

CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi

Petition No. 31/MP/2021

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulation Commission (Conduct of Business) Regulations, 1999 seeking directions for recovery of transmission charges for implementation of certain works under Powergrid works associated with additional System Strengthening Scheme for Chhattisgarh IPPS (Part-B) for the period between 30.11.2018 to 30.3.2019

Date of Hearing : 17.9.2021

Coram : Shri P. K. Pujari, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Power Grid Corporation of India Limited (PGCIL)

Respondents : Madhya Pradesh Power Management Co. Ltd.
(MPPMCL) and Ors.

Parties Present : Ms. Suparna Srivastava, Advocate, PGCIL
Shri Tushar Mathur, Advocate, PGCIL
Ms. Soumya Singh, Advocate, PGCIL
Shri Manoj Dubey, Advocate, MPPMCL
Shri Hemant Singh, Advocate, RRWTL
Shri Lakshyajit Singh Bagdwal, Advocate, RRWTL
Shri S. S. Raju, PGCIL
Ms. Sonam, PGCIL
Shri Anindya Khare, MPPMCL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the instant petition has been filed for recovery of transmission charges for implementation of certain works under Powergrid works associated with additional System Strengthening Scheme for Chhattisgarh IPPS (Part-B) for the period between 30.11.2018 to 30.3.2019. She submitted that after the execution of assets in November 2018, the Petitioner filed Petition No. 16/TT/2019 for determination of transmission tariff from COD to 31.3.2019 for 2 Nos. of bays at 765/400 kV Raipur Pooling Station implemented through TBCB route. The Petitioner sought approval of COD of instant line bays as 30.11.2018 under proviso (ii) to Regulation 4(3) of the 2014 Tariff Regulations as the line bays could not be put to regular use as the associated transmission line being executed by Adani Power Limited (APL) (actually executed by Raipur-Rajnandgaon-Warora



Transmission Ltd. (RRWTL)) through TBCB route was not complete and the same was completed only on 31.3.2019.

3. Learned counsel submitted that the Commission vide order dated 10.5.2020 in Petition No. 16/TT/2019 approved COD of the bays as 31.11.2018 under proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations due to delay in execution of the associated TBCB transmission line i.e. Raipur (Pool)-Rajnandgaon 765 kV D/C line and also approved the transmission tariff. She submitted that the Commission held APL liable to pay the transmission charges till the execution of the associated transmission line.

4. Learned counsel submitted that subsequent to the order dated 10.5.2020, the Petitioner raised bilateral bills for ₹2.63 crore for the period between 31.11.2018 to 31.3.2019 on APL. RRWTL, Respondent No. 15, in the instant petition, which implemented the Raipur (Pool)-Rajnandgaon 765 kV D/C line had filed a Petition No. 326/MP/2018 before the Commission for condoning the time over-run on account of *force majeure* event which had affected the construction of its transmission assets. RRWTL has refused to pay the transmission charges on the ground that the Commission vide order dated 9.10.2019 in Petition No. 326/MP/2019 has condoned the time over-run and has allowed extension of SCOD of the transmission system under its scope from 23.11.2018 till 31.3.2019. RRWTL was not a party in Petition No. 16/TT/2019. The Petitioner has filed Petition No. 30/TT/2021 for truing up of the tariff of the bays from its COD to 31.3.2019 and for determination of tariff for 2019-24 period which was listed for hearing on 3.8.2021 wherein the Commission directed to list that petition along with this Petition No. 31/MP/2021.

5. In response to a query of the Commission on the date on which the subject transmission lines was transferred by APL to RRWTL and the reasons for not impleading RRWTL, the learned counsel submitted that SPV was already incorporated at the time of filing of Petition No. 16/TT/2019 and RRWTL was not impleaded by mistake. However, RRWTL has now been impleaded as Respondent No.15 in Petition No. 30/TT/2021.

6. Learned counsel appearing on behalf of RRWTL sought time to file its reply in the matter.

7. After hearing the learned counsel for the Petitioner, the Commission admitted the instant petition and directed to issue notice to the Respondents/ beneficiaries. The Commission further directed the Petitioner to submit the following information on affidavit, by 8.10.2021, with an advance copy to the Respondents:

a) Whether Petitioner raised the bill on APL for the period 30.11.2018 till 30.3.2019, as per order dated 10.5.2020 in Petition No. 16/TT/2019; and

b) Clarify the reasons for not impleading the Raipur-Rajnandgaon Warora Transmission Limited in Petition no.16/TT/2019.

8. The Commission directed the Respondents to file reply by 15.10.2021 on affidavit with copy of the same to the Petitioner and the Petitioner to file rejoinder, if any, by 25.10.2021. The Commission further directed the parties to comply with the directions within the timeline specified and observed that no extension of time shall be granted.



9. The Petition shall be listed for hearing in due course of time for which a separate notice will be issued.

By order of the Commission

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

