

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

**Petition No. 145/TT/2018
alongwith I.A. Nos. 47/2020 and 75/2021**

- Subject** : Approval of transmission tariff from COD to 31.3.2019 of 400 kV D/C Mahan-Sipat line alongwith associated bays at Mahan and Sipat and 2x50 MVAR line reactors at Sipat Pooling Sub-station, 2x50 MVAR line reactors at Mahan Pooling Sub-station and 1x80 MVAR, 420 kV switchable bus reactor at Mahan TPS along with its associated 400 kV bay for 2014-19 period.
- Date of Hearing** : 25.11.2021
- Coram** : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner** : Essar Power Transmission Co. Ltd.
- Respondents** : Essar Power M. P. Ltd. and 5 Others
- Parties present** : Shri Amit Kapur, Advocate, EPTCL
Shri Abhishek Munot, Advocate, EPTCL
Shri Nitin Gaur, Advocate, MPPMCL
Shri Malcolm Desai, Advocate, EPTCL
Ms. Samikrith Rao, EPTCL
Ms. Shruti Verma, EPTCL
Shri Anindya Kumar Khare, MPPMCL

Record of Proceedings

Case was called out for virtual hearing.

2. The Petitioner, Essar Power Transmission Company Ltd., has filed the present petition for determination of transmission tariff in respect of inter-State transmission of electricity from COD to 31.3.2019 in respect of Stage-II transmission assets, namely, 400 kV D/C quad moose transmission line from Mahan TPP to Sipat Sub-station (presently PGCIL Bharari S/S near Bilaspur) ("Mahan-Sipat line"), 4 nos. 400 kV line bays at Mahan and Sipat, 2 numbers 50 MVAR fixed line reactors at Sipat Pooling S/S (presently at PGCIL Bharari S/S), two numbers 50 MVAR switchable line reactors at Mahan TPP and one number 80 MVAR switchable bus reactor at Mahan TPP and its associated bay.

3. The Commission has already allowed tariff with respect to transmission assets covered under Stage-I of the project vide order dated 15.6.2016 in Petition No. 173/TT/2013 and Petition No. 111/TT/2015. The tariff allowed in the said petitions with



respect to the transmission assets covered under Stage-I of the project were revised in terms of orders dated 28.2.2018 and 19.12.2018 in Review Petition No. 33/RP/2016 in Petition No. 173/TT/2013 and Petition No. 111/TT/2015.

4. Certain aspects of the tariff determined under Stage-I of the project, as detailed above, are under challenge before the APTEL in Appeal No. 397 of 2018 which is listed for hearing on 10.1.2022.

5. Learned counsel for the Petitioner requested to take into consideration the written submissions filed on behalf of the Petitioner for convenience as it lucidly deals with issues involved in the matter with specific reference of dates, orders and their correct page numbers in the petition.

6. He submitted that there is time over-run of 7 years and 11 months in case of the transmission assets covered under Stage-II and consequent cost over-run for the Stage-II transmission assets. The delay of 7 years and 11 months was beyond the reasonable control of the Petitioner due to force majeure events not attributable to the Petitioner which include inordinate delay in grant of forest clearance, obstructions and theft of transmission towers by large number of land owners, non-disbursement of term loans by lenders of the project due to cancellation of Mahan Coal Block by the Hon'ble Supreme Court on 25.8.2014 and 24.9.2014. Besides this, there has been increase in the project cost owing to line length, change in tower quantity and type, price variation/ escalation, statutory/ imposed cost for forest clearance from MoEF&CC, contingency expenses, change in tax rate etc. He urged that delay in grant of forest clearance and inordinate delay in grant of approval under Section 164 of the Electricity Act, 2003 by the Ministry of Power require minute examination while contemplating the issue of time over-run. He further urged that there were some errors at certain places in the orders of Stage-I with respect to dates and the correct dates have been given in the instant petition and the same may be considered.

7. Learned counsel for MPPMCL sought two weeks' time to file reply to the Interlocutory Application No. 75 of 2021 concerning the new documents placed on record subject to instructions of MPPMCL. He further submitted that MPPMCL has already filed its reply in the matter and the same may be considered.

8. Learned counsel for the Petitioner also sought one week's time to file rejoinder to the reply of MPPMCL if need be.

9. After hearing the parties, the Commission permitted MPPMCL to file its reply on affidavit by 20.12.2021 with advance copy of the same to the Petitioner and the Petitioner to file rejoinder, if any, by 27.12.2021.

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

By order of the Commission

sd/-

(V. Sreenivas)

Deputy Chief (Law)

