

**CENTRAL ELECTRICITY REGULATORY COMMISSION**  
**New Delhi**

**Petition No. 210/TT/2020**

- Subject** : Petition for revision of transmission tariff for the 2001-04, 2004-09 and 2009-14 tariff periods, truing up of transmission tariff for the 2014-19 tariff period and determination of transmission tariff for the 2019-24 tariff period for 315 MVA, 440/220 KV ICT-IV at Ballabgarh Sub-station with associated bay equipment in the Northern Region.
- Date of Hearing** : 10.3.2021
- Coram** : Shri P.K. Pujari, Chairperson  
Shri I.S. Jha, Member  
Shri Arun Goyal, Member  
Shri Pravas Kumar Singh, Member  
Shri P.S. Mhaske, Member, Ex-officio
- Petitioner** : Power Grid Corporation of India Ltd. (PGCIL)
- Respondents** : Rajasthan Rajya Vidyut Prasaran Nigam Ltd. and 16 others
- Parties Present** : Shri R.B. Sharma, Advocate, BRPL  
Shri Mohit Mudgal, Advocate, BYPL  
Shri A.K. Verma, PGCIL  
Shri S.S. Raju, PGCIL  
Shri B.Dash, PGCIL  
Shri Ved Prakash Rastogi, PGCIL  
Ms. Megha Bajpeyi, BRPL

**Record of Proceedings**

Case was called out for virtual hearing.

2. The representative of the Petitioner made the following submissions:
- a. Instant petition is filed for revision of tariff of 2001-04, 2004-09 and 2009-14 tariff periods, truing up of tariff of 2014-19 tariff period and determination of tariff of 2019-24 tariff period for 315 MVA, 440/220 kV ICT-IV at Ballabgarh Sub-station with associated bay equipment in Northern Region.
  - b. The Commission vide order dated 15.2.2016 in Petition No. 189/TT/2014 had approved tariff of 2014-19 tariff period. No additional capital expenditure is claimed in 2014-19 and 2019-24 tariff periods.
  - c. The ICT-IV at Ballabgarh is de-capitalised and shifted to Fatehabad under the project Augmentation of Transformation Capacity at Fatehabad. The details of



shifting and relevant minutes of the meetings of SCM and RPC have been submitted vide affidavit dated 9.3.2021.

- d. The Commission may allow true up tariff till the date of de-capitalization which was 12.6.2017. The cost related to decommissioning, shifting and storage of the de-commissioned ICT was claimed under NRSS-XXXII in Petition No. 116/TT/2017 and cost related to transportation and re-erection was claimed under Augmentation of Transformation Capacity at Fatehabad in Petition No. 485/TT/2019.
- e. Information sought through Technical Validation letter has been filed vide affidavit dated 23.9.2020.

3. In response to a query, the representative of the Petitioner submitted that only ₹428.91 lakh out of total capital cost of ₹585.52 lakh is capitalised and the remaining cost pertains to the existing bays which are being utilized under the NRSS-XXXII. In response to another query whether the information pertaining to the utilization of existing bays was submitted in Petition No. 116/TT/2017, the Petitioner submitted that only de-capitalization details was filed in Petition No. 116/TT/2017 and no specific information pertaining to utilization of existing bays was filed.

4. After hearing the representatives of the Petitioner at length on the issue of de-capitalization and recapitalisation involved in numerous petitions, the Commission observed that whenever an asset or element is moved from one place to another with the consent of the beneficiaries in the RPC, it should be completely de-capitalised from the place it is removed and capitalised in the place where it is placed as per the applicable tariff regulations. The Commission also observed that the cost of shifting and the carrying cost, if any, will be considered in petition where recapitalisation is claimed, on the basis of the applicable tariff regulations as per the prevailing practice after prudence check. The Commission directed the Petitioner to make claims accordingly in all future cases. In the instant case, the Commission directed the Petitioner to claim the tariff for the recapitalized asset as stated above under Fatehabad Sub-station along with the true-up petition for NRSS-XXXII.

5. Learned counsel of BRPL submitted that the Commission may revisit the previous year tariff only when the tariff was in force and not afterwards. Further, he submitted that the Commission may re-examine the whole issue after considering the judgment of the Hon'ble Supreme Court of India in entirety [in the matter of UPPCL Vs NTPC reported in (2009) 6 SCC 235] and verify if the above judgment is applicable to the present case. It is also submitted to revisit the tariff order dated 6.11.2019 in Petition Nos. 288/TT/2019, 300/TT/2019, 301/TT/2019 and 305/TT/2019 in view of the facts and legal positions and judgment of the Hon'ble Supreme Court of India. The Commission pointed out that the said issue has already been deliberated upon and a considered view has been taken in order dated 6.11.2019 and has attained finality.

6. The learned counsel of BYPL submitted that BYPL is adopting the submissions made by the learned counsel for BRPL.

7. The Commission directed the Petitioner to file rejoinder to reply of BRPL, if any, by 17.3.2021 and observed that no further extension of time shall be granted.



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

**By order of the Commission**

Sd/-  
**(V. Sreenivas)**  
**Dy. Chief (Law)**

