

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 503/TT/2019

- Subject** : Petition for revision of transmission tariff of the 2004-09 and 2009-14 tariff periods, truing up of transmission tariff of the 2014-19 tariff period and determination of transmission tariff of 2019-24 tariff period for two assets under “System Strengthening-III” in Southern Region.
- Date of Hearing** : 18.5.2021
- Coram** : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Pravas Kumar Singh, Member
- Petitioner** : Power Grid Corporation of India Ltd.
- Respondents** : Karnataka Power Transmission Corporation Ltd.
& 16 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
Ms. R. Ramalakshmi, TANGEDCO
Mr. R. Srinivasan, 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 revision of transmission tariff of the 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 in respect of Asset-I: Neelamangala-Somanahally 400 kV D/C line along with bays; and Asset-II: Gooty-Raichur 400 kV D/C transmission line with bays under “System Strengthening-III” in Southern Region:



- b. Asset-I and Asset-II were put under commercial operation on 1.5.2007 and 1.1.2007 respectively.
 - c. Revised transmission tariff of the 2004-09 period is claimed on account of change in Interest on Loan (IOL) and Interest on Working Capital (IWOC) to the extent of revision in IOL and Maintenance Spares owing to the judgments dated 22.1.2007 and dated 13.6.2007 in Appeal Nos. 81 of 2005 and 139 of 2006 of APTEL read with the Commission's order dated 18.1.2019 in Petition No.121 of 2007.
 - d. Transmission tariff of the 2009-14 tariff period was trued-up and tariff of the 2014-19 tariff period was approved by the Commission vide order dated 30.11.2015 in Petition No. 369/TT/2014.
 - e. There is no Additional Capital Expenditure (ACE) either during the 2014-19 or during 2019-24 tariff period. Truing up is being claimed on the basis of the cost admitted by the Commission in the previous order dated 30.11.2015 in Petition No. 369/TT/2014.
 - f. The information sought through Technical Validation letter was filed vide affidavit dated 21.7.2020.
 - g. A week's time may be granted to file rejoinder to the reply filed by TANGEDCO.
3. Learned counsel for TANGEDCO submitted that reply in the matter was filed vide affidavit dated 12.5.2021 and requested to consider the same and made the following submissions during the hearing:
- a. The claim for revision of tariff of the 2004-09 tariff period is not justifiable as neither the Electricity Act, 2003 nor the Tariff Regulations permit such retrospective revision of bills and the same is unreasonable and contrary to the settled position of law. Relying upon the Hon'ble Supreme Court Judgment, he stated that the current consumers of the TANGEDCO cannot be burdened with the liability of transmission tariff of earlier period and similarly the ARR of TANGEDCO cannot be revised retrospectively.
 - b. 2020 Sharing Regulations were notified by the Commission on 4.5.2020 which came into effect on 1.11.2020 and hence yearly transmission charges till 31.10.2020 should be shared as per the 2010 Sharing Regulations and from 1.11.2020 should be shared as per the 2020 Sharing Regulations
4. The Commission permitted the Petitioner to file the un-notarized rejoinder to the reply of TANGEDCO, by 30.35.2021, due to the prevailing pandemic situation and to submit the rejoinder on affidavit as soon as the situation improves. The Commission further directed the Petitioner to file the rejoinder within 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)

