

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 489/TT/2019

- Subject** : Revision of transmission tariff of 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 of the 2019-24 tariff period for LILO of Kolaghat-Renagli 400 kV S/C line at Baripada and establishment of new 400/220/132 kV Sub-station at Baripada in the Eastern Region
- Date of Hearing** : 3.3.2021
- 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.
- Respondents** : Bihar State Power Holding Company Ltd. (BSPHCL) and 5 others
- Parties Present:** : Ms. Rohini Prasad, Advocate, BSPHCL
Shri S.S. Raju, PGCIL
Shri B. Dash, PGCIL
Shri A.K.Verma, PGCIL
Shri Ved Prakash Rastogi, PGCIL

Record of Proceedings

Case was called out for virtual hearing.

2. Representative of the Petitioner submitted that the instant petition is filed for revision of transmission tariff of the 2001-04, 2004-09, and 2009-14 tariff periods, truing up of transmission tariff of 2014-19 period and determination of tariff of 2019-24 period for LILO of Kolaghat-Renagli 400 kV S/C line at Baripada and establishment of new 400/220/132 kV Sub-station at Baripada in the Eastern Region. He submitted that the COD of the asset was 1.7.2005 and no additional capital expenditure for 2014-19 and 2019-24 period has been claimed. The capital cost approved by the Commission vide order dated 30.12.2015 in Petition No. 443/TT/2014 has been considered in this Petition.

3. Representative of the Petitioner further submitted that revision of tariff in 2001-04, 2004-09 and 2009-14 period is prayed as per Commission's order dated 18.1.2019 in Petition No. 121 of 2007. The variation, if any, in tariff from the trued-up tariff for the period 2001-04, 2004-09 and 2009-14 is due to the APTEL's judgement dated 22.1.2007 in Appeal No. 81/2005 and dated 13.6.2007 in Appeal No. 139/2006. Information sought through Technical Validation letter was filed vide affidavit dated 26.6.2020.



4. Learned counsel for BSPHCL submitted that reply to the petition was filed vide affidavit dated 9.10.2020. She submitted that as per APTEL judgement dated 22.1.2007 in Appeal No. 81/2005, the computation of interest on loan should be on normative loan repayment basis and also as per Commission's order dated 15.10.2007 in Petition No. 1/2007, the tariff has been worked out and allowed as per the normative loan and normative repayment basis. She submitted that issue of revision has already been deliberated by the Commission *vide* order dated 17.6.2020 in Petition No. 301/TT/2019.
5. Learned counsel for BSPHCL further submitted that claim pertaining to deferred tax liability has been dealt with by the Commission in order dated 30.12.2015 in Petition No. 443/TT/2014. She submitted that in view of Regulation 25(3) of the 2014 Tariff Regulations, impermissible amounts claimed by the Petitioner may not be granted such as penalty, if any, arising on account of delay in deposits or short deposits of tax amounts and the said Regulation does not contemplate claim of differential tariff directly from the beneficiaries.
6. Learned counsel for BSPHCL further submitted that the 2019 Tariff Regulations does not contemplate the claim pertaining to the change in the floating rate of interest, if any, to be claimed directly from the beneficiaries. Therefore, the grossing up of RoE, calculation of Interest on Loan, cost of maintenance spares and deferred tax liability need to be granted as per applicable Tariff Regulations.
7. In response, the representative for the Petitioner submitted that rejoinder to the reply of BSPHCL has already been submitted *vide* affidavit dated 26.10.2020 which may be taken into consideration.
8. In response to a query of the Commission regarding revision of tariff of 2001-04, 2004-09 periods due to APTEL's judgements, the representative of the Petitioner submitted that the Petitioner has claimed revision in the respective tariff periods as net loan opening for 1.4.2004 and 1.4.2009 is changing due to change in notional repayment.
9. Upon hearing the parties, the Commission reserved order in the matter.

By order of the Commission

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

