leave to raise the grounds as find mention in the said affidavit filed by it and as such the grounds (a) to (f) cannot be considered now. He submitted that the Commission can consider only those grounds which find mention in the affidavit of NHPC. He also contended that issue of IDC and IEDC will be decided in the light of above submissions.

2. Learned counsel for BRPL and BYPL submitted that in the present case tariff has been determined for a portion/part of the line and the same is contrary to the Regulation 6 of 2014 Tariff Regulations. He submitted that arrangement for evacuation of power is altogether different and tariff of a line can only be determined when it is complete.

3. Learned counsel for NHPC submitted that it was made party in the Original Petition as Respondent No. 20 only after passing of the final order on filing the Review Petition. He further submitted that submissions of the petitioner that no new grounds can now be entertained by the Commission is untenable firstly for the reason that NHPC was impleaded after passing of the final order on filing the Review Petition and secondly the Commission is not bound by the rigours of Code of Civil Procedure to cope with the contentions of petitioner that what was not raised earlier in the Original Petition while the matter was decided cannot now be raised in the remand proceedings. He submitted that they rely on written submissions dated 15.10.2018 filed by them in Review Petition No. 15/RP/2017. He further submitted that NHPC is not liable for payment of IDC and IEDC charges because the delay in the commissioning of the assets was attributable to PKTCL. He submitted that while deciding the present petition, the grounds raised by them in Review Petition No. 15/RP/2017 should be considered. He, however, sought a week's time to file written submissions in the matter.

4. In response, learned counsel for the petitioner submitted that he may be granted a week's time to file the written submissions after the same is filed by NHPC.

5. After hearing, the Commission directed NHPC to file its written submissions by 3.3.2020 with advance copy to the petitioner and the petitioner to file its written submissions by 10.3.2020.

6. The Commission further directed the petitioner to submit the following information on affidavit with an advance copy to the respondents by 10.3.2020:-



- (i) Auditor's certificate for actual expenditure incurred as on COD and for year wise additional capital expenditure thereafter up to 31.3.2019.
- (ii) Tariff forms, as per Regulations, corresponding to the cost incurred as per above auditor's certificate.
- (iii) Documents in support of dates of drawl of loans, repayments schedule of loan, interest rates, interest payments of loans and un-discharged liability of IDC.
- (iv) Discharge of IDC on cash basis and accrued liabilities therein.
- (v) Auditor certified statement for IEDC and separate information related to discharge of IEDC liability up to COD, and thereafter, if any.
- (vi) Calculation of IEDC claim, in excel sheet, with links.
- (vii) Confirm, if there has been any default in payment of interest, at any point of time.
- (viii) Actual tax details as per Regulation 25(3) of 2014 Tariff Regulations.

7. The Commission also directed the parties to comply with the above directions within the specified timeline and further observed that no extension of time shall be granted.

8. Subject to above, the Commission reserved the order in the matter.

**By order of the Commission**

sd/-  
(V. Sreenivas)  
Dy. Chief (Law)

