

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 148/TT/2019

Subject : Approval of transmission tariff of Asset-1: 230 kV D/C Kalpakkam PFBR-Kanchipuram transmission line and 2 numbers of 230 kV Bays at Kanchipuram Sub-station of TNEB upon determination of final transmission tariff from proposed COD of 1.4.2014 to 31.3.2019 in pursuance of Appellate Tribunal for Electricity order dated 20.9.2018 in Appeal No. 168 of 2015 and the Commission *vide* order dated 27.12.2018 in Petition No. 105/TT/2012 under Transmission system associated with Kalpakkam PFBR (500 MW) project in Southern Region for tariff block 2014-19 period

Date of Hearing : 28.8.2020

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

Petitioner : Power Grid Corporation of India Ltd.

Respondents : Karnataka Power Transmission Corporation Ltd. & 17 Others

Parties present : Shri M.G. Ramachandran, Advocate, PGCIL
Shri S. Vallinayagam, Advocate, TANGEDCO
Shri B. Vinod Kanna, Advocate, TANGEDCO
Shri S.S. Raju, PGCIL
Shri B. Dash, PGCIL
Shri Ved Prakash Rastogi, PGCIL
Shri A.K. Verma, PGCIL
Ms. R. Ramalakshmi, TANGEDCO
Dr. R. Alamelu, TANGEDCO

Record of Proceedings

The matter was heard through video conference.

2. The learned counsel for the Petitioner submitted that the instant petition is filed pursuant to the directions of the Appellate Tribunal for Electricity (APTEL) *vide* judgment



dated 20.9.2018 in Appeal No. 168 of 2015. He submitted that initially Petition No. 105/TT/2012 was filed for determination of tariff for the instant asset under the 2009 Tariff Regulations. However, the Commission *vide* order dated 29.4.2015 in Petition No. 105/TT/2012 declined to approve the COD of the instant asset as the Kanchipuram Sub-station under the scope of TANGEDCO was not ready and the instant asset could not be put into regular service. Aggrieved by the order dated 29.4.2015 passed in Petition No. 105/TT/2012, the Petitioner filed an appeal in the APTEL. The Petitioner has submitted that APTEL *vide* order dated 20.9.2018 in Appeal No. 168 of 2015 granted liberty to the Petitioner to file an application for grant of approval of the COD of Kalpakkam PFBR Kanchipuram 230 kV D/C line as per proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations, taking into consideration the capital cost as on 31.3.2014 including the admissible IDC and IEDC.

3. The learned counsel for Respondent, TANGEDCO submitted that two issues are involved in the instant petition, viz- (i) transmission charges; and (ii) payment of IDC and IEDC. He submitted that the transmission charges shall be borne by generator, BHAVINI, Respondent no. 17 as per Regulation 8(6) of the 2010 Sharing Regulations, which has already been upheld by the APTEL. He further submitted that BHAVINI shall also pay IDC and IEDC (from scheduled COD to deemed COD) as per proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations.

4. Learned counsel for TANGEDCO further submitted that as per the Commission's order dated 29.4.2015 in Petition No.105/TT/2012, BHAVINI was made liable to pay transmission charges pertaining to Asset-I and II (i.e. assets involved in Petition no. 105/TT/2012) as per 2010 Sharing Regulations. As regards Asset-III (i.e. Asset involved in the instant Petition), he submitted that the sub-station to which the line is to be connected at the other end is yet to be developed by TANGEDCO and Asset-III cannot be put to any regular service even if declared under commercial operation and the Commission has already not approved the COD of Asset-III *w.e.f.* 1.9.2012 as claimed by the Petitioner. He further submitted that the Commission revised its order dated 11.7.2012 in Petition No. 105/TT/2012, as per which Assets-I and II have to be included in PoC computation. He further submitted that it is evident from the Commission's order dated 11.7.2012 that the COD of the Asset-III was not dependent on the execution of Kancheepuram Sub-station but was linked with the commissioning of generating units of BHAVINI. He submitted that APTEL in its order dated 4.10.2018 in Appeal No. 151/2015 also observed lapses on behalf of BHAVINI for more than 6 years (from the date of SCOD) in commissioning the generating units and denied BHAVINI any exemption/ relaxation pertaining to legitimate transmission charges to be paid by it.

5. The learned counsel for the Petitioner submitted that it is claiming transmission charges and the same is to be decided by the Commission as per the applicable Regulations. The learned counsel submitted that BHAVINI's generating stations have not been commissioned and that TANTRANSCO's downstream transmission system was only ready in March 2019. Accordingly, the COD of Asset-III may be approved as 1.4.2014 as per proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations. He further



submitted that at present the transmission system is connected to a bay and the power could flow in that area.

6. The learned counsel for the Petitioner requested the Commission to grant the transmission charges from 1.4.2014 and also allow payment of IDC and IEDC. He further submitted that from March 2019, the sub-station of TANTRANSCO is operative without BHAVINI.

7. The Commission directed the parties to make further submissions, if any, within by 28.02.2021. The Commission further observed that no extension of time shall be granted.

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

By order of the Commission

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

