

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 461/TT/2020

- Subject** : Petition for truing up of transmission tariff of the 2014-19 period and determination of transmission tariff of 2019-24 period for one asset under “NLC-Karaikal 230 kV D/C line” in Southern Region.
- Date of Hearing** : 20.4.2021
- 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.
- Respondents** : Tamil Nadu Generation and Distribution Corporation Ltd. & 18 Others
- Parties present** : Shri B. Vinodh Kanna, Advocate, TANGEDCO
Shri S. S. Raju, PGCIL
Shri A. K. Verma, PGCIL
Shri B. Dash, PGCIL
Shri Ved Prakash Rastogi, PGCIL
Shri D. K. Biswal, PGCIL
Ms. R. Ramalakshmi, TANGEDCO
Dr. R. Kathiravan, TANGEDCO

Record of Proceedings

Case was called out for virtual hearing.

2. The representative of the Petitioner made the following submissions:
- a. The instant petition has been filed for truing up of transmission tariff of 2014-19 period and determination of transmission tariff of 2019-24 period in respect of NLC-Karaikal 230 kV D/C Line (through LILO of the 230 kV Neyveli-Bahour S/C line at Karaikal) under “NLC-Karaikal 230 kV D/C line” in Southern Region;
 - b. The transmission asset was put under commercial operation on 1.10.2018. The transmission tariff from COD to 31.3.2019 in respect of the transmission asset was approved by the Commission vide order dated 7.5.2019 in Petition No. 170/TT/2018.



c. As per the directions of the Commission vide order dated 7.5.2019 in Petition No. 170/TT/2018, all the documents relating to time over-run of 10 months and 10 days have been submitted. The time over-run was on account of RoW issues, heavy rains and floods and delay in construction activities due to scarcity of sand in Tamil Nadu. As directed, English version of the documents in Tamil is also submitted.

d. Additional RoE of 0.5% has been claimed for the transmission asset as the same was put into commercial operation within 27 months as against the timeline of 30 months. The same was allowed by the Commission vide the order dated 7.5.2019 in Petition No. 170/TT/2018 subject to truing-up. Inadvertently, the same could not be claimed in the main petition and hence, the Petitioner has included the said claim in the reply to the Technical Validation (TV) letter.

e. The total cost as on 31.3.2019 is within the FR approved apportioned cost.

f. Additional information sought through TV letter has been filed vide affidavit dated 10.12.2020.

3. Learned counsel for TANGEDCO submitted that the reply has been prepared but could not be uploaded on the Commission's portal and requested to allow it to upload the reply during the course of the day and orally made the following submissions:

a. The reasons given by the Petitioner for time over-run are not covered under the definition of Force Majeure as provided in Regulation 3(25) of the 2014 Tariff Regulations. Further, the delay is completely attributable to the Petitioner. Insofar as the scarcity of sand in the State of Tamil Nadu is concerned, the Petitioner was at liberty to adopt other alternatives as being adopted by several other power developers. Similarly, other reasons for delay such as RoW issues and rainfall are normal features with any construction project and it was upto the Petitioner to plan the project keeping in mind the said factors. Hence, the Petitioner's claim for condonation of time over-run and allowing consequent IDC and IEDC may be rejected by the Commission.

b. GST is not applicable to transmission services at present and hence the same may be disallowed.

c. Sharing of charges from 1.11.2020 onwards should be allowed as per the 2020 Sharing Regulations.

4. The Commission allowed the request of learned counsel for TANGEDCO to upload the reply during the course of the day and the Petitioner to file rejoinder, if any, by 3.5.2021. The Commission further directed the parties to adhere to the specified timeline and observed that no extension of time shall be granted.



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

By order of the Commission

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(V. Sreenivas)
Deputy Chief (Law)

