

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 666/TT/2020

Subject	:	Petition for determination of transmission tariff of 2019-24 period for one asset under Eastern Region Strengthening Scheme XII.
Date of Hearing	:	29.10.2021
Coram	:	Shri P.K. Pujari, Chairperson Shri I.S. Jha, Member Shri Arun Goyal, Member Shri P.K. Singh, Member
Petitioner	:	Power Grid Corporation of India Ltd.
Respondents	:	Bihar State Power (Holding) Company Ltd. & 5 Others
Parties present	:	Ms. Rohini Prasad, Advocate, BSPHCL Shri S. S. Raju, PGCIL Shri D.K. Biswal, PGCIL Shri Ved Prakash Rastogi, PGCIL Shri A.K. Verma, PGCIL

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 determination of transmission tariff of 2019-24 period for replacement of existing 315 MVA, 400/220 kV ICT II with 500 MVA, 400/220 kV ICT-II at Pusauli Sub-station under Eastern Region Strengthening Scheme XII.
 - b. Instant asset was put under commercial operation on 18.1.2020.
 - c. The scope of the scheme was discussed and agreed in the 33rd meeting of the ERPC and in the 18th SCM, wherein it was also agreed that the replaced ICT shall be used as a regional spare. The transmission asset was originally covered under the Bihar Grid Strengthening project and was put into commercial operation in November 2004 and was removed on 30.11.2019.



d. As against the scheduled commercial operation date of 13.11.2016, the subject asset was put under commercial operation after a time over-run of approximately 38 months. Detailed justifications for time over-run have been given in the petition. The time over-run was mainly on account of getting clearance for shut-down at Pusauli end and delay in supply of transformer at Pusauli. The supply of transformer was scheduled to be done in October 2015, while the actual supply took place only in April 2018. After receipt of transformer in April 2018, the Petitioner consistently approached OCC for grant of shut-down at Pusauli end. OCC granted approval for shut-down subject to clearance from BSPTCL. Due to system constraints, BSPTCL did not allow the shut-down to take place. It was only in the 161st OCC meeting held on 1.10.2019 that the proposal for shut-down from 9.10.2019 to 14.11.2019 was agreed. Accordingly, shut-down was availed by the Petitioner and the transformer was put under commercial operation. The reasons for time over-run in the present case are uncontrollable in nature and, therefore, may be condoned.

e. Total completion cost of the asset is within RCE.

f. No reply has been received from any of the Respondents.

3. Learned counsel for BSPHCL prayed for 7 days' time to file reply in the matter and made the following submissions:

a. The details of Asset-VI as mentioned in Petition No. 69/TT/2016 are not matching with the present petition. Asset-VI in Petition No.69/TT/2016 is replacement of 315 MVA 400/220 kV ICT-II with 500 MVA 400/220 ICT at Purnea while the asset for which determination of tariff is sought in the present petition is replacement of existing 315 MVA, 400/220 kV ICT-II with 500 MVA, 400/220 kV ICT-II at Pusauli Sub-station. The Petitioner is required to clarify this discrepancy.

b. PGCIL has not provided the details of the orders passed regarding other assets covered under the instant transmission scheme.

c. The Petitioner has failed to provide detailed chronological reasons justifying the time over-run.

d. It is clear from the e-mails dated 20.4.2018 and 9.10.2018/ 27.10.2018 and various other e-mails as submitted by PGCIL that the dates for approved shut-down differ from the dates for which shut-down was required. This may be explained by the Petitioner.

e. The e-mails annexed by the Petitioner make it clear that the delay in providing clearance for shut-down for Pasauli works was on account of non-completion of works at Patna Sub-station.

f. In the 156th OCC, the deferment of shut-down was on account of request by UPPCL.



- g. The Petitioner has failed to show e-mails/ communications justifying the delay from June 2019 to November 2019.
- h. The shut-down was given to the Petitioner on 13.11.2019. The Petitioner again sought to revise the same. Request for revision was given vide e-mail dated 14.11.2019. The said request was made on account of non-supply of transformer by the contractor which is a controllable factor.
- i. As per the order dated 22.8.2016 of the Commission in Petition No. 69/TT/2016, Initial Spares have to be taken on actuals.
- j. Additional Capital Expenditure (ACE) may be allowed as per Regulation 24 of the 2019 Tariff Regulations.
- k. IDC and IEDC may be allowed as per Regulation 21 of the 2019 Tariff Regulations.
- l. The Petitioner cannot be allowed to claim statutory charges in terms of Regulation 56 of the 2019 Tariff Regulations.
- m. There is no provision for allowing floating rate of interest to the Petitioner.
- n. Security expenses and capital spares may only be allowed as per the extant regulations.
4. With regard to queries of the Commission on detailed justifications for delay in supply of transformer from October, 2015 to April 2018; imposition of liquidated damages, if any, owing to delay caused by the contractor; and shut-down details, the representative of the Petitioner submitted that the same would be submitted alongwith rejoinder to the reply of BSPHCL.
5. The Commission directed BSPHCL to file its reply by 19.11.2021 with an advance copy to the Petitioner, who may file its rejoinder, if any, by 30.11.2021. The Commission observed that due date of filing the reply and rejoinder should be strictly adhered to and no extension of time shall be granted.
6. After hearing the parties, the Commission reserved order in the matter.

By order of the Commission

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

