

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 60/TT/2017**

- Subject.** : Approval under Regulation 86 of CERC (Conduct of Business) Regulations, 1999 and CERC (Terms and Conditions of Tariff) Regulations, 2014 for determination of transmission tariff from COD to 31.3.2019 for Asset-I: 2 No. Line bays at Amritsar 400/220 kV Sub-station (COD: 1.12.2016) and Asset-II: 4 No. 220 kV Line bays at Malerkotla GIS 400/220 kV Sub-station (COD: 1.12.2016) under "Northern Region System Strengthening Scheme-XXXI-B".
- Date of Hearing** : 31.8.2021
- Coram** : Shri P.K. Pujari, Chairperson  
Shri Arun Goyal, Member  
Shri Pravas Kumar Singh, Member
- Petitioner** : Power Grid Corporation of India Ltd.
- Respondents** : Rajasthan Rajya Vidyut Prasaran Nigam Ltd & 17 ors.
- Parties present** : Ms. Superna Srivastava, Advocate, PGCIL  
Shri Tushar Mathur, Advocate PGCIL  
Ms. Soumya Singh, Advocate, PGCIL  
Shri S.S. Raju, PGCIL  
Shri D.K. Biswal, PGCIL  
Shri Ved Prakash Rustogi, PGCIL  
Shri A.K. Verma, PGCIL  
Shri Vijayanand Semletty, NTL

**Record of Proceedings**

Case was called out for virtual hearing.

2. Learned counsel for PGCIL made the following submissions:
  - (a) The Respondent NTL preferred Appeal No. 17 of 2019 against the Commission's order dated 30.11.2017 in Petition No. 60/TT/2017, wherein NTL was directed to bear the liability of payment of IDC and IEDC for the transmission assets of the Petitioner.



(b) NTL also filed a Miscellaneous Petition No. 195/MP/2017 on account of change in law and force majeure issues in execution of transmission system being implemented by it. The Commission vide order 29.3.2019 in Petition No. 195/MP/2017 allowed extension of COD of transmission system of NTL i.e. Kurukshetra-Malerkotla and Malerkota-Kurukshetra transmission line till actual CODs.

(c) APTEL in its judgment dated 14.9.2020 in Appeal No. 17 of 2019 observed that NTL implemented the project under TBCB route as per the TSA dated 2.1.2014. APTEL further observed that NTL is entitled to extension of COD under Article 11 of the TSA (force majeure), if the project implementation is affected due to force majeure event(s). APTEL in its judgment opined that once the Commission allows extension of COD of the transmission elements/ system under the terms of the TSA, it revokes the agreements made by the parties or system planning authorities on scheduled commercial operation dates of the transmission elements and as such scheduled commercial operation date is shifted to actual COD. This being the position, the decision of the Commission to impose liability of IDC and IEDC of PGCIL's bays on NTL for the delay in commissioning of the transmission system is contradictory to the relief granted to NTL under the provisions of force majeure of the contract by way of extension of COD.

(d) APTEL directed the Commission to develop a mechanism in line with the observations in its judgment dated 14.9.2020 in Appeal No. 17 of 2019 after due consultations with stakeholders and set aside the order dated 30.11.2017 in Petition No. 60/TT/2017 to the limited extent as prayed by NTL.

3. Learned counsel for PGCIL submitted that the issue which needs to be addressed now is confined to sharing of transmission charges for the period of mismatch in COD of PGCIL's bays at Amritsar and Malerkotla and the commissioning of the associated transmission lines under the scope of NTL. Learned counsel submitted that pleadings are complete in the petition.
4. Representative of NTL submitted that NTL has filed its reply in the original petition.
5. After hearing the parties, the Commission reserved order in the matter.

**By order of the Commission**

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

