

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 338/TT/2019

- Subject** : Petition for revision of transmission tariff of 2001-04, 2004-09 and 2009-14 tariff periods, truing up of transmission tariff of 2014-19 tariff period and determination of transmission tariff of 2019-24 tariff period in respect of 400 kV D/C Kaiga-Sirsi transmission line in the Southern Region
- Date of Hearing** : 24.3.2021
- Coram** : Shri P.K. Pujari, Chairperson
Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member
- Petitioner** : Power Grid Corporation of India Ltd. (PGCIL)
- Respondents** : Karnataka Power Transmission Corporation Ltd. & 17 Others
- Parties Present** : Shri B. Vinodh Kanna, Advocate, TANGEDCO
Shri S.S. Raju, PGCIL
Shri B. Dash, PGCIL
Shri V.P. Rastogi, PGCIL
Shri A.K. Verma, PGCIL
Dr. R. Kathiravan, TANGEDCO

Record of Proceedings

Case was called out for virtual hearing.

2. The representative of the Petitioner has made the following submissions:
- a. Instant petition is filed for revision of transmission tariff of 2001-04, 2004-09 and 2009-14 periods, truing up of transmission tariff of 2014-19 tariff period and determination of transmission tariff of 2019-24 tariff period in respect of 400 kV D/C Kaiga-Sirsi transmission line in the Southern Region;
 - b. The instant asset was put into commercial operation on 1.12.1999;
 - c. Revised tariff is claimed on account of change in Interest on Loan (IoL) and Interest on Working Capital to the extent of revision in IoL and in Maintenance Spares pursuant to APTEL judgment dated 22.1.2007 and 13.6.2007 in Appeal Nos. 81/2005 and 139/2006 respectively;
 - d. No additional capital expenditure has been claimed in 2014-19 and 2019-24 tariff periods;



- e. The tariff of the 2009-14 was trued up and tariff for the 2014-19 tariff was approved by the Commission in order dated 5.11.2015 in Petition No. 140/TT/2014; and
 - f. Additional information sought through Technical Validation letter has been filed vide affidavit dated 31.7.2020.
3. Learned counsel for TANGEDCO submitted that TANGEDCO has filed reply vide affidavit dated 18.3.2021 and made the following oral submissions:
- a. The claim of revision of transmission tariff as sought to be effected in the present Petition is not justifiable in law as the Electricity Act, 2003 and the Tariff Regulations do not envisage and permit retrospective revision of the bills *w.e.f.* the COD. He placed reliance on the judgement of Hon'ble Supreme Court of India in U.P. Power Corporation Ltd. Vs. NTPC Ltd. reported in (2009) 6 SCC 235 to buttress his submission.
 - b. It is impossible to make the calculations retrospectively in the ARR of the distribution companies for two decades and bill the arrears to the same customers of the corresponding tariff blocks. The present consumers cannot be burdened for the liability in the past. It is not tenable in law.
 - c. Yearly transmission charges from March, 2019 to 31st October, 2020 should be shared as per the 2010 Sharing Regulations and from November 2020 as per the 2020 Sharing Regulations.
4. The representative of the Petitioner submitted that the rejoinder filed by the Petitioner to the reply filed by TANGEDCO in earlier petitions may be considered in the instant petition as well.
5. Upon hearing the parties, the Commission reserved the order in the matter.

By order of the Commission

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

