

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 184/TT/2013

Subject : Approval of transmission tariff for (i) +_500 kV Mundra-Mohindergarh HVDC bi-pole transmission line with associated substations, bays, electrode lines and associated 400 kV lines and (ii) 400 kV, D/C Mundra-Dehgam transmission line with associated system for tariff period 2009-2014 from date of grant of transmission license to 31.3.2014

Petitioner : Adani Transmission (India) Limited (ATIL)

Respondents : Power Grid Corporation of India Ltd. (PGCIL) & Ors.

Petition No. 146/TT/2016

Subject : Truing up of transmission tariff for 2013-14 and determination of transmission tariff for 2014-19 tariff block for Asset-1 : +/- 500 kV D/C Mundra-Mohindergarh HVDC bi-pole transmission line with associated sub-stations, bays, electrode lines and associated 400 kV lines and Asset-2 : 400 kV D/C Mundra Dehgam transmission line with associated system.

Petitioner : Adani Transmission (India) Limited (ATIL)

Respondents : Power Grid Corporation of India Ltd. (PGCIL) & Ors.

Petition No. 216/TT/2020

Subject : Petition for truing up of the transmission tariff of the 2014-19 period and determination of tariff of the 2019- 24 tariff period of the transmission system constructed, maintained and operated by Adani Transmission (India) Limited vide Licence No. 20/Transmission/2013/CERC.

Petitioner : Adani Transmission (India) Limited (ATIL)

Respondents : Power Grid Corporation of India Ltd. (PGCIL) & Ors.

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



Parties Present : Shri Sourav Roy, Advocate, ATIL
Shri Prabudh Singh, Advocate, ATIL
Shri Afak Pothiawala, Advocate, ATIL
Shri Manoj Dubey, Advocate, MPPMCL
Shri Bhavesh Kundalia, ATIL
Shri K. M. Lal, DTL
Shri S. K. Chaurvedi, DTL
Shri Gaurav Gupta, DTL
Ms. S. Usha, WRLDC
Shri Aditya Das, WRLDC
Shri Anindya Khare, MPPMCL

Record of Proceedings

Case was called out for virtual hearing.

2. Transmission tariff for Asset-1: +/- 500 kV Mundra-Mohindergarh HVDC bipole transmission line with associated sub-stations, bays, electrode lines and associated 400 kV lines and Asset-2: 400 kV D/C Mundra-Dehgam transmission line with associated system of Adani Transmission Limited was granted from 29.7.2013 to 31.3.2014 vide order dated 18.3.2016 in Petition No.184/TT/2013. The tariff for the said period was trued up and tariff for 2014-19 tariff period was approved vide order dated 3.11.2017 in Petition No.146/TT/2016. The Petitioner has filed Petition No.216/TT/2020 for truing up to the tariff of the 2014-19 tariff period and determination of tariff of 2019-24 tariff period. Petition No.216/TT/2020 was heard on 28.8.2020 and order was reserved in the matter.

3. The Petitioner had filed Appeal No. 226 of 2016 against order dated 18.3.2016 in Petition No.184/TT/2013 before APTEL. APTEL vide judgement dated 8.11.2017 partly allowed the Appeal and remanded the matter to the Commission for determination of the capital cost as on the date of the licence, 29.7.2013 and tariff of the transmission assets from the said date. The Petitioner vide letter dated 7.10.2021 to the Commission submitted that it does not want to press for the implementation of the APTEL judgment dated 8.11.2017 in Appeal No. 226/2016 for redetermination of tariff based on revised COD. In view of the said letter of the Petitioner, the matter is listed for hearing again.

4. The learned senior counsel for the Petitioner submitted that the Petitioner vide its letter dated 7.10.2021 to the Commission has submitted that it is not inclined to take the benefit of the APTEL judgment dated 8.11.2017 for re-determination of tariff based on the revised COD, as considerable time has lapsed since the issue of order in Petition No. 184/TT/2013 and the annual accounts of the Petitioner are already settled. He submitted that consequential relief of the APTEL judgment dated 8.11.2017 involves opening of books of account of the Petitioner from 2013 onwards and tariff re-determination from the revised date of COD i.e. 29.7.2013 is a complex procedure and it does not accrue any commercial benefit to the Petitioner. He submitted that an affidavit relinquishing the right/ claim of the Petitioner confining to the issue of consideration of COD as 29.7.2013 will be placed on record.

5. As regards the contention of the Petitioner that it does not want to press for the implementation of the APTEL's judgement dated 8.11.2017 as it would involve revision of its accounts finalised long back, the Commission observed that there would be a requirement to revise the capital cost of transmission assets and redetermination of tariff in case the review petition before APTEL and the Civil Appeal is decided in favour of the Petitioner.



6. In response, the learned senior counsel submitted that the pending Review Petition No. 3/2018 before APTEL and Civil Appeal before the Hon'ble Supreme Court against the judgment dated 8.11.2017 in Appeal No. 226/2016 are regarding the disallowance of cost, etc. and is not related to the issue of COD of the transmission assets.

7. The learned senior counsel further clarified that the Petitioner will not assert or pursue its relinquished claim regarding COD of the transmission assets as 29.7.2013 in any of the forums at present or in future through any of the pending cases or future cases. The Petitioner submitted that an affidavit in this regard along with relevant documents including copy of the Review Petition No. 3/2018 filed before APTEL and the Civil Appeal before the Hon'ble Supreme Court shall be placed on record.

8. The Commission directed the Petitioner to submit the affidavit and a copy of the review petition and the Civil Appeal by 07.12.2021 on affidavit with a copy to the respondents and the Respondents to file reply by 14.12.2021 and the Petitioner to file rejoinder, if any, by 21.12.2021. The Commission also directed the parties to comply with the above directions within the timeline specified and stated that no extension of time will be granted.

9. Subject to the above, the Commission reserved the matter for orders.

By order of the Commission

sd/-

(V. Sreenivas)
Deputy Chief (Law)

