

CENTRAL ELECTRICITY REGULATORY COMMISSION

New Delhi

Petition No.261/TT/2015

- Subject** : Petition for determination of transmission tariff from COD to 31.3.2019 for four assets under “Line Bays and Reactor provisions at POWERGRID Sub-stations associated with System Strengthening Common for Western Region and Northern Region” in Western Region
- Date of Hearing** : 31.8.2021
- Coram** : Shri P. K. Pujari, Chairperson
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member
- Petitioner** : Power Grid Corporation of India Ltd.
- Respondents** : MB Power (Madhya Pradesh) Ltd & 14 Ors.
- For Petitioner** : Ms. Suparna Srivastava, Advocate, PGCIL
Shri Tushar Mathur, Advocate, PGCIL
Ms. Soumya Singh, Advocate, PGCIL
Shri S. S. Raju, PGCIL
Shri D. K. Biswal, PGCIL
Shri A. K. Verma, PGCIL
Shri Ved Prakash Rastogi, PGCIL
- For Respondent** : Shri Puneet Singh Bindra, Advocate, EPJL
Shri Hemant Sahai, Advocate, MBPMPL
Shri Molshree Bhatnagar, MBPMPL
Shri Abhishek Gupta, MBPMPL
Shri Anindya Khare, MPPMCL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner made the following submissions:



- a. The Petitioner filed Petition No. 261/TT/2015 for determination of transmission tariff in respect of the following four assets associated with "System Strengthening Common for Western Region and Northern Region" in Western Region:

Asset-1: 765 kV Line Bay and 240 MVAR Switchable Line Reactor at Jabalpur Pooling Sub-station for 765 kV S/C Jabalpur Bina ckt.-III (IPTC);

Asset-2: 765 kV Line Bay and 240 MVAR Line Reactor (Non-switchable) at Bina Sub-station for 765 kV S/C Jabalpur-Bina Ckt.-III (IPTC);

Asset-3: 765 kV Line Bay and 240 MVAR Line Reactor at Jabalpur PS and 765 kV Line Bay and 330 MVAR Switchable Line Reactor at Dharamjaygarh Sub-station for ckt.-3 of 765 kV D/C (ckt.-3 & 4) Dharamjaygarh - Jabalpur PS Transmission line (IPTC); and

Asset-4 -765 kV Line Bay and 240 MVAR Line Reactor at Jabalpur PS and 765 kV Line Bay and 330 MVAR Switchable Line Reactor at Dharamjaygarh Sub-station for ckt.-4 of 765 kV D/C (ckt.-3 & 4) Dharamjaygarh-Jabalpur PS Transmission line (IPTC).

- b. The assets were put under commercial operation during 2014-19 tariff period. The time over-run in respect of the four assets was condoned by the Commission vide order dated 27.5.2016.
- c. The instant petition is reopened for redetermination of sharing of the transmission charges for the period of mismatch from the COD of Asset-I: 765 kV line bay and 240 MVAR Switchable Line Reactor at Jabalpur Pooling Sub-station for 765 kV S/C Jabalpur Bina Circuit-III (IPTC) and Asset-II: 765 kV Line Bay and 240 MVAR Line Reactor (Non-switchable) at Bina Sub-station for 765 kV S/C Jabalpur-Bina Circuit III (IPTC) till the execution of 765 kV S/C Jabalpur-Bina TBCB line implemented by Jabalpur Transmission Company Ltd. (JTCL) pursuant to the direction of the Commission in the combined order dated 28.1.2020 in Petition No. 35/RP/2018 and Petition No.232/MP/2018.
- d. Approval of COD of Assets-I and II was sought under proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations on account of non-readiness of associated transmission line viz. 765 kV S/C Jabalpur-Bina and 765 kV D/C Dharamjaygarh-Jabalpur transmission line of JTCL. Time over-run of 15 months in case of Assets-I and II was condoned by the Commission vide order dated 27.5.2016 in Petition No. 261/TT/2015 and it was further held that the tariff for the period of mismatch i.e. from the COD of Assets-I and II till the execution of 765 kV S/C Jabalpur-Bina TBCB line, i.e. from 5.10.2014 to 1.7.2015 in respect of Asset-I and from 13.11.2014 to 1.7.2015 in respect of Asset-II shall be billed to LTTCs of TBCB licensees till the execution of transmission lines.



- e. As directed vide order dated 28.1.2020, the Petitioner has impleaded all the LTTCS including MBPMPL and JTCL in the instant petition and filed amended memo of parties after effecting service upon them.
 - f. None of the Respondents have filed reply in the matter. The reply to the query in RoP dated 16.6.2020 has already been filed in the petition.
 - g. The Commission may take a holistic view to formulate fresh mechanism in respect of the sharing of transmission charges in the instant matter in terms of the APTEL's recent judgement in Appeal No. 17 of 2019.
3. Learned counsel for MBPMPL, Respondent No. 10, made the following submissions:
- a. In terms of TSA dated 14.10.2010, MBPMPL was required to share the transmission charges only from the date when power from its generating station is evacuated through the transmission assets. As power was not evacuated during the period of mismatch in the COD of Assets-I and II of PGCIL and JTCL's transmission line, it is not liable to bear the transmission charges.
 - b. LTA of MBPMPL was operationalized after the COD of the transmission line of JTCL and hence it is not liable to pay the transmission charges for the period of mismatch.
 - c. The consistent approach of the Commission to impose the transmission charges on the defaulting party for the period of mismatch has been upheld by the APTEL and the said approach of the Commission has attained finality.
 - d. Paragraph 53 of the Commission's order dated 27.5.2016 regarding 'Sharing of Transmission Charges' may be re-considered.
4. Learned counsel for EPJL, prayed leave of the Commission to enable him to file the Liquidation Proceedings on e-filing portal by way of affidavit in the matter.
5. The Commission permitted EPJL to file affidavit in the matter by 15.9.2021. The Commission directed JTCL to submit its reply on affidavit by 24.9.2021 with an advance copy to the Petitioner, who may file rejoinder, if any, by 6.10.2021. The Commission also directed the parties to comply with the directions within the specified timeline and observed that no extension of time shall be granted.
6. Subject to above, the Commission reserved the order in the matter.

By order of the Commission

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(V. Sreenivas)
Deputy Chief (Law)

