

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 288/TT/2019

Subject : Petition for revision of transmission tariff for 2001-04 tariff block, 2004-09 tariff block, 2009-14 tariff block and truing up of transmission tariff for 2014-19 and determination of transmission tariff for 2019-24 for LILO of 400 kV S/C Chamera -1 Kishenpur transmission line at Chamera-II under transmission system associated with Chamera HEP Stage-II Transmission System in Northern Region.

Petitioner : Powergrid Corporation of India Limited

Respondents : Rajasthan Rajya Vidyut Prasaran Nigam Limited & Ors.

Petition No. 300/TT/2019

Subject : Petition for revision of transmission tariff for 2001-04 tariff block, 2004-09 tariff block, 2009-14 tariff block and truing up of Transmission tariff for 2014-19 tariff block and determination of Transmission tariff for 2019-24 tariff block for 400 kV Biharsharif-Sasaram-Sarnath Transmission line along with associated bays under Eastern-Northern inters Regional HVDC Transmission system in Eastern Region.

Petitioner : Powergrid Corporation of India Limited

Respondents : Bihar State Power (Holding) Company Limited & Ors.

Petition No. 301/TT/2019

Subject : Petition for revision of transmission tariff for 2001-04 tariff block, 2004-09 tariff block, 2009-14 tariff block , ruing up of transmission tariff for 2014-19 tariff block and determination of Transmission tariff for 2019-24 tariff block For Dehri-Karamnasa Transmission System in Eastern Region.

Petitioner : Powergrid Corporation of India Limited

Respondents: Bihar State Power (Holding) Company Limited & Ors.

Petition No. 305/TT/2019

Subject : Petition for revision of transmission tariff for 2001-04 tariff block, 2004-09 tariff block, 2009-14 tariff block , truing up of Transmission tariff for 2014-19 tariff block and determination of transmission tariff for 2019-24 tariff block for combined



asset of (i) 1x500 MW HVDC back to back station at Sasaram and (ii) Associated AC Switchyard at Sasaram & Allahabad and auxiliary system including 400 kV Sarnath Allahabad line with associated bays etc. under Eastern Northern Inter-regional HVDC Transmission System in Eastern Region.

Petitioner : Powergrid Corporation of India Limited

Respondents : Bihar State Power (Holding) Company Limited & Ors.

Date of Hearing : 13.2.2020

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

Parties present : Shri M.G. Ramachandran, Senior Advocate, PGCIL
Ms. Swapna Seshadri, Advocate, PGCIL
Ms. Ritu Apurva, Advocate, PGCIL
Shri A.K. Jain, PGCIL
Shri A. K. Verma, PGCIL
Shri Mukesh , PGCIL
Shri Anshul Garg, PGCIL
Shri R. B. Sharma, Advocate, BRPL and BSP(H)CL
Shri Mohit Mudgal, Advocate, BRPL and BSP(H)CL

Record of Proceedings

Learned counsel for the petitioner submitted that the Commission by combined order dated 6.11.2019 rejected the objection of BRPL and BSP(H)CL regarding the revision of tariff for the periods 2001-04, 2004-09 and 2009-14 as Commission has become "*functus officio*". She further submitted that any liability relating to deferred taxes due to revision of tariff will be directly billed to the LTTCs according to the applicable tariff regulations of the Commission in force for the aforesaid control periods.

2. Referring to the Commission's common order dated 6.11.2019 passed in the backdrop of the judgment of Hon'ble Supreme Court as recorded in (2009) 6 SCC 235, in the case of U.P. Power Corporation Limited Vs. National Thermal Power Corporation Limited, learned counsel for BRPL and BSP(H)CL submitted that the said judgment is required to be interpreted in totality and not in isolation. He admitted that the Commission has unfettered power of revision under Regulations 92 and 94 of Conduct of Business Regulations, 1999 but the same has to be exercised within reasonable time. However, he submitted that the tariff of 2001-04, 2004-09 and 2009-14 period cannot be revised now in terms of the said judgment of Hon'ble Supreme Court as there is inordinate delay due to expiry of the control period.

3. In response, learned counsel for the petitioner submitted that the Commission had determined tariff of several parties including the petitioner on various aspects



during the period 2001-04 and 2004-09. She further submitted that the tariff orders of the Commission were challenged by NTPC before APTEL in appeals and resultantly APTEL delivered judgments dated 14.11.2016 and 13.6.2007. She submitted that based on the judgment of APTEL dated 13.6.2007, they filed Petition No. 121 of 2007 for revision of various components of tariff. She submitted that before hearing of the Petition No. 121 of 2007, certain parties and the Commission challenged the judgment of APTEL dated 13.6.2007 before the Hon'ble Supreme Court. The petitioner filed Interlocutory Application No. 5 of 2008 before the Commission for early hearing of the matter. The Commission considered and allowed the request of the petitioner to adjourn the proceedings sine die with a liberty to revive the same as and when the appeals before the Hon'ble Supreme Court are decided. She submitted that accordingly the objections of BRPL and BSP(H)CL are technical in nature and hence unsustainable. She sought two weeks' time to file detailed written submissions covering all the issues covered in the petition.

4. Learned counsel for BRPL and BSP(H)CL submitted that he adopts the same submissions in Petition Nos. 300/TT/2019, 301/TT/2019 and 305/TT/2019.

5. The Commission directed the petitioner to file its written submissions by 9.3.2020 with copy to the respondents.

6. Subject to above, the Commission reserved order in the above matters.

By order of the Commission

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

