

CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI

I.A. No.44/IA/2020

in

Suo Motu Petition No. 7/SM/2020

Coram:

Shri P.K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member

Date of Order : 23.07.2020

In the Matter of:

Interlocutory Application for extension of time to file petition for determination of tariff in respect of 400 kV D/C Teesta III-Kishanganj Transmission Line along with 2 nos. line bays and 2 nos. 63 MVAR reactors of the applicant for true up of tariff of the 2014-19 period and determination of tariff of the 2019-24 period in relaxation of Regulation 9(2) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019

And in the Matter of:

Teestavalley Power Transmission Ltd. (TPTL)
2nd Floor, Vijaya Building, 17, Barakhamba Road,
New Delhi – 110001

...Petitioner

Versus

PTC India Ltd & Ors.

... Respondents

ORDER

Regulation 9(2) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (hereinafter referred to as the '2019 Tariff Regulations') provides as under:-



Order in I.A. No. /2020 in 7/SM/2020

“9. Application for determination of tariff

(1) xxxx

(2) In case of an existing generating station or unit thereof, or transmission system or element thereof, the application shall be made by the generating company or the transmission licensee, as the case may be, by 31.10.2019, based on admitted capital cost including additional capital expenditure already admitted and incurred up to 31.3.2019 (either based on actual or projected additional capital expenditure) and estimated additional capital expenditure for the respective years of the tariff period 2019-24 along with the true up petition for the period 2014-19 in accordance with the CERC (Terms and Conditions of Tariff) Regulations, 2014.”

2. In terms of the above provision, an application for determination of tariff of an existing generating station or unit thereof or a transmission system or element thereof for the tariff period 2019-24, is required to be filed by 31.10.2019, along with the true-up petitions for the tariff period 2014-19.

3. Subsequently, in Petition No.331/MP/2019 filed by PGCIL, the Commission by order dated 28.10.2019 held that the transmission licensees and the generating companies shall file the tariff petitions for truing up of the tariff of the 2014-19 tariff period and determination of tariff for the 2019-24 period in case of the existing assets by 31.1.2020, where final orders for the 2014-19 period have already been issued. The Commission further held that the transmission licensees and the generating companies shall file the tariff petitions for the 2019-24 period along with the truing up petitions for the 2014-19 period, within three months from the date of issue of the final order for the 2014-19 period.

4. Thereafter, NTPC had sought extension of time to file tariff petitions for the 2019-24 period along with truing up petitions for the 2014-19 period in respect of its generation projects and the Commission vide its order dated 6.4.2020 in Petition No.



7/SM/2020, granted time till 30.6.2020 to file the said petitions in relaxation of Regulation 9(2) of the 2019 Tariff Regulations. The relevant portion of the order is extracted hereunder:

“8. Accordingly, in exercise of the power under Regulation 76 of the 2019 Tariff Regulations, we relax the provisions of Regulation 9(2) of the 2019 Tariff Regulations and permit the generating companies to file the tariff petitions for 2019-24 period along with truing up petitions for 2014-19 period, by 30.6.2020, where tariff orders for 2014-19 have been issued. The applicable fees shall be governed by the provisions of Regulation 3(1) of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012.”

5. The above order was made applicable to the transmission licensees, including deemed transmission licensees regulated by this Commission vide Addendum dated 7.4.2020.

6. Recently, the Commission vide order dated 6.7.2020 in Interlocutory Application Nos.39/IA/2020 and 40/IA/2020 filed by NHPC Ltd. and Teesta Urja Ltd. has granted time to the Petitioners to file the respective tariff petitions till 30.9.2020 keeping in view their submissions and difficulties being faced by them.

Interlocutory Application (IA)

7. TPTL has filed the instant IA No. 44/IA/2020 stating that it could not file the petition for truing up of the tariff for the 2014-19 period and determination of tariff for the 2019-24 period in respect of its 400 kV D/C Teesta III-Kishanganj transmission line along with 2 nos. line bays and 2 nos. 63 MVAR reactors in time as its personnel had to work from home during the national lockdown. The Petitioner has submitted that due to extension of lockdown period till 31.5.2020 for containing the spread of COVID-19, increasing cases of COVID-19 in Delhi/ NCR area and lockdown still continuing in



the containment zones, TPTL is facing acute problem in physically accessing the voluminous records, compiling required information from its lenders etc. and getting the tariff forms audited by the Statutory Auditors and vetted by its legal counsels. In this backdrop, TPTL has requested to grant extension of time up to 30.9.2020 to file tariff petitions in respect of the above said transmission lines and reactors for the 2019-24 period along with truing up of tariff for the 2014-19 period, in exercise of the power to relax under Regulation 76 of the 2019 Tariff Regulations.

8. Keeping in view the unprecedented measures taken by the Government of India to contain the spread of COVID-19 pandemic and the difficulties being faced by the Petitioner in filing tariff petitions, we, in exercise of the power under Regulation 76 of the 2019 Tariff Regulations, relax the provisions of Regulation 9(2) of the 2019 Tariff Regulations and grant extension of time till 30.9.2020 to the Petitioner to file tariff petitions for the 2019-24 period along with truing-up petitions for the 2014-19 period. The applicable fees shall be governed by the provisions of Regulation 3(2) of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012.

9. IA No. 44/IA/2020 in Petition No. 7/SM/2020 is disposed of in terms of the above.

sd/-
(Arun Goyal)
Member

sd/-
(I.S. Jha)
Member

sd/-
(P. K. Pujari)
Chairperson

