

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 358/TT/2019

- Subject:** : Petition for revision of transmission tariff for the 2001-04, 2004-09 and 2009-14 tariff periods, truing up of transmission tariff of the 2014-19 tariff period and determination of transmission tariff for the 2019-24 tariff period for 315 MVA, 440/220 KV ICT-IV in respect of Series Compensation on Panki-Muradnagar 400 KV S/C line of UPPCL in the Northern 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** : 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 V.P. Rastogi, PGCIL
Ms. Megha Bajpeyi, BRPL

Record of Proceedings

Case was called out for virtual hearing.

2. The representative of the Petitioner submitted that the instant petition is filed 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. He submitted that the asset was put into commercial operation on 1.2.2004. There is no ACE in 2014-19 and 2019-24 tariff periods. The information sought through Technical Validation letter was submitted vide affidavit dated 23.07.2020 and rejoinder to the reply of UPPCL was filed vide affidavit 22.3.2021. BRPL filed the reply in the matter on 23.3.2021 and sought time to file its rejoinder. He further submitted that the instant transmission asset is currently not in use. However, it is in healthy condition.

3. In response to a query of the Commission regarding the feasibility of shifting/ using the asset, the representative of the Petitioner submitted that they will be able to clarify the same after discussion with CTU.



4. Learned counsel for BRPL submitted that the reply has been filed vide affidavit dated 23.3.2021 and made oral submissions on the issues like revision of tariff, tax during the 2009-14 tariff period, tax on transmission business during 2014-19 tariff period, Indian Accounting Standards and procedural guidelines. He submitted that tariff in respect of the asset which is not in use should not be granted. He submitted that the income tax towards transmission business should be considered and as the Petitioner has submitted the effective tax rate as 0% in Form-3 of the instant petition, the same may be considered by the Commission for grossing up of RoE. He submitted that retrospective revision of tariff already allowed for previous years cannot be allowed. He further requested the Commission to re-examine the issue of revising the tariff in the light of the judgment of the Hon'ble Supreme Court of India in the matter of UPPCL vs NTPC reported in (2009) 6 SCC 235. He also requested to revisit the 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 by the Commission in order dated 6.11.2019 and it has attained finality.

5. In response to the Commission's query whether the details of actual tax paid have been submitted in the instant petition, the Petitioner submitted that the details of tax calculation and supporting documents, which are voluminous, have been filed in Petition No. 24/TT/2020 which may be considered.

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

7. The Commission directed the Petitioner to file rejoinder to BRPL, if any, by 5.4.2021 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)

