

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 16/TT/2020

- Subject** : Petition for revision of transmission tariff of the 2001-04, 2004-09 and 2009-14 tariff periods, truing up of transmission tariff of the 2014-19 tariff period and determination of transmission tariff of 2019-24 tariff period for 230 kV Neyveli-Bahoor Transmission Line in Southern Region.
- Date of Hearing** : 18.5.2021
- Coram** : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Pravas Kumar Singh, Member
- Petitioner** : Power Grid Corporation of India Ltd.
- Respondents** : Karnataka Power Transmission Corporation Ltd.
& 16 Others
- Parties present** : Shri B. Vinodh Kanna, Advocate, TANGEDCO
Shri S. S. Raju, PGCIL
Shri A. K. Verma, PGCIL
Shri B. Dash, PGCIL
Shri Ved Prakash Rastogi, PGCIL
Ms. R. Ramalakshmi, TANGEDCO
Mr. R. Srinivasan, TANGEDCO

Record of Proceedings

Case was called out for virtual hearing.

2. The representative of the Petitioner made the following submissions:
 - a. The instant petition has been filed for revision of transmission tariff of the 2001-04, 2004-09 and 2009-14 tariff periods, truing up of transmission tariff of the 2014-19 period and determination of transmission tariff of the 2019-24 tariff period of 230 kV Neyveli-Bahoor Transmission Line in Southern Region.



- b. The transmission asset was put into commercial operation on 1.7.2001.
- c. Revised transmission tariff of the 2004-09 tariff period is claimed on account of change in Interest on Loan (IoL) and Interest on Working Capital (IWC) to the extent of revision in IoL and Maintenance Spares owing to the judgments dated 22.1.2007 and dated 13.6.2007 in Appeal Nos. 81 of 2005 and 139 of 2006 of APTEL read with the Commission's order dated 18.1.2019 in Petition No.121 of 2007.
- d. Transmission tariff of the 2009-14 tariff period was trued-up and transmission tariff of the 2014-19 tariff period was approved by the Commission vide order dated 5.11.2015 in Petition No. 137/TT/2014.
- e. No Additional Capital Expenditure (ACE) was incurred in 2014-19 tariff period or is projected during the 2019-24 tariff period. Truing up and determination of transmission tariff in the present petition has been claimed on the basis of the capital cost admitted by the Commission in the order dated 5.11.2015 in Petition No. 137/TT/2014.
- f. The information sought through Technical Validation letter was filed vide affidavit dated 21.7.2020.
- g. A week's time may be granted to file/upload soft copy of the rejoinder to the reply filed by TANGEDCO.
3. Learned counsel for TANGEDCO submitted that reply in the matter was filed on 13.5.2021 and made the following submissions:
- a. The claim for revision of tariff for 2004-09 tariff period is not justifiable as neither the Electricity Act, 2003 nor the Tariff Regulations permit such retrospective revision of bills and the same is unreasonable and contrary to the settled position of law. Relying upon the Hon'ble Supreme Court judgment, he stated that current consumers of TANGEDCO cannot be burdened with the liability of retrospective tariff and similarly the ARR of TANGEDCO cannot be revised retrospectively.
- b. Relying upon the judgment of the Gujarat High Court, it was submitted that the claim of GST by the Petitioner is not applicable and it is premature.
- c. The 2020 Sharing Regulations was notified on 4.5.2020, which came into effect on 1.11.2020, and hence yearly transmission charges till 31.10.2020 should be shared as per the 2010 Sharing Regulations and from 1.11.2020 should be shared as per the 2020 Sharing Regulations.



4. On the request of the Petitioner, the Commission permitted the Petitioner to upload the un-notarized rejoinder to the reply of TANGEDCO by 30.5.2021, due to the prevailing pandemic situation and the notarized rejoinder immediately on improvement of the situation. The Commission further directed the Petitioner to adhere to the specified timeline and observed that no extension of time shall be granted.

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

By order of the Commission

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

