

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 339/TT/2019**

**Coram:**

**Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member**

**Date of order : 19.03.2021**

**In the Matter of**

Approval under Regulation 86 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, revision of transmission tariff of the 2001-04, 2004-09 and 2009-14 tariff periods and truing up of transmission tariff of the 2014-19 period under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 and determination of transmission tariff of the 2019-24 period under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 of 220 kV Jallandhar-Hamirpur D/C Transmission Line along with associated bays in Northern Region.

**And in the Matter of:**

Power Grid Corporation of India Ltd.,  
"Saudamini", Plot No-2,  
Sector-29, Gurgaon-122001,  
(Haryana).

**.....Petitioner**

**Vs**

1. Rajasthan Rajya Vidyut Prasaran Nigam Ltd.,  
Vidyut Bhawan, Vidyut Marg,  
Jaipur-302005.
2. Ajmer Vidyut Vitran Nigam Ltd.,  
132 kV, GSS RVPNL Sub-Station Building,  
Caligiri Road, Malviya Nagar,  
Jaipur-302017.
3. Jaipur Vidyut Vitran Nigam Ltd.,  
132 kV, GSS RVPNL Sub-Station Building,  
Caligiri Road, Malviya Nagar,  
Jaipur -302017.
4. Jodhpur Vidyut Vitran Nigam Ltd.,  
132 kV, GSS RVPNL Sub-Station Building,



Caligiri Road, Malviya Nagar, Jaipur-302017.

5. Himachal Pradesh State Electricity Board,  
Vidyut Bhawan, Kumar House Complex Building II,  
Shimla-171004.
6. Punjab State Electricity Board,  
The Mall, Patiala-147001.
7. Haryana Power Purchase Centre,  
Shakti Bhawan, Sector-6,  
Panchkula-134109.
8. Power Development Deptt.,  
Govt. of Jammu & Kashmir,  
Mini Secretariat, Jammu.
9. Uttar Pradesh Power Corporation Ltd.,  
(Formerly Uttar Pradesh State Electricity Board),  
Shakti Bhawan, 14, Ashok Marg,  
Lucknow-226001.
10. Delhi Transco Ltd.,  
Shakti Sadan, Kotla Road,  
New Delhi-110002.
11. BSES Yamuna Power Ltd.,  
BSES Bhawan, Nehru Place,  
New Delhi.
12. BSES Rajdhani Power Ltd.,  
BSES Bhawan, Nehru Place,  
New Delhi.
13. TATA Power Delhi Distribution Ltd.,  
33 kV Sub-Station, Building Hudson Lane,  
Kingsway Camp, North Delhi-110009.
14. Chandigarh Administration,  
Sector -9, Chandigarh.
15. Uttarakhand Power Corporation Ltd.,  
Urja Bhawan, Kanwali Road,  
Dehradun.



16. North Central Railway,  
Allahabad.

17. New Delhi Municipal Council,  
Palika Kendra, Sansad Marg,  
New Delhi-110002.

...Respondent(s)

**For Petitioner:** Shri S. S. Raju, PGCIL  
Shri Ved Prakash Rastogi, PGCIL

**For Respondents:** None

### **ORDER**

The instant petition has been filed by the Petitioner, Power Grid Corporation of India Limited, a deemed transmission licensee, for revision of transmission tariff for the 2001-04, 2004-09 and 2009-14 tariff periods; for truing up of transmission tariff of the 2014-19 tariff period under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (hereinafter referred to as “the 2014 Tariff Regulations”); and for determination of tariff for the 2019-24 tariff period under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (hereinafter referred to as “the 2019 Tariff Regulations”) in respect of 220 kV Jalandhar-Hamirpur D/C transmission line along with associated bays (hereinafter referred to as “the transmission asset”) in Northern Region (hereinafter referred to as “the transmission system”).

2. The Petitioner has made the following prayers in this petition:

*“1) Approve the revised Transmission Tariff for 2001-04 block, 2004-09 block and transmission tariff for 2009-14 block for the asset covered under this petition, as per para 8 above.*

*2) Approve the trued up Transmission Tariff for 2014-19 block and transmission tariff for 2019-24 block for the asset covered under this petition, as per para 9 and 10 above.*

*3) Allow the petitioner to recover the shortfall or refund the excess Annual Fixed Charges, on account of Return on Equity due to change in applicable Minimum*



*Alternate/Corporate Income Tax rate as per the Income Tax Act, 1961 (as amended from time to time) of the respective financial year directly without making any application before the Commission as provided in Tariff regulations 2014 and tariff regulation'19 as per para 9.0 & 10 above for respective block.*

*Further it is submitted that deferred tax liability before 01.04.2009 shall be recoverable from the beneficiaries or long term customers / DIC as the case may be, as and when the same is materialized as per regulation 49 of 2014 and regulation 67 of 2019 tariff regulation. The petitioner may be allow to recover the deferred tax liability materialized directly without making any application before the commission as provided in the regulation.*

*4) Approve the reimbursement of expenditure by the beneficiaries towards petition filing fee, and expenditure on publishing of notices in newspapers in terms of Regulation 70 (1) Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019, and other expenditure (if any) in relation to the filing of petition.*

*5) Allow the petitioner to bill and recover Licensee fee and RLDC fees and charges, separately from the respondents in terms of Regulation 70 (3) and (4) Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019.*

*6) Allow the petitioner to bill and adjust impact on Interest on Loan due to change in Interest rate on account of floating rate of interest applicable during 2019-24 period, if any, from the respondents.*

*7) Allow the petitioner to file a separate petition before Hon'ble Commission for claiming the overall security expenses and consequential IOWC on that security expenses as mentioned at para 10.5 above.*

*8) Allow the petitioner to claim the capital spares at the end of tariff block as per actual.*

*9) Allow the Petitioner to bill and recover GST on Transmission Charges separately from the respondents, if GST on transmission is levied at any rate in future. Further, any taxes including GST and duties including cess etc. imposed by any statutory/Govt./municipal authorities shall be allowed to be recovered from the beneficiaries.*

*and pass such other relief as Hon'ble Commission deems fit and appropriate under the circumstances of the case and in the interest of justice."*

### **Background**

3. The brief facts of the case are as under:

(a) The Investment Approval (IA) for the transmission system was accorded by Board of Directors of the Petitioner vide Memorandum dated 14.12.1995 at an estimated cost of ₹4101.00 lakh including IDC of ₹595.00 lakh at 1<sup>st</sup> quarter 1995 price level. Subsequently, the Revised Cost Estimate



(RCE) for the transmission system was approved by the Central Government vide Ministry of Power's letter dated 13.12.2001 for ₹4308.00 lakh, including IDC of ₹414.00 lakh.

(b) The transmission tariff for the transmission asset from COD to 31.3.2004 was determined vide order dated 21.2.2005 in Petition No. 10/2002. Subsequently, the Petitioner filed IA No. 29/2005 claiming ACE of ₹176.04 lakh incurred during 2002-03 and ₹29.39 lakh during 2003-04 (total ₹205.43 lakh) on account of leftover/ balance payments for the transmission line/ sub-stations. The Commission vide order dated 23.1.2006 allowed capitalisation of ₹176.04 lakh for the year 2002-03 and ₹14.26 lakh for the year 2003-04 respectively.

(c) The tariff for the transmission asset from 1.4.2004 to 31.3.2009 was determined vide order dated 23.1.2006 in Petition No. 35/2005. Further, the said order dated 23.1.2006 was revised vide order dated 30.4.2008 in Petition No. 35/2005 on account of APTEL judgment dated 4.10.2006 in Appeal No. 135/2005.

(d) The tariff for the transmission asset for the 2009-14 period was allowed vide order dated 11.1.2011 in Petition No. 148/2009 in accordance with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (hereinafter referred to as "the 2009 Tariff Regulations"). The tariff for the 2009-14 period was trued up and tariff for the period from 1.4.2014 to 31.3.2019 was determined vide order dated 14.3.2016 in Petition No.177/TT/2014.

(e) The scope of the work covered under the transmission asset is as follows:

- i. Construction of 220 KV Jalandhar-Hamirpur Double Circuit Transmission Line
- ii. 2 Nos. 220 KV bays at Jalandhar Sub-station (POWERGRID), and
- iii. 2 Nos. 220 KV bays at Hamirpur Sub-station (HPSEB)



(f) The entire scope of work as per I.A. has been covered in the instant petition.

(g) As per the I.A., the transmission asset was scheduled to be put under commercial operation within three (03) years from the date of I.A., i.e., by December 1998. However, the transmission asset was put under commercial operation w.e.f. 1.9.2001. Thus, there was a time over-run of about 32 months. The Commission vide order dated 21.2.2005 in Petition No. 10/2002 has condoned the entire time over-run as being beyond the control of the Petitioner.

(h) The transmission tariff allowed for the 2014-19 tariff period in order dated 14.3.2016 in Petition No. 177/TT/2014 and the transmission tariff claimed by the Petitioner based on true-up in the instant petition is as under:

Particulars	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Annual Fixed Charges approved vide order dated 14.3.2016 in Petition No. 177/TT/2014	387.03	391.57	396.72	402.30	408.50
Claimed by the Petitioner based on true-up in the instant Petition	443.21	447.07	454.90	459.27	465.13

(i) The Petitioner has sought revision of transmission tariff approved for the 2001-04 and 2004-09 tariff periods on account of change in Interest on Loan (IoL) and Interest on Working Capital (IWC) to the extent of revision in IoL and in Maintenance Spares in terms of the judgments of the Appellate Tribunal for Electricity (APTEL) dated 22.1.2007 and 13.6.2007 in Appeal No(s). 81/2005 and 139/2006 respectively. The Petitioner has also sought consequential revision of tariff allowed for the 2009-14 tariff period; true-up of the tariff of 2014-19 tariff period; and determination of tariff for the 2019-24 tariff period for the transmission asset.

(j) APTEL, vide judgements dated 22.1.2007 in Appeal No. 81/2005 and other related Appeals, and judgement dated 13.6.2007 in Appeal No. 139/2006 pertaining to generating stations of NTPC decided on, mainly the following issues:-

(a) Computation of interest on loan



- (b) Consequences of refinancing of loan
- (c) Depreciation as deemed repayment
- (d) Admissibility of depreciation up to 90% of the value of the asset
- (e) Consideration of maintenance of spares for working capital
- (f) Depreciation of asset.

(k) The Commission and certain interested parties preferred Civil Appeals against the APTEL's judgments before the Hon'ble Supreme Court in 2007. The Appeals were admitted and initially stay was granted by the Hon'ble Supreme Court. Subsequently, on an assurance by NTPC that the issues under Appeal would not be pressed for implementation during the pendency of the Appeals, the stay was vacated by the Hon'ble Supreme Court.

(l) Based on APTEL's judgments dated 22.1.2007 and 13.6.2007, the Petitioner sought re-determination of tariff of its transmission asset for the 2001-04 and 2004-09 tariff periods vide Petition No. 121/2007. The Commission after taking into consideration the pendency of Appeals before the Hon'ble Supreme Court adjourned the said petition *sine die* and directed that the same be revived after the disposal of Civil Appeals by the Hon'ble Supreme Court.

(m) The Hon'ble Supreme Court vide its judgment and final order dated 10.4.2018, dismissed the said Civil Appeals.

(n) Consequent to the Hon'ble Supreme Court's judgment dated 10.4.2018, Petition No. 121/2007 was listed for hearing before the Commission on 8.1.2019. The Commission, vide order dated 18.1.2019 in Petition No. 121/2007, directed the Petitioner to submit its claim separately for the asset at the time of filing of truing up of the petitions for the 2014-19 tariff period in respect of the concerned transmission asset.

(o) In view of the APTEL's judgments dated 22.1.2007 and 13.6.2007 and the judgement of Hon'ble Supreme Court dated 10.4.2018, the tariff is being revised. Although, period wise tariff is being re-worked based on the Tariff



Regulations applicable for the respective tariff periods, suitable assumptions at certain places, if any, are being applied which are being indicated.

(p) The transmission asset was put under commercial operation on 1.9.2001. The tariff from COD has been worked out based on the admitted capital cost as under:

Admitted Expenditure up to COD	Additional Capital Expenditure		(₹ in lakh)
	2002-03	2003-04	Admitted Capital Cost as on 31.3.2004
4117.70	0.00	0.00	4117.70

4. Accordingly, considering the above admitted capital cost, the tariff is being revised for the 2001-04, 2004-09 and 2009-14 tariff periods in terms of the APTEL's judgement dated 22.1.2007 and 13.6.2007.

5. The Respondents are transmission utilities, distribution licensees and power departments who are procuring transmission services from the Petitioner, mainly beneficiaries of the Northern Region.

6. The Petitioner has served the petition on the Respondents and notice regarding filing of this petition has been published in the newspapers in accordance with Section 64 of the Electricity Act, 2003. No comments or objections have been received from the general public in response to the aforesaid notices published in the newspapers. UPPCL has vide affidavit dated 6.8.2020 submitted its reply and has raised issues regarding rate of interest on loan for the 2001-2004 and 2009-14 periods, Interest on Loan, Return on Equity, O&M and effect of GST for the 2014-19 and 2019-24 periods. The Petitioner vide affidavit dated 20.8.2020 has filed reply to the TV (technical validation) letter dated 2.7.2020 and vide affidavit dated 21.8.2020 has filed rejoinder to the reply of UPPCL. The issues raised by the Respondent





UPPCL and the clarifications given by the Petitioner are dealt in the relevant portions of this order.

7. This order is issued considering the submissions made by the Petitioner in the Petition vide affidavit dated 27.8.2019, UPPCL's reply vide affidavit dated 6.3.2020 and PGCIL's rejoinder to UPPCL vide affidavit dated 21.8.2020 and PGCIL's reply (to technical validation letter) vide affidavit dated 20.7.2020.

8. The hearing in this matter was held on 24.8.2020 through video conference and the order was reserved.

9. Having heard the representatives of the Petitioner and perused the material on record, we proceed to dispose of the petition.

**REVISION OF TRANSMISSION CHARGES FOR THE 2001-04, 2004-09 AND 2009-14 TARIFF PERIODS**

10. The Petitioner has sought revision of the computation of IoL, maintenance spares for working capital and depreciation allowed for the 2001-04 and 2004-09 period on the basis of the judgements of APTEL dated 22.1.2007 in Appeal No. 81/2005 and dated 13.6.2007 in Appeal No. 139/2006. APTEL while dealing with the issue of computation of IoL, vide its judgement dated 22.1.2007, observed that IoL for the period from 1.4.1998 to 31.3.2001 shall be computed only on normative loan repayment as per its judgement dated 14.11.2006 in Appeal Nos. 94 and 96 of 2005. APTEL vide its judgement dated 14.11.2006 set aside the Commission's methodology of computation of loan on the actual repayment basis or normative repayment whichever is higher and held that the Commission is required to adopt normative debt repayment methodology for working out IoL liability for the period



1.4.1998 to 31.3.2001. In view of the above, the interest allowed for the 2004-09 period is revised on the basis of the normative debt repayment methodology. The relevant portions of the judgement of 14.11.2006 are as follows:-

*“12. We have heard the arguments of the Senior Counsel(s) of appellant and respondents. We notice that the appellant has not challenged the formula for computing the annual repayment amount as provided in Appeal No. 96 of 2005 & IA No. 117 of 2006 in Appeal No. 94 of 2005 para-22 of the impugned order and has only challenged the provisions at para 23 specifying that the amount of annual repayment for calculation of interest on loan is chosen higher of the normative debt and actual debt.*

*13. As mentioned earlier the servicing of the capital (equity or debt) is financed by the recovery of interest on debt capital and through earning of return on equity capital. The actual loan repayment has been normalized to 50% of the total capital by the formula in para 22 of the impugned order given in para 11 above. Once it has been decided and agreed that the financing plan would be based on normative debt–equity ratio of 50:50 and not the actual debt-equity ratio, the same normative basis should be adopted for recovery of cost of servicing the capital.*

*14. In the instant case since the normative debt-equity ratio of 50:50 has been adopted in the financing plan, the loan repayment should be computed based on normative debt. This is to ensure that whatever normative debt has been considered, tariff should ensure the recovery of the same normative debt and interest thereon.”*

*“18. In its Tariff Regulation of 2004 the Central Commission perhaps recognizing the aforesaid anomaly has dispensed with the practice of adopting higher of actual or normative repayment and has corrected the method of determination of quantum of debt repayment only on the basis of the normative debt with effect from 01.04.2004.*

*19. In view of the above, the Central Commission is required to adopt normative debt repayment methodology for working out the interest on loan liability for the period 01.04.1998 to 31.03.2001.”*

11. In view of the above, the interest allowed for the 2001-04 and 2004-09 periods is revised on the basis of the normative debt repayment methodology.

12. APTEL vide its judgement dated 13.6.2007 in Appeal No. 139/2006 and others held that ACE (additional capital expenditure) after the date of commercial operation should also be considered for computation of maintenance spares as under:-

#### ***“Analysis and Decision***

*We are not inclined to agree with the contention of the respondents that escalation of 6% will take care of the additional capitalization. Escalation is meant to factor inflation and is allowed as per CERC Regulations whether or not additional capitalization takes*



place. Question before us is that: can the historical cost be frozen with the Commissioning of the station. It is quite normal and prudent to ensure earliest operation of the plant without necessarily 100% completion of plants and works, of course not at the cost of safety of the plant. Adding some of the plants and works after the commercial operation will reduce interest during construction. If technically it is possible to delay some of the plants or works, it is only prudent to do so. For example it is common to build redundancies in the plant at a little later stage. CERC's own regulations rightly recognized additional capitalization. It is pertinent to set out excerpts pertaining to additional capitalization from CERC (Terms & Conditions of Tariff) Regulation, 2004 Clause 18 as below:-

*“Additional capitalization (1) The following capital expenditure within the original scope of work actually incurred after the date of commercial operation and up to the cut off date may be admitted by the Commission, subject to prudence check:*

- (i) Deferred liabilities*
- (ii) Works deferred for execution*
- (iii) Procurement of initial capital spares in the original scope of work, subject to ceiling specified in regulation 17.*
- (iv) Liabilities to meet award of arbitration or for compliance of the order or decree of a court; and*
- (v) On account of change in law.*

*Provided that original scope of work along with estimates of expenditure shall be submitted along with the application for provisional tariff.*

*Provided further that a list of the deferred liabilities and works deferred for execution shall be submitted along with the application for final tariff after the date of commercial operation of the generating station.”*

*It is clear from the abovementioned Clause 18 of the CERC Regulations that additional capitalization after the date of commercial operation is recognized as part of the capital expenditure Historical cost does not literally mean that the cost on the date of the commercial operation. The term historical cost is used so as to distinguish it from 'book value' or 'the replacement cost'. The cost of maintenance spares limited to 1% of the historical cost corresponds to the plant and equipment and installations which are required to be maintained. If the cost of additional equipment is not included in the historical cost, how spares for the additional equipment be procured for maintenance of the additional equipment. In this view of the matter, the CERC needs to examine afresh in the light of the aforesaid observations.”*

13. In view of the above, the maintenance spares to be considered for computation of working capital for the 2001-04 and 2004-09 periods are also required to be revised taking into consideration the ACE after the date of commercial operation.

14. As regards depreciation, APTEL vide its judgement dated 13.6.2007 in Appeal No. 139/2006 observed that depreciation is an expense and it cannot be



deployed for deemed repayment of loan and accordingly directed the Commission to compute the outstanding loan afresh. The relevant portion of the judgement is as under:-“

**“Analysis and Decision**

*In the orders of this Tribunal dated November 14, 2006 and January 24, 2007 it has been laid down that the computation of outstanding loan will be on normative basis only (instead of normative or actual whichever is higher). In view of this there is no question of any adjustment of the depreciation amount as deemed repayment of loan.*

*It is to be understood that the depreciation is an expense and not an item allowed for repayment of loan. If a corporation does not borrow, it would not mean that the corporation will not be allowed any depreciation. Depreciation is an expense it represents a decline in the value of asset because of use, wear or obsolescence. The Accounting Principles Board of USA defines depreciation as under:-*

*“The cost of a productive facility is one of the costs of the service it renders during its useful economic life. Generally accepted accounting principles require that this cost be spread over the expected useful life of the facility in such a way as to allocate it as equitably as possible to the periods during which services are obtained from the use of the facility. This procedure is known as depreciation accounting, a system of accounting which aims to distribute the cost or other basic value of tangible capital asset, less salvage (if any), over the estimated useful life of the unit (which may be a group of asset) in a systematic and rational manner. It is a process of allocation, not of valuation”*

*It is well established that the depreciation is an expense and therefore, it cannot be deployed for deemed repayment of loan. In this view of the matter the CERC shall need to make a fresh computation of outstanding loan in the light of the aforesaid observations.”*

15. In view of the above directions of APTEL, the outstanding loan allowed for the asset for the 2001-04 and 2004-09 periods is being revised in the instant order.

16. The revision of tariff allowed for the 2004-09 tariff period necessitates the revision of tariff allowed for the 2009-14 period, which is also allowed in the instant order. The implementation of the directions of APTEL in case of the Petitioner was kept pending for the outcome of the Civil Appeals filed before the Hon'ble Supreme Court. Taking into consideration the facts of the case and keeping in view the interest of the consumers, we are of the view that the beneficiaries should not be



burdened with the carrying cost for the difference in the tariff allowed earlier and allowed in the instant order for the period 2001-04, 2004-09 and 2009-14 tariff periods. Therefore, the Petitioner will neither claim nor pay any carrying cost from the beneficiaries for the difference, if any, in the tariff allowed earlier and that allowed vide the instant order. Further, the said difference in tariff shall be recovered/paid over a period of six months from the date of issue of this order.

### **2001-04 Tariff Period**

17. The Commission vide order dated 21.2.2005 in Petition No. 10/2002 had approved transmission charges for the transmission asset for the 2001-04 period, without taking into account ACE during 2002-03 and 2003-04. Subsequently, the Petitioner filed IA No. 29/2005 in Petition No. 35/2005 claiming ACE of ₹176.04 lakh incurred during 2002-03 and ₹29.39 lakh during 2003-04 (total ₹205.43 lakh) on account of leftover/ balance payments for the transmission line/ sub-stations. The Commission vide order dated 23.1.2006 allowed capitalisation of ₹176.04 lakh for the year 2002-03 and ₹14.26 lakh for the year 2003-04 respectively. The relevant portion of the order dated 23.1.2006 in Petition No. 35/2005 is extracted hereunder:

#### ***“Impact of additional capitalization for the years 2001-04***

*39. In the petitions filed by NTPC for approval of revised fixed charges for additional capitalization for the period 1.4.2001 to 31.3.2004, the Commission has decided that additional capital expenditure be added to the gross block as on 1.4.2001 to arrive at gross block as on 1.4.2004 for the purpose of fixation of tariff for the period 2004-05 to 2008-09. The Commission has further ordered that NTPC would be entitled to earn return on equity @ 16% on equity portion of additional capitalization approved and interest on loan at the rate as applicable during 2001-02 to 2003-04. The return on equity and interest on loan are payable on additional capitalization from 1st April of the financial year following the financial year to which additional capital expenditure relates.*

*40. Based on the above, the petitioner shall be entitled to recover the following amounts from the respondents through tariff on account of return on equity on additional equity of Rs 176.04 lakh for the year 2002-03, which is the same as claimed by the petitioner:*



(₹ in lakh)

<b>Impact of ACE</b>	<b>2002-03</b>	<b>2003-04</b>	<b>Total</b>
<i>Interest on Loan</i>	0.00	0.00	<b>0.00</b>
<i>Return on Equity</i>	0.00	28.17	<b>28.17</b>
<b>Total</b>	<b>0.00</b>	<b>28.17</b>	<b>28.17</b>

18. The transmission charges approved for the 2001-04 period vide order dated 21.2.2005 in Petition No. 10/2002 and further revised vide order dated 23.1.2006 on account of ACE during 2002-03 and 2003-04 are as follows:

(₹ in lakh)

<b>Particular</b>	<b>2001-02</b>	<b>2002-03</b>	<b>2003-04</b>
Depreciation	66.19	113.47	113.47
Return on Equity	22.19	38.03	66.20
O&M Expenses	104.49	189.90	201.28
Advance against Depreciation	0.00	0.00	32.45
Interest on Loan	146.50	255.21	242.32
Interest on Working Capital	9.97	17.62	18.59
<b>Total</b>	<b>349.33</b>	<b>614.23</b>	<b>674.30</b>

19. The Petitioner has claimed the following revised transmission charges for the transmission asset for the 2001-04 period in this petition:

(₹ in lakh)

<b>Particular</b>	<b>2001-02</b>	<b>2002-03</b>	<b>2003-04</b>
Depreciation	66.19	113.47	113.47
Return on Equity	22.19	38.03	66.20
O&M Expenses	104.49	189.90	201.28
Advance against Depreciation	0.00	0.00	32.45
Interest on Loan	146.50	255.21	242.32
Interest on Working Capital	9.97	17.83	18.92
<b>Total</b>	<b>349.34</b>	<b>614.44</b>	<b>674.64</b>

20. The Petitioner has claimed that the transmission tariff for 2001-04 period as on COD was approved by the Commission vide order dated 21.2.2005 in Petition No. 10/2002 as ₹4117.70 lakh. Further, the Petitioner has also claimed ACE of ₹176.04 lakh and ₹14.26 lakh allowed for 2002-03 and 2003-04 respectively vide order dated 23.1.2006 in Petition No. 35/2005.



21. UPPPCL has submitted that the admitted cumulative depreciation is ₹293.13 lakh. AFC ending 2003-04 as admitted by the Commission is ₹674.30 lakh against which, the Petitioner has claimed revised AFC of ₹674.64 lakh. IOL ending 2003-04 as admitted by the Commission is ₹242.32 lakh and the Petitioner has claimed the same amount of IOL for 2003-04. The rate of interest on loan is 6.47%, 6.58% and 6.49% for 2001-02, 2002-03 and 2003-04 respectively. The Petitioner has not submitted the calculation of weighted average rate of interest on loan. Accordingly, UPPCL requested to direct the Petitioner to submit the supporting documents. In response, the Petitioner has submitted that the actual loan details as given in order dated 21.2.2005 in Petition No. 10/2002 have been considered for calculation of weighted average rate of interest.

22. We have considered the submissions of the Petitioner and UPPCL and perused the order dated 26.1.2006 in Petition No. 35/2005. On perusal of the order, we find that ACE for year 2002-03 in the said order has been limited for the purposes of RoE only and has been allowed in the following financial year i.e. 2003-04. The tariff is allowed for the transmission asset on the basis of the following:-

- a) Admitted capital cost of ₹4117.70 lakh as on COD of the Asset;
- b) Weighted Average Rate of Interest on actual loan, Weighted Average Rate of Depreciation, Rate of Interest for Working Capital and O&M Expenses as per order dated 21.2.2005 in Petition No. 10/2002.

23. In view of the above, the revised transmission charges allowed for the transmission asset for the 2001-04 tariff period are as follows:

Particular	(₹ in lakh)		
	2001-02	2002-03	2003-04
Depreciation	66.19	113.47	113.47
Return on Equity	22.19	38.03	38.03*



O&M Expenses	104.49	189.90	201.28
Advance against Depreciation	0.00	0.00	32.45
Interest on Loan	146.50	255.21	242.32
Interest on Working Capital	9.97	17.73	18.81
<b>Total</b>	<b>349.34</b>	<b>614.34</b>	<b>646.37</b>

*\*In addition to above, Return on equity of ₹28.17 lakh has been allowed in 2003-04 as per order dated 23.1.2006 in Petition No.35/2005 on account of additional equity of ₹176.04 lakh for the year 2002-03.*

### **2004-09 Tariff Period**

24. The Commission vide order dated 23.1.2006 in Petition No. 35/2005 had approved transmission charges for the transmission asset for the 2004-09 period. The Commission vide the aforesaid order bifurcated FERV into debt and equity for the purpose of determination of tariff. APTEL vide judgment dated 4.10.2006 in Appeal No. 135/2005 and other related appeals had held that FERV adjustment is to be made in respect of debt liability and not in respect of the equity. Accordingly, the transmission charges approved for the 2004-09 period were revised vide order dated 30.4.2008 in Petition No. 35/2005. The transmission charges approved for the 2004-09 period vide order dated 30.4.2008 in Petition No. 35/2005 are as follows:

(₹ in lakh)					
Particular	2004-05	2005-06	2006-07	2007-08	2008-09
Depreciation	123.03	123.03	123.03	123.03	123.03
Return on Equity	59.92	59.92	59.92	59.92	59.92
O&M Expenses	168.78	175.53	182.69	189.76	197.57
Advance against Depreciation	0.00	0.00	185.78	279.38	279.38
Interest on Loan	219.40	199.02	176.32	146.49	115.23
Interest on Working Capital	16.39	16.51	19.85	21.48	21.49
<b>Total</b>	<b>587.52</b>	<b>574.02</b>	<b>747.60</b>	<b>820.06</b>	<b>796.64</b>

25. The Petitioner has claimed the following revised transmission charges for the transmission asset for the 2004-09 period in this petition:

(₹ in lakh)					
Particular	2004-05	2005-06	2006-07	2007-08	2008-09
Depreciation	123.03	123.03	123.03	123.03	123.03
Return on Equity	59.92	59.92	59.92	59.92	59.92





O&M Expenses	168.78	175.53	182.69	189.76	197.57
Advance against Depreciation	0.00	0.00	0.00	98.65	146.07
Interest on Loan	231.28	211.59	190.52	167.32	145.65
Interest on Working Capital	16.94	17.09	17.25	19.11	20.14
<b>Total</b>	<b>599.94</b>	<b>587.16</b>	<b>573.41</b>	<b>657.79</b>	<b>692.38</b>

26. UPPCL has submitted that the cumulative depreciation for the period 2004-05 to 2008-09 is ₹615.18 lakh. IOL admitted by the Commission for 2008-09 is ₹115.23 lakh, whereas the Petitioner has claimed IOL of the said period amounting to ₹145.65 lakh. Accordingly, it has requested to direct the Petitioner to submit a legible copy of calculation of AFC so that proper analysis of the same can be done. In response, the Petitioner has submitted that tariff calculation of 2004-09 has been enclosed at Encl-6 of the instant petition and the soft copy has been attached in the e-filing portal during the filing of the petition.

27. We have considered the Petitioner's claim, the submissions of the UPPCL and clarification of the Petitioner. The tariff is allowed for the transmission asset on the basis of the following:-

- a) Admitted capital cost of ₹4452.18 lakh as on 1.4.2004 for transmission asset;
- b) No ACE during 2004-09 period;
- c) Weighted Average Rate of Interest on actual loan adopted from order dated 30.4.2008 in Petition No. 35/2005; and
- d) Weighted Average Rate of Depreciation, Rate of Interest for Working Capital and O&M Expenses as per order dated 30.4.2008 in Petition No. 35/2005.

28. In view of the above, the revised transmission charges allowed for the transmission asset for the 2004-09 tariff period are as follows:



(₹ in lakh)

Particular	2004-05	2005-06	2006-07	2007-08	2008-09
Depreciation	123.03	123.03	123.03	123.03	123.03
Interest on Loan	219.20	198.46	179.73	162.11	147.30
Return on Equity	59.92	59.92	59.92	59.92	59.92
Interest on Working Capital	16.61	16.73	17.65	20.18	19.84
O&M Expenses	168.78	175.53	182.69	189.76	197.57
Advance against Depreciation	0.00	0.00	41.60	173.93	135.95
<b>Total</b>	<b>587.54</b>	<b>573.68</b>	<b>604.62</b>	<b>728.93</b>	<b>683.61</b>

**2009-14 Tariff Period**

29. The Commission vide order dated 14.3.2016 in Petition No. 177/TT/2014 had trued up the tariff allowed for the 2009-14 period that was earlier allowed in order dated 11.1.2011 in Petition No. 148/2009 and the same is as follows:

(₹ in lakh)

Particular	2009-10	2010-11	2011-12	2012-13	2013-14
Depreciation	235.53	235.53	235.53	235.53	235.53
Return on Equity	79.93	82.85	82.94	82.94	83.93
O&M Expenses	180.08	190.34	201.32	212.79	224.94
Interest on Loan	93.55	77.24	62.26	46.00	33.05
Interest on Working Capital	17.53	17.77	18.01	18.24	18.60
<b>Total</b>	<b>606.62</b>	<b>603.73</b>	<b>600.05</b>	<b>595.50</b>	<b>596.05</b>

30. The Petitioner has claimed the following revised transmission charges for the transmission asset for the 2009-14 period in this petition:

(₹ in lakh)

Particular	2009-10	2010-11	2011-12	2012-13	2013-14
Depreciation	235.53	235.53	235.53	235.53	235.53
Return on Equity	79.93	82.85	82.94	82.94	83.93
O&M Expenses	180.08	190.34	201.32	212.79	224.94
Interest on Loan	139.04	120.34	103.03	82.43	66.17
Interest on Working Capital	18.48	18.67	18.86	19.00	19.29
<b>Total</b>	<b>653.06</b>	<b>647.73</b>	<b>641.67</b>	<b>632.69</b>	<b>629.86</b>

31. UPPCL has submitted that the cumulative depreciation upto 31/03/2014 is ₹2363.10 lakh. The admitted IOL for 2013-14 is ₹33.05 lakh as against this the claimed IOL for 2013-14 is ₹56.32 lakh. The rate of interest on loan was 5.13%,



4.84%, 4.58%, 4.09% and 3.72% respectively for the year 2009-10, 2010-11, 2011-12, 2012-13 and 2013-14 for which the Petitioner has not submitted any supporting document. Further, the figures provided by the Petitioner for arriving at the revised AFC are not legible. Accordingly, UPPCL requested to direct the Petitioner to submit the required documents. In response, the Petitioner has submitted that the weighted average rate of interest as allowed vide order dated 14.3.2016 in Petition No. 177/TT/2014 have been considered for computation of tariff for the 2009-14 tariff period. Further, the tariff calculation of the 2009-14 tariff period has been enclosed at Encl-6 of the instant petition and also the soft copy has been attached in the e-filing portal during the filing of the petition.

32. We have considered the Petitioner's claim and the submissions of UPPCL along with the clarifications of the Petitioner. The tariff is allowed for the transmission asset on the basis of the following:-

- a) Admitted capital cost of ₹4452.18 lakh for transmission asset as on 1.4.2009;
- b) No ACE during 2009-14 period;
- c) Weighted Average Rate of Interest on actual loan derived/ adopted from order dated 14.3.2016 in Petition No.177/TT/2014; and
- d) Weighted Average Rate of Depreciation as per order dated 14.3.2016 in Petition No. 177/TT/2014.

33. In view of the above, the revised transmission charges allowed for the transmission asset for the 2009-14 tariff period are as follows.

Particular	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
Depreciation	235.53	235.53	235.53	235.53	235.53
Interest on Loan	133.59	115.17	98.14	78.06	62.20
Return on equity	79.93	82.85	82.94	82.94	83.93
Interest on Working Capital	18.37	18.56	18.75	18.91	19.21



O & M Expenses	180.08	190.34	201.32	212.79	224.94
<b>Total</b>	<b>647.49</b>	<b>642.46</b>	<b>636.68</b>	<b>628.23</b>	<b>625.80</b>

### **TRUING UP OF ANNUAL FIXED CHARGES FOR THE 2014-19 TARIFF PERIOD**

34. The details of the trued-up transmission charges claimed by the Petitioner are as under:-

(₹ in lakh)					
<b>Particular</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Depreciation	78.28	78.28	78.28	78.29	78.28
Interest on Loan	58.05	54.38	54.68	51.52	49.10
Return on equity	84.00	84.38	84.34	84.34	84.57
Interest on Working Capital	16.47	16.78	17.18	17.50	17.88
O & M Expenses	206.41	213.25	220.42	227.62	235.30
<b>Total</b>	<b>443.21</b>	<b>447.07</b>	<b>454.90</b>	<b>459.27</b>	<b>465.13</b>

35. The details of the Interest on Working Capital (IWC) claimed by the Petitioner are as under:

(₹ in lakh)					
<b>Particular</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
O & M expenses	17.20	17.77	18.37	18.97	19.61
Maintenance Spares	30.96	31.99	33.06	34.14	35.30
Receivables	73.87	74.51	75.82	76.55	77.52
<b>Total</b>	<b>122.03</b>	<b>124.27</b>	<b>127.25</b>	<b>129.66</b>	<b>132.43</b>
Rate of Interest (%)	13.50	13.50	13.50	13.50	13.50
<b>Interest</b>	<b>16.47</b>	<b>16.78</b>	<b>17.18</b>	<b>17.50</b>	<b>17.88</b>

### **Capital Cost as on 1.4.2014**

36. The capital cost of the transmission asset has been calculated in accordance with Regulations 9(3) and 9(6) of the 2014 Tariff Regulations. The Commission vide order dated 14.3.2016 in Petition No.177/TT/2014 had approved the transmission tariff for the transmission asset for the 2014-19 period based on admitted capital cost of ₹4452.18 lakh as on 31.3.2014 for the Asset. Therefore, the admitted capital cost of ₹4452.18 lakh as on 31.3.2014 has been considered for working out the true up tariff for the tariff period 2014-19.



### **Additional Capital Expenditure (ACE)**

37. The Petitioner has not claimed any ACE during the 2014-19 period.

### **Capital Cost considered for true up of tariff for the 2014-19 period**

38. The capital cost considered for truing up of tariff for the 2014-19 tariff period is as under:

(₹ in lakh)		
Capital Cost as in 1.4.2014	ACE during 2014- 19 Period	Capital Cost as in 31.3.2019
4452.18	0.00	4452.18

### **Debt-Equity Ratio**

39. As per Regulation 19(3) of the 2014 Tariff Regulations, the debt-equity ratio allowed by the Commission for determination of tariff for the period ending on 31.3.2014 shall be considered. Accordingly, the admitted debt-equity ratio of 90.39:9.61 for the period ending on 31.3.2014 has been considered as opening debt-equity ratio as on 1.4.2014 for the purpose of truing up of tariff of the 2014-19 tariff period. The details of the debt-equity ratio of the transmission asset as on 1.4.2014 and 31.3.2019 is as follows:

Particulars	Capital cost as on 1.4.2014 (₹ in lakh)	(%)	Total cost as on 31.3.2019 (₹ in lakh)	(%)
Debt	4024.17	90.39	4024.17	90.39
Equity	428.01	9.61	428.01	9.61
<b>Total</b>	<b>4452.18</b>	<b>100.00</b>	<b>4452.18</b>	<b>100.00</b>

### **Depreciation**

40. The Petitioner has claimed depreciation considering capital expenditure of ₹4452.18 lakh as on 1.4.2014 for the transmission asset. The Petitioner has not claimed any depreciation towards "IT Equipment" in the present petition.



41. The depreciation has been worked out as per the methodology provided in Regulation 27 of the 2014 Tariff Regulations. The gross block during the tariff period 2014-19 has been depreciated at weighted average rate of depreciation (WAROD) and working of WAROD is given in Annexure-I. WAROD has been worked out after taking into account the depreciation rate as prescribed in the 2014 Tariff Regulations and the trued up depreciation allowed for the 2014-19 tariff period is as under:-

(₹ in lakh)					
Particular	2014-15	2015-16	2016-17	2017-18	2018-19
Opening Gross Block	4452.18	4452.18	4452.18	4452.18	4452.18
Additional Capitalisation	0.00	0.00	0.00	0.00	0.00
Closing Gross Block	4452.18	4452.18	4452.18	4452.18	4452.18
Average Gross Block	4452.18	4452.18	4452.18	4452.18	4452.18
Weighted average Rate of Depreciation (%)	Spreading	Spreading	Spreading	Spreading	Spreading
Balance useful life (at the beginning of the year)	21	20	19	18	17
Aggregate Depreciable Value	4006.96	4006.96	4006.96	4006.96	4006.96
<b>Depreciation during the year</b>	<b>73.20</b>	<b>73.20</b>	<b>73.20</b>	<b>73.20</b>	<b>73.20</b>
Cumulative Aggregate Depreciation	2543.06	2616.25	2689.45	2762.64	2835.84
Remaining Aggregate Depreciable Value	1463.91	1390.71	1317.52	1244.32	1171.13

42. Accordingly, depreciation approved vide order dated 14.3.2016 in Petition No. 177/TT/2014, depreciation claimed in the instant petition and trued up depreciation allowed in respect of the transmission asset are shown in the table below:

(₹ in lakh)					
Particular	2014-15	2015-16	2016-17	2017-18	2018-19
Approved vide order dated 14.3.2016 in Petition No. 177/TT/2014	54.55	54.55	54.55	54.55	54.55
Claimed by the Petitioner in the instant petition	78.28	78.28	78.28	78.29	78.28
Allowed after true-up in this order	73.20	73.20	73.20	73.20	73.20



### **Interest on Loan (IoL)**

43. The Petitioner has claimed IoL based on actual interest rates for each year during the 2014-19 period. The Petitioner has prayed for change in interest rates prevailing as on 1.4.2014 for respective loans.

44. UPPCL has submitted that as the capital cost is ₹4452.18 lakh and debt-equity ratio is 90.36:9.64, the amount of debt will be ₹4022.99 lakh. As the cumulative repayments of normative loan up to the previous year is ₹2363.10 lakh for the year 2014-15, the opening value of net loan will be ₹1659.89 lakh for the year 2014-15. As the net closing normative loan will be ₹1581.61 lakh, the average normative loan is ₹1620.75 lakh. As the rate of interest on loan is 3.579%, the interest on loan for 2014-15 should be ₹58.01 lakh. However, the Petitioner has claimed an IoL of ₹58.05 lakh. UPPCL has requested to direct the Petitioner to revise the figures of IoL.

45. In response, the Petitioner has submitted that the opening loan is ₹4024.17 lakh as on 1.4.2014 as allowed vide order dated 14.3.2016 in Petition No. 177/TT/2014 and IoL is computed as per the 2014 Tariff Regulations.

46. We have considered the submissions of the Petitioner and UPPCL and accordingly calculated IoL based on actual interest rate in accordance with Regulation 26 of the 2014 Tariff Regulations. IoL has been worked out as detailed below: -

- (i) Gross amount of loan, repayment of instalments and weighted average rate of interest on actual average loan have been considered as per the petition.
- (ii) The repayment for the tariff period 2014-19 has been considered to be equal to the depreciation allowed for that period.



47. The details of the trued-up IoL allowed for the transmission asset for the 2014-19 tariff period are as follows:

(₹ in lakh)					
Particular	2014-15	2015-16	2016-17	2017-18	2018-19
Gross Normative Loan	4024.17	4024.17	4024.17	4024.17	4024.17
Cumulative Repayments up to Previous Year	2469.86	2543.06	2616.25	2689.45	2762.64
Net Loan-Opening	1554.31	1481.11	1407.92	1334.72	1261.53
Additions	0.00	0.00	0.00	0.00	0.00
Repayment during the year	73.20	73.20	73.20	73.20	73.20
Net Loan-Closing	1481.11	1407.92	1334.72	1261.53	1188.33
Average Loan	1517.71	1444.52	1371.32	1298.13	1224.93
Weighted Average Rate of Interest on Loan (%)	3.579	3.523	3.732	3.714	3.752
<b>Interest on Loan</b>	<b>54.32</b>	<b>50.89</b>	<b>51.17</b>	<b>48.21</b>	<b>45.96</b>

48. Accordingly, IoL approved vide order dated 14.3.2014 in Petition No. 177/TT/2014, IoL claimed by the Petitioner in the instant petition and allowed after true up in respect of the transmission asset is shown in the table below:

(₹ in lakh)					
Particular	2014-15	2015-16	2016-17	2017-18	2018-19
Approved vide order dated 14.3.2014 in Petition No. 177/TT/2014	26.93	24.32	21.95	19.98	18.12
Claimed by the Petitioner in the instant petition	58.05	54.38	54.68	51.52	49.10
Allowed after true-up in this order	54.32	50.89	51.17	48.21	45.96

### **Return on Equity (RoE)**

49. The Petitioner has claimed RoE for the transmission asset in terms of Regulations 24 and 25 of the 2014 Tariff Regulations. The Petitioner has submitted that it is liable to pay income tax at MAT rates and has claimed following effective tax rates for the 2014-19 tariff period:

Year	Claimed effective tax rate (in %)	Grossed up RoE (Base Rate/1-t) (in %)
2014-15	21.018	19.624
2015-16	21.382	19.716





2016-17	21.338	19.705
2017-18	21.337	19.704
2018-19	21.549	19.758

50. UPPCL submitted that for 2016-17 to 2018-19, the grossed up rates of interest on equity have not been calculated on the basis of MAT rates approved by the Income Tax authorities. UPPCL has requested to direct the Petitioner to recalculate and submit the figure of RoE for the period 2016-17 to 2018-19 on the basis of revised grossed up rate of Return on Equity arrived at according to MAT rates approved by I.T. Authorities.

51. In response, the Petitioner has submitted that the effective rate of tax considered for 2014-15, 2015-16 and 2016-17 are based on Assessment Order issued by the Income Tax authorities, for the purpose of grossing up of RoE rate. Further, the effective rate of tax considered for 2017-18 and 2018-19 are based on the Income Tax returns filed, for the purpose of grossing up of RoE rate of respective years. Further, the Petitioner submitted that so far, it has been granted trued-up tariff of the 2014-19 period by the Commission vide orders in Petition No. 247/TT/2019 dated 18.4.2020, 274/TT/2019 dated 27.4.2020, 245/TT/2019 dated 23.4.2020 and 307/TT/2019 dated 16.4.2020 for transmission asset under the respective petitions, where effective tax rate based (for the 2014-19 tariff period) on notified MAT rates are considered for the purpose of grossing-up of rate of return on equity (RoE). Accordingly, the tariff for each year of the 2014-19 tariff period is being determined by the Commission considering the effective tax percentage to arrive at grossed up return of equity (RoE). The Petitioner has further submitted that the grossed up RoE (in %) and effective tax rate for the 2014-19 tariff period has already been determined by the Commission. The Petitioner has requested to allow



the differential tariff on account of the trued-up RoE based on effective tax rate calculated on completion of Income-tax assessment/ re-assessment for the years 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19 on receipt of the respective assessment orders, directly from the beneficiaries, on year to year basis as provided under the Regulations.

52. We have considered the submissions of the Petitioner and UPPCL. RoE is allowed as per Regulation 25 of the 2014 Tariff Regulations. The Commission in order dated 27.4.2020 in Petition No. 274/TT/2019 has arrived at the effective tax rate based on the notified MAT rates for the Petitioner. The relevant portion of the order 27.4.2020 is as under:

*“26. We are conscious that the entities covered under MAT regime are paying Income Tax as per MAT rate notified for respective financial year under IT Act, 1961, which is levied on the book profit of the entity computed as per the Section 115JB of the IT Act, 1961. The Section 115JB(2) defines book profit as net profit in the statement of Profit & Loss prepared in accordance with Schedule-III of the Companies Act, 2013, subject to some additions and deductions as mentioned in the IT Act, 1961. Since the Petitioner has been paying income tax on income computed under Section 115JB of the IT Act, 1961 as per the MAT rates of the respective financial year, the notified MAT rate for respective financial year shall be considered as effective tax rate for the purpose of grossing up of RoE for truing up of the tariff of the 2014-19 tariff period in terms of the provisions of the 2014 Tariff Regulations. Interest imposed on any additional income tax demand as per the Assessment Order of the Income Tax authorities shall be considered on actual payment. However, penalty (for default on the part of the Assessee) if any imposed shall not be taken into account for the purpose of grossing up of rate of return on equity. Any under-recovery or over-recovery of grossed up rate on return on equity after truing up, shall be recovered or refunded to beneficiaries or the long term transmission customers/ DICs as the case may be on year to year basis.*

27. Accordingly, following effective tax rates based on notified MAT rates are considered for the purpose of grossing up of rate of return on equity:

<b>Year</b>	<b>Notified MAT rates (inclusive of surcharge &amp; cess)</b>	<b>Effective tax (in %)</b>
2014-15	20.961	20.961
2015-16	21.342	21.342
2016-17	21.342	21.342
2017-18	21.342	21.342
2018-19	21.549	21.549

”



53. The same MAT rates as considered in order dated 27.4.2020 in Petition No. 274/TT/2019 are considered for the purpose of grossing up of rate of RoE for trueing up of the tariff of the 2014-19 tariff period in terms of the provisions of the 2014 Tariff Regulations, as under:

Year	Notified MAT rates (inclusive of surcharge & cess) (in %)	Base rate of RoE (in %)	Grossed up RoE (Base Rate/1-t) (in %)
2014-15	20.961	15.50	19.610
2015-16	21.342	15.50	19.705
2016-17	21.342	15.50	19.705
2017-18	21.342	15.50	19.705
2018-19	21.549	15.50	19.758

54. Accordingly, RoE allowed for the transmission asset is as follows:-

Particular	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Opening Equity	428.01	428.01	428.01	428.01	428.01
Addition due to ACE	0.00	0.00	0.00	0.00	0.00
Closing Equity	428.01	428.01	428.01	428.01	428.01
Average Equity	428.01	428.01	428.01	428.01	428.01
Return on Equity (Base Rate) (%)	15.500	15.500	15.500	15.500	15.500
Tax Rate applicable (%)	20.961	21.342	21.342	21.342	21.549
Applicable ROE Rate (%)	19.610	19.705	19.705	19.705	19.758
<b>Return on Equity for the year</b>	<b>83.93</b>	<b>84.34</b>	<b>84.34</b>	<b>84.34</b>	<b>84.57</b>

55. Accordingly, RoE approved vide order dated 14.3.2016 in Petition No. 177/TT/2014, RoE claimed in the instant petition and trueed up RoE allowed in respect of the transmission asset are shown in the table below:-

Particular	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Approved vide order dated 14.3.2016 in Petition No. 177/TT/2014	83.93	83.93	83.93	83.93	83.93
Claimed by the Petitioner in the instant petition	84.00	84.38	84.34	84.34	84.57
Allowed after true-up in this order	83.93	84.34	84.34	84.34	84.57



### Operation & Maintenance Expenses (O&M Expenses)

56. The details of the O&M Expenses claimed by the Petitioner for the transmission asset are as under:

Particular	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
<b>Transmission Line</b>					
220 kV Jalandhar-Hamirpur D/C Transmission Line( Single Circuit Single Conductor) (km)	124	124	124	124	124
Norms (₹ lakh/km)	0.404	0.418	0.432	0.446	0.461
<b>O&amp;M Transmission Line</b>	<b>37.57</b>	<b>38.81</b>	<b>40.18</b>	<b>41.42</b>	<b>42.90</b>
<b>Sub-station</b>					
No. of 220kV Bays	4	4	4	4	4
Norms (₹ lakh/Bay)	42.21	43.61	45.06	46.55	48.10
<b>O&amp;M Sub-station</b>	<b>168.84</b>	<b>174.44</b>	<b>180.24</b>	<b>186.20</b>	<b>192.40</b>
<b>Total O&amp;M (₹ in lakh)</b>	<b>206.41</b>	<b>213.25</b>	<b>220.42</b>	<b>227.62</b>	<b>235.30</b>

57. UPPCL has submitted that the figures of O&M calculated by it on the basis of the 2014 Tariff Regulations does not tally with the figures of O&M arrived at by the Petitioner. Accordingly, UPPCL has requested to direct the Petitioner to submit revised figures of O&M based on the 2014 Tariff Regulations. In response, the Petitioner has submitted that the O&M Expenses is as per the 2014 Tariff Regulations.

58. We have considered the submissions of the Petitioner and UPPCL. The O&M Expenses as claimed by the Petitioner are within norms specified under the 2014 Tariff Regulations. The allowable O&M Expenses are as follows:

Particular	2014-15	2015-16	2016-17	2017-18	2018-19
<b>Transmission Line (220 kV Jalandhar-Hamirpur D/C Transmission Line)</b>					
Actual line Length km) (Double Circuit Single Conductor)	124	124	124	124	124
Norms (₹ lakh/km)	0.404	0.418	0.432	0.446	0.461
<b>O&amp;M Transmission Line</b>	<b>37.57</b>	<b>38.81</b>	<b>40.18</b>	<b>41.42</b>	<b>42.90</b>
<b>Sub-station</b>					
No. of 220 kV Bays	4	4	4	4	4



Norms (₹ lakh/Bay)	42.21	43.61	45.06	46.55	48.10
O&M Sub-station	<b>168.84</b>	<b>174.44</b>	<b>180.24</b>	<b>186.20</b>	<b>192.40</b>
Total O&M (₹ in lakh)	<b>206.41</b>	<b>213.25</b>	<b>220.42</b>	<b>227.62</b>	<b>235.30</b>

59. Accordingly, O&M Expenses approved vide order dated 14.3.2016 in Petition No. 177/TT/2014, O&M Expenses claimed in the instant petition and true up O&M Expenses allowed in respect of the transmission asset are shown in the table below:

Particular	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Approved vide order dated 14.3.2016 in Petition No. 177/TT/2014	206.41	213.25	220.42	227.62	235.30
Claimed by the Petitioner in the instant petition	206.41	213.25	220.42	227.62	235.30
Approved after true-up in this order	206.41	213.25	220.42	227.62	235.30

### **Interest on Working Capital (IWC)**

60. The Petitioner is entitled for IWC as per Regulation 28 of the 2014 Tariff Regulations. The components of the working capital and the Petitioner's entitlement to interest thereon are discussed hereunder:

#### **(i) Receivables**

Receivables as a component of working capital will be equivalent to two months fixed cost. The Petitioner has claimed the receivables on the basis of 2 months annual transmission charges. In the tariff being allowed, receivables have been worked out on the basis of 2 months transmission charges.

#### **(ii) Maintenance spares**

Regulation 28 of the 2014 Tariff Regulations provides for maintenance spares @ 15% per annum of the O&M expenses. The value of maintenance spares has accordingly been worked out.



**(iii) O & M expenses**

Operation and maintenance expenses have been considered for one month as a component of working capital. The Petitioner has claimed O&M expenses for 1 month of the respective year as claimed in the petition. This has been considered in the working capital.

**(iv) Rate of interest on working capital**

As per Proviso 3 of Regulation 28 of the 2014 Tariff Regulations, SBI Base rate 10.00% as on 1.4.2014 plus 350 Bps i.e. 13.50% has been considered for the asset, as the rate of interest on working capital.

61. IWC allowed for the transmission asset is as under:-

Particulars	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Maintenance Spares for Working Capital	30.96	31.99	33.06	34.14	35.30
O&M Expenses for Working Capital	17.20	17.77	18.37	18.97	19.61
Receivables for Working Capital	72.35	73.04	74.35	75.11	76.12
Total Working Capital	120.52	122.80	125.78	128.22	131.02
Rate of Interest (%)	13.50	13.50	13.50	13.50	13.50
<b>Interest on Working Capital</b>	<b>16.27</b>	<b>16.58</b>	<b>16.98</b>	<b>17.31</b>	<b>17.69</b>

62. Accordingly, IWC approved vide order dated 14.3.2016 in Petition No. 177/TT/2014, IWC claimed in the instant petition and true up IWC allowed in respect of the transmission asset are shown in the table below:

Particular	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Approved vide order dated 14.3.2016 in Petition No. 177/TT/2014	15.21	15.53	15.87	16.22	16.60
Claimed by the Petitioner in the instant petition	16.47	16.78	17.18	17.50	17.88
Allowed after true-up in this order	16.27	16.58	16.98	17.31	17.69



### **Approved Annual Fixed Charges for the 2014-19 Tariff Period**

63. Accordingly, the annual fixed charges after truing up for the 2014-19 tariff period are as under:-

<b>Particulars</b>	<b>(₹ in lakh)</b>				
	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Depreciation	73.20	73.20	73.20	73.20	73.20
Interest on Loan	54.32	50.89	51.17	48.21	45.96
Return on Equity	83.93	84.34	84.34	84.34	84.57
Interest on Working Capital	16.27	16.58	16.98	17.31	17.69
O&M Expenses	206.41	213.25	220.42	227.62	235.30
<b>Total</b>	<b>434.13</b>	<b>438.26</b>	<b>446.10</b>	<b>450.67</b>	<b>456.71</b>

64. Accordingly, the details of the Annual Transmission Charges approved vide order dated 14.3.2016 in Petition No. 177/TT/2014, claimed by the Petitioner in the instant petition and trued up Annual Transmission Charges allowed in respect of the Asset are shown in the table below:-

<b>Particular</b>	<b>(₹ in lakh)</b>				
	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Allowed earlier in order dated 14.3.2016 in Petition No. 177/TT/2014	387.03	391.57	396.72	402.30	408.50
Claimed by the Petitioner in the instant petition	443.21	447.07	454.90	459.27	465.13
Allowed after true-up in this order	434.13	438.26	446.10	450.67	456.71

### **DETERMINATION OF ANNUAL FIXED CHARGES FOR THE 2019-24 TARIFF PERIOD**

65. The Petitioner has claimed the following transmission charges for the 2019-24 tariff period:-

<b>Particular</b>	<b>(₹ in lakh)</b>				
	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>
Depreciation	78.29	78.27	78.29	78.27	78.29
Interest on Loan	42.61	39.87	37.11	34.35	31.61
Return on equity	84.57	84.57	84.57	84.57	84.57
Interest on Working Capital	9.09	9.27	9.45	9.63	9.81
O & M Expenses	137.66	142.55	147.45	152.67	157.92
<b>Total</b>	<b>352.22</b>	<b>354.53</b>	<b>356.87</b>	<b>359.49</b>	<b>362.20</b>



66. The details of IWC claimed by the Petitioner are as under:

Particular	(₹ in lakh)				
	2019-20	2020-21	2021-22	2022-23	2023-24
O & M expenses	11.47	11.88	12.29	12.72	13.16
Maintenance Spares	20.65	21.38	22.12	22.90	23.69
Receivables	43.31	43.71	44.00	44.32	44.53
<b>Total</b>	<b>75.43</b>	<b>76.97</b>	<b>78.41</b>	<b>79.94</b>	<b>81.38</b>
Rate of Interest (%)	12.05	12.05	12.05	12.05	12.05
<b>Interest</b>	<b>9.09</b>	<b>9.27</b>	<b>9.45</b>	<b>9.63</b>	<b>9.81</b>

### **Capital Cost**

67. Regulation 19 of the 2019 Tariff Regulations provides as follows:-

**“19. Capital Cost:** (1) *The Capital cost of the generating station or the transmission system, as the case may be, as determined by the Commission after prudence check in accordance with these regulations shall form the basis for determination of tariff for existing and new projects.*

(2) *The Capital Cost of a new project shall include the following:*

(a) *The expenditure incurred or projected to be incurred up to the date of commercial operation of the project;*

(b) *Interest during construction and financing charges, on the loans (i) being equal to 70% of the funds deployed, in the event of the actual equity in excess of 30% of the funds deployed, by treating the excess equity as normative loan, or (ii) being equal to the actual amount of loan in the event of the actual equity less than 30% of the funds deployed;*

(c) *Any gain or loss on account of foreign exchange risk variation pertaining to the loan amount availed during the construction period;*

(d) *Interest during construction and incidental expenditure during construction as computed in accordance with these regulations;*

(e) *Capitalised initial spares subject to the ceiling rates in accordance with these regulations;*

(f) *Expenditure on account of additional capitalization and de-capitalisation determined in accordance with these regulations;*

(g) *Adjustment of revenue due to sale of infirm power in excess of fuel cost prior to the date of commercial operation as specified under Regulation 7 of these regulations;*

(h) *Adjustment of revenue earned by the transmission licensee by using the asset before the date of commercial operation;*

(i) *Capital expenditure on account of ash disposal and utilization including handling and transportation facility;*

(j) *Capital expenditure incurred towards railway infrastructure and its augmentation for transportation of coal up to the receiving end of the generating station but does not include the transportation cost and any other appurtenant cost paid to the railway;*

(k) *Capital expenditure on account of biomass handling equipment and facilities, for co-firing;*

(l) *Capital expenditure on account of emission control system necessary to meet the revised emission standards and sewage treatment plant;*





(m) Expenditure on account of fulfilment of any conditions for obtaining environment clearance for the project;

(n) Expenditure on account of change in law and force majeure events; and

(o) Capital cost incurred or projected to be incurred by a thermal generating station, on account of implementation of the norms under Perform, Achieve and Trade (PAT) scheme of Government of India shall be considered by the Commission subject to sharing of benefits accrued under the PAT scheme with the beneficiaries.

(3) The Capital cost of an existing project shall include the following:

(a) Capital cost admitted by the Commission prior to 1.4.2019 duly trued up by excluding liability, if any, as on 1.4.2019;

(b) Additional capitalization and de-capitalization for the respective year of tariff as determined in accordance with these regulations;

(c) Capital expenditure on account of ash disposal and utilization including handling and transportation facility;

(d) Capital expenditure on account of ash disposal and utilization including handling and transportation facility;

(e) Capital expenditure incurred towards railway infrastructure and its augmentation for transportation of coal up to the receiving end of generating station but does not include the transportation cost and any other appurtenant cost paid to the railway; and

(f) Capital cost incurred or projected to be incurred by a thermal generating station, on account of implementation of the norms under Perform, Achieve and Trade (PAT) scheme of Government of India shall be considered by the Commission subject to sharing of benefits accrued under the PAT scheme with the beneficiaries.”

(4) The capital cost in case of existing or new hydro generating station shall also include:

(a) cost of approved rehabilitation and resettlement (R&R) plan of the project in conformity with National R&R Policy and R&R package as approved; and

(b) cost of the developer's 10% contribution towards Rajiv Gandhi Grameen Vidyutikaran Yojana (RGGVY) and Deendayal Upadhyaya Gram Jyoti Yojana (DDUGJY) project in the affected area.

(5) The following shall be excluded from the capital cost of the existing and new projects:

(a) The asset forming part of the project, but not in use, as declared in the tariff petition;

(b) De-capitalised Asset after the date of commercial operation on account of replacement or removal on account of obsolescence or shifting from one project to another project:

Provided that in case replacement of transmission asset is recommended by Regional Power Committee, such asset shall be decapitalised only after its redeployment;

Provided further that unless shifting of an asset from one project to another is of permanent nature, there shall be no de-capitalization of the concerned asset.



- (c) In case of hydro generating stations, any expenditure incurred or committed to be incurred by a project developer for getting the project site allotted by the State Government by following a transparent process;
- (d) Proportionate cost of land of the existing project which is being used for generating power from generating station based on renewable energy; and
- (e) Any grant received from the Central or State Government or any statutory body or authority for the execution of the project which does not carry any liability of repayment.”

68. The capital cost of ₹4452.18 lakh has been considered by the Commission for the transmission asset as on 31.3.2019. Therefore, the capital cost of ₹4452.18 lakh as on 31.3.2019 has been considered as the opening capital cost as on 1.4.2019 for the purpose of determination of transmission tariff for the 2019-24 period in accordance with Regulation 19 of the 2019 Tariff Regulations.

69. The Petitioner has not claimed any ACE for the 2019-24 tariff period for the transmission Asset in the instant petition.

### **Debt-Equity Ratio**

70. Regulation 18 of the 2019 Tariff Regulations provides as under:-

*“18. **Debt-Equity Ratio:** (1) For new projects, the debt: equity ratio of 70:30 as on date of commercial operation shall be considered. If the equity actually deployed is more than 30% of the capital cost, equity in excess of 30% shall be treated as normative loan:*

*Provided that:*

- i. where equity actually deployed is less than 30% of the capital cost, actual equity shall be considered for determination of tariff:*
- ii. the equity invested in foreign currency shall be designated in Indian rupees on the date of each investment:*
- iii. any grant obtained for the execution of the project shall not be considered as a part of capital structure for the purpose of debt: equity ratio.*

*(2) The generating company or the transmission licensee, as the case may be, shall submit the resolution of the Board of the company or approval of the competent authority in other cases regarding infusion of funds from internal resources in support of the utilization made or proposed to be made to meet the capital expenditure of the generating station or the transmission system including communication system, as the case may be.*

*(3) In case of the generating station and the transmission system including communication system declared under commercial operation prior to 1.4.2019,*



debt: equity ratio allowed by the Commission for determination of tariff for the period ending 31.3.2019 shall be considered:

*Provided that in case of a generating station or a transmission system including communication system which has completed its useful life as on or after 1.4.2019, if the equity actually deployed as on 1.4.2019 is more than 30% of the capital cost, equity in excess of 30% shall not be taken into account for tariff computation;*

*Provided further that in case of projects owned by Damodar Valley Corporation, the debt: equity ratio shall be governed as per sub-clause (ii) of clause (2) of Regulation 72 of these regulations.*

*(4) In case of the generating station and the transmission system including communication system declared under commercial operation prior to 1.4.2019, but where debt: equity ratio has not been determined by the Commission for determination of tariff for the period ending 31.3.2019, the Commission shall approve the debt: equity ratio in accordance with clause (1) of this Regulation.*

*(5) Any expenditure incurred or projected to be incurred on or after 1.4.2019 as may be admitted by the Commission as additional capital expenditure for determination of tariff, and renovation and modernisation expenditure for life extension shall be serviced in the manner specified in clause (1) of this Regulation.”*

71. The debt-equity ratio for the 2019-24 period is allowed as per Regulation 18(3) of the 2019 Tariff Regulations. The details of the debt-equity ratio considered for the purpose of tariff for the 2019-24 tariff period are as follows:-

Particulars	Capital cost as on 1.4.2019 (₹ in lakh)	(%)	Total cost as on 31.3.2024 (₹ in lakh)	(%)
Debt	4024.17	90.39	4024.17	90.39
Equity	428.01	9.61	428.01	9.61
<b>Total</b>	<b>4452.18</b>	<b>100.00</b>	<b>4452.18</b>	<b>100.00</b>

### **Depreciation**

72. Regulation 33 of the 2019 Tariff Regulations provides as follows:-

*“33. **Depreciation:** (1) Depreciation shall be computed from the date of commercial operation of a generating station or unit thereof or a transmission system or element thereof including communication system. In case of the tariff of all the units of a generating station or all elements of a transmission system including communication system for which a single tariff needs to be determined, the depreciation shall be computed from the effective date of commercial operation of the generating station or the transmission system taking into consideration the depreciation of individual units:*

*Provided that effective date of commercial operation shall be worked out by considering the actual date of commercial operation and installed capacity of all*



*the units of the generating station or capital cost of all elements of the transmission system, for which single tariff needs to be determined.*

*(2) The value base for the purpose of depreciation shall be the capital cost of the asset admitted by the Commission. In case of multiple units of a generating station or multiple elements of a transmission system, weighted average life for the generating station of the transmission system shall be applied. Depreciation shall be chargeable from the first year of commercial operation. In case of commercial operation of the asset for part of the year, depreciation shall be charged on pro rata basis.*

*(3) The salvage value of the asset shall be considered as 10% and depreciation shall be allowed up to maximum of 90% of the capital cost of the asset:*

*Provided that the salvage value for IT equipment and software shall be considered as NIL and 100% value of the asset shall be considered depreciable;*

*Provided further that in case of hydro generating stations, the salvage value shall be as provided in the agreement, if any, signed by the developers with the State Government for development of the generating station:*

*Provided also that the capital cost of the asset of the hydro generating station for the purpose of computation of depreciated value shall correspond to the percentage of sale of electricity under long-term power purchase agreement at regulated tariff:*

*Provided also that any depreciation disallowed on account of lower availability of the generating station or unit or transmission system as the case may be, shall not be allowed to be recovered at a later stage during the useful life or the extended life.*

*(4) Land other than the land held under lease and the land for reservoir in case of hydro generating station shall not be a depreciable asset and its cost shall be excluded from the capital cost while computing depreciable value of the asset.*

*(5) Depreciation shall be calculated annually based on Straight Line Method and at rates specified in Appendix-I to these regulations for the asset of the generating station and transmission system:*

*Provided that the remaining depreciable value as on 31st March of the year closing after a period of 12 years from the effective date of commercial operation of the station shall be spread over the balance useful life of the asset.*

*(6) In case of the existing projects, the balance depreciable value as on 1.4.2019 shall be worked out by deducting the cumulative depreciation as admitted by the Commission up to 31.3.2019 from the gross depreciable value of the asset.*

*(7) The generating company or the transmission licensee, as the case may be, shall submit the details of proposed capital expenditure five years before the completion of useful life of the project along with justification and proposed life extension. The Commission based on prudence check of such submissions shall approve the depreciation on capital expenditure.*



(8) In case of de-capitalization of asset in respect of generating station or unit thereof or transmission system or element thereof, the cumulative depreciation shall be adjusted by taking into account the depreciation recovered in tariff by the de-capitalized asset during its useful services.”

73. WAROD (Annexure-II to this order) is allowed after taking into account the depreciation rates of asset as prescribed in the 2019 Tariff Regulations. The depreciation has been worked out considering the admitted capital expenditure as on 31.3.2019 and accumulated depreciation up to 31.3.2019. The depreciation worked out for the instant asset is as follows:

(₹ in lakh)					
Particular	2019-20	2020-21	2021-22	2022-23	2023-24
Opening Gross Block	4452.18	4452.18	4452.18	4452.18	4452.18
Addition during 2019-24 due to projected ACE	0.00	0.00	0.00	0.00	0.00
Closing Gross Block	4452.18	4452.18	4452.18	4452.18	4452.18
Average Gross Block	4452.18	4452.18	4452.18	4452.18	4452.18
Balance useful life at the beginning of the year	16	15	14	13	12
Depreciable Value	4006.96	4006.96	4006.96	4006.96	4006.96
Rate of Depreciation (%)	Spreading	Spreading	Spreading	Spreading	Spreading
<b>Depreciation during the year</b>	<b>73.20</b>	<b>73.20</b>	<b>73.20</b>	<b>73.20</b>	<b>73.20</b>
Cumulative Aggregate Depreciation	2909.03	2982.23	3055.42	3128.62	3201.81
Remaining Aggregate Depreciable Value	1097.93	1024.73	951.54	878.34	805.15

### **Interest on Loan (IoL)**

74. Regulation 32 of the 2019 Tariff Regulations provides as under:

**“32. Interest on loan capital:** (1) The loans arrived at in the manner indicated in Regulation 18 of these regulations shall be considered as gross normative loan for calculation of interest on loan.

(2) The normative loan outstanding as on 1.4.2019 shall be worked out by deducting the cumulative repayment as admitted by the Commission up to 31.3.2019 from the gross normative loan.

(3) The repayment for each of the year of the tariff period 2019-24 shall be deemed to be equal to the depreciation allowed for the corresponding year/period. In case of de-capitalization of asset, the repayment shall be adjusted by taking into account cumulative repayment on a pro rata basis and the adjustment should not exceed cumulative depreciation recovered up to the date of de-capitalisation of such asset.



*(4) Notwithstanding any moratorium period availed by the generating company or the transmission licensee, as the case may be, the repayment of loan shall be considered from the first year of commercial operation of the project and shall be equal to the depreciation allowed for the year or part of the year. (5) The rate of interest shall be the weighted average rate of interest calculated on the basis of the actual loan portfolio after providing appropriate accounting adjustment for interest capitalized:*

*Provided that if there is no actual loan for a particular year but normative loan is still outstanding, the last available weighted average rate of interest shall be considered;*

*Provided further that if the generating station or the transmission system, as the case may be, does not have actual loan, then the weighted average rate of interest of the generating company or the transmission licensee as a whole shall be considered.*

*(5) The rate of interest shall be the weighted average rate of interest calculated on the basis of the actual loan portfolio after providing appropriate accounting adjustment for interest capitalized:*

*Provided that if there is no actual loan for a particular year but normative loan is still outstanding, the last available weighted average rate of interest shall be considered;*

*Provided further that if the generating station or the transmission system, as the case may be, does not have actual loan, then the weighted average rate of interest of the generating company or the transmission licensee as a whole shall be considered.*

*(6) The interest on loan shall be calculated on the normative average loan of the year by applying the weighted average rate of interest.*

*(7) The changes to the terms and conditions of the loans shall be reflected from the date of such re-financing.”*

75. UPPCL has submitted that the capital cost is ₹4452.18 lakh. Debt-Equity Ratio is 90.36:09.64 and, therefore, the debt is ₹4022.99 lakh for 2019-20. However, the Petitioner has taken gross normative opening value of loan as ₹4024.17 lakh. The cumulative depreciation ending 2018-19 is ₹2754.51 lakh and uniform rate of depreciation from 1.4.2014 is ₹78.29 lakh. Therefore, the net normative closing value of loan will be ₹1190.19 lakh and net average normative loan for 2019-20 will be ₹1229.335 lakh. The weighted average rate of interest is 3.4639% and, therefore, IoL as per UPPCL for the year 2019-20 should be ₹42.57 lakh as against which the



Petitioner has taken the value of IoL as ₹42.61 lakh. UPPCL has requested to direct the Petitioner to submit revised figures of IoL.

76. In response, the Petitioner has submitted that opening loan is ₹4024.17 lakh as on 1.4.2014 is as allowed vide order dated 14.3.2016 in Petition No. 177/TT/2014 and IoL computed is as per the 2019 Tariff Regulations.

77. We have considered the submissions of the Petitioner and UPPCL. The weighted average rate of IoL has been considered on the basis of rate prevailing as on 1.4.2019. The Petitioner has prayed that the change in interest rate due to floating rate of interest applicable, if any, during 2019-24 tariff period will be adjusted. The floating rate of interest, if any, shall be considered at the time of true up. Accordingly, IoL has been worked out in accordance with Regulation 32 of the 2019 Tariff Regulations as under:

Particular	(₹ in lakh)				
	2019-20	2020-21	2021-22	2022-23	2023-24
Gross Normative Loan	4024.17	4024.17	4024.17	4024.17	4024.17
Cumulative Repayments up to Previous Year	2835.84	2909.03	2982.23	3055.42	3128.62
Net Loan-Opening	1188.33	1115.14	1041.94	968.75	895.55
Additions	0.00	0.00	0.00	0.00	0.00
Repayment during the year	73.20	73.20	73.20	73.20	73.20
Net Loan-Closing	1115.14	1041.94	968.75	895.55	822.36
Average Loan	1151.74	1078.54	1005.35	932.15	858.95
Weighted Average Rate of Interest on Loan (%)	3.463	3.460	3.456	3.450	3.446
Interest on Loan	<b>39.88</b>	<b>37.32</b>	<b>34.74</b>	<b>32.16</b>	<b>29.60</b>

### **Return on Equity (RoE)**

78. Regulations 30 and 31 of the 2019 Tariff Regulations specify as under:-

*“30. **Return on Equity:** (1) Return on equity shall be computed in rupee terms, on the equity base determined in accordance with Regulation 18 of these regulations.*

*(2) Return on equity shall be computed at the base rate of 15.50% for thermal generating station, transmission system including communication system and run-of river hydro generating station, and at the base rate of 16.50% for the storage*



type hydro generating stations including pumped storage hydro generating stations and run-of river generating station with pondage:

Provided that return on equity in respect of additional capitalization after cut-off date beyond the original scope excluding additional capitalization due to Change in Law, shall be computed at the weighted average rate of interest on actual loan portfolio of the generating station or the transmission system;

Provided further that:

i. In case of a new project, the rate of return on equity shall be reduced by 1.00% for such period as may be decided by the Commission, if the generating station or transmission system is found to be declared under commercial operation without commissioning of any of the Restricted Governor Mode Operation (RGMO) or Free Governor Mode Operation (FGMO), data telemetry, communication system up to load dispatch centre or protection system based on the report submitted by the respective RLDC;

ii. in case of existing generating station, as and when any of the requirements under (i) above of this Regulation are found lacking based on the report submitted by the concerned RLDC, rate of return on equity shall be reduced by 1.00% for the period for which the deficiency continues;

iii. in case of a thermal generating station, with effect from 1.4.2020:

a) rate of return on equity shall be reduced by 0.25% in case of failure to achieve the ramp rate of 1% per minute;

b) an additional rate of return on equity of 0.25% shall be allowed for every incremental ramp rate of 1% per minute achieved over and above the ramp rate of 1% per minute, subject to ceiling of additional rate of return on equity of 1.00%:

Provided that the detailed guidelines in this regard shall be issued by National Load Dispatch Centre by 30.6.2019.”

**“31. Tax on Return on Equity:**(1) The base rate of return on equity as allowed by the Commission under Regulation 30 of these regulations shall be grossed up with the effective tax rate of the respective financial year. For this purpose, the effective tax rate shall be considered on the basis of actual tax paid in respect of the financial year in line with the provisions of the relevant Finance Acts by the concerned generating company or the transmission licensee, as the case may be. The actual tax paid on income from other businesses including deferred tax liability (i.e. income from business other than business of generation or transmission, as the case may be) shall be excluded for the calculation of effective tax rate.

(2) Rate of return on equity shall be rounded off to three decimal places and shall be computed as per the formula given below:

$$\text{Rate of pre-tax return on equity} = \text{Base rate} / (1-t)$$

Where “t” is the effective tax rate in accordance with clause (1) of this Regulation and shall be calculated at the beginning of every financial year based on the estimated profit and tax to be paid estimated in line with the provisions of the





relevant Finance Act applicable for that financial year to the company on pro-rata basis by excluding the income of non-generation or non-transmission business, as the case may be, and the corresponding tax thereon. In case of generating company or transmission licensee paying Minimum Alternate Tax (MAT), "t" shall be considered as MAT rate including surcharge and cess.

**Illustration-**

(i) In case of a generating company or a transmission licensee paying Minimum Alternate Tax (MAT) @ 21.55% including surcharge and cess:

Rate of return on equity =  $15.50 / (1 - 0.2155) = 19.758\%$

(ii) In case of a generating company or a transmission licensee paying normal corporate tax including surcharge and cess:

(a) Estimated Gross Income from generation or transmission business for FY 2019-20 is Rs 1,000 crore;

(b) Estimated Advance Tax for the year on above is Rs 240 crore;

(c) Effective Tax Rate for the year 2019-20 = Rs 240 Crore/Rs 1000 Crore = 24%;

(d) Rate of return on equity =  $15.50 / (1 - 0.24) = 20.395\%$

(3) The generating company or the transmission licensee, as the case may be, shall true up the grossed up rate of return on equity at the end of every financial year based on actual tax paid together with any additional tax demand including interest thereon, duly adjusted for any refund of tax including interest received from the income tax authorities pertaining to the tariff period 2019-24 on actual gross income of any financial year. However, penalty, if any, arising on account of delay in deposit or short deposit of tax amount shall not be claimed by the generating company or the transmission licensee, as the case may be. Any under-recovery or over-recovery of grossed up rate on return on equity after truing up, shall be recovered or refunded to beneficiaries or the long term customers, as the case may be, on year to year basis."

79. The Petitioner has submitted that MAT rate is applicable to the Petitioner's company. UPPCL has submitted that the capital cost is ₹4452.18 lakh and Debt-Equity Ratio is 90.36:9.64. Therefore, the opening value of Equity will be ₹429.19 lakh against which the Petitioner has taken the value of ₹428.01 lakh. There being no ACE, average normative equity will be ₹429.19 lakh for 2019-20. The grossed up rate of interest on Return of Equity on 31.03.2019 is 19.758% and the same value has been adopted by the Petitioner for the year 2019-20. As such the return on equity as per UPPCL is ₹84.79 lakh for the year 2019-20. The same value will hold good for the 2019-20 to 2023-24 period since there is no ACE. As against this, the Petitioner has worked out the figure of RoE as ₹84.57 lakh per year for the 2019-20



to 2023-24 entire period. The grossed up rate of Return on Equity is 19.758% which is same as the rate of Return on Equity ending 31.3.2019 which is not authentic since the same has been calculated on the basis of presumptive value of MAT rates not approved by the I.T. Authorities. UPPCL has requested to direct the Petitioner to submit the revised figures of ROE after making above mentioned correction.

80. In response, the Petitioner has submitted that that there is a change in MAT rate applicable for 2019-20 on account of taxation laws (Amendment) ordinance 2019 published in the Gazette dated 20.9.2019. It has submitted that paragraph 10.2 of the petition may be read as given below:

*“10.2 That, it is submitted that the petitioner being liable to pay income tax at MAT rate prescribed vide The taxation laws (Amendment) ordinance 2019 published in the Gazette dt. 20th September, 2019. The ROE has been calculated @ 18.782% after grossing up the ROE with MAT rate of 17.472% (Base Rate 15% + Surcharge 12% + Cess 4%) based on the formula given at regulation 31(2) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 for 2019-24 period. That as per clause 31 (3) of the above regulation, the grossed up rate of ROE at the end of every financial year shall be trued up based on actual tax paid together with any additional tax demand including interest thereon duly adjusted for any refund of tax including interest received from the IT authorities pertaining to the tariff period 2019-24 on actual gross income of any financial year. However, penalty, if any, arising on account of delay in deposit or short deposit of tax amount shall not be claimed by the generating company or the transmission licensee, as the case may be. Any under-recovery or over-recovery of grossed up rate on ROE after truing up shall be recovered or refunded to beneficiaries or the long term customers, as the case may be on year to year basis. It is further submitted that adjustment due to any additional tax demand including interest duly adjusted for any refund of tax including interest received from IT authorities shall be recoverable /adjustable during the tariff period 2019-24 on year to year basis on receipt of Income Tax assessment order.”*

81. The Petitioner has further submitted that in the absence of IT assessment order pertaining to 2019-24 period, RoE should be calculated @18.782% after grossing up the RoE with MAT rate of 17.472% (Base Rate 15% + Surcharge 12% + Cess 4%) based on the rate prescribed by the Commission as per illustration under Regulation 31(2)(ii) of the 2019 Tariff Regulations during 2019-24 period. We have considered the submissions of the Petitioner and UPPCL. Regulation 30 read with



Regulation 31 of the 2019 Tariff Regulations provides for grossing up of ROE with the effective tax rate for the purpose of return on equity. It further provides that in case the generating company or transmission licensee is paying Minimum Alternative Tax (MAT), the MAT rate including surcharge and cess will be considered for the grossing up of return on equity. Accordingly, the MAT rate applicable in 2019-20 has been considered for the purpose of RoE, which shall be trued up with actual tax rate in accordance with Regulation 31(3) of the 2019 Tariff Regulations. RoE has been allowed as follows:-

(₹ in lakh)					
Particulars	2019-20	2020-21	2021-22	2022-23	2023-24
Opening Equity	428.01	428.01	428.01	428.01	428.01
Additions	0.00	0.00	0.00	0.00	0.00
Closing Equity	428.01	428.01	428.01	428.01	428.01
Average Equity	428.01	428.01	428.01	428.01	428.01
Return on Equity (Base Rate) (%)	15.500	15.500	15.500	15.500	15.500
MAT Rate for respective year (%)	17.472	17.472	17.472	17.472	17.472
Rate of Return on Equity (%)	18.782	18.782	18.782	18.782	18.782
<b>Return on Equity</b>	<b>80.39</b>	<b>80.39</b>	<b>80.39</b>	<b>80.39</b>	<b>80.39</b>

### **Operation & Maintenance Expenses (O&M Expenses)**

82. Regulation 35(3)(a) of the 2019 Tariff Regulations specifies the norms for O&M Expenses for the transmission system and the same is as follows:-

*“(3) **Transmission system:** (a) The following normative operation and maintenance expenses shall be admissible for the transmission system:*

Particulars	2019-20	2020-21	2021-22	2022-23	2023-24
<i>Norms for sub-station Bays (₹ Lakh per bay)</i>					
765 kV	45.0	46.6	48.2	49.9	51.6
400 kV	32.1	33.2	34.4	35.6	36.9
220 kV	22.5	23.3	24.1	24.9	25.8
132 kV and below	16.0	16.6	17.2	17.8	18.4
<i>Norms for Transformers (₹ Lakh per MVA)</i>					
765 kV	0.49	0.50	0.52	0.54	0.56
400 kV	0.35	0.37	0.38	0.39	0.41
220 kV	0.24	0.25	0.26	0.27	0.28
132 kV and below	0.24	0.25	0.26	0.27	0.28
<i>Norms for AC and HVDC lines (₹ Lakh per km)</i>					



Single Circuit (Bundled Conductor)	0.881	0.912	0.944	0.977	1.011
Single Circuit (Bundled conductor)	0.755	0.781	0.809	0.837	0.867
Single Circuit	0.503	0.521	0.539	0.558	0.578
Single Circuit (Single)	0.252	0.260	0.270	0.279	0.289
Double Circuit (Bundled)	1.322	1.368	1.416	1.466	1.517
Double Circuit	0.881	0.912	0.944	0.977	1.011
Double Circuit (Single)	0.377	0.391	0.404	0.419	0.433
Multi Circuit (Bundled)	2.319	2.401	2.485	2.572	2.662
Multi Circuit	1.544	1.598	1.654	1.713	1.773
Norms for HVDC					
HVDC Back-to- Back stations (Rs	834	864	894	925	958
Gazuwaka HVDC Back-to-Back	1,666	1,725	1,785	1,848	1,913
500 kV Rihand- Dadri HVDC	2,252	2,331	2,413	2,498	2,586
±500 kV Talcher- Kolar HVDC	2,468	2,555	2,645	2,738	2,834
±500 kV Bhiwadi- Balía HVDC	1,696	1,756	1,817	1,881	1,947
±800 kV, Bishwanath-	2,563	2,653	2,746	2,842	2,942

*Provided that the O&M expenses for the GIS bays shall be allowed as worked out by multiplying 0.70 of the O&M expenses of the normative O&M expenses for bays;*

*Provided further that:*

- i. the operation and maintenance expenses for new HVDC bi-pole schemes commissioned after 1.4.2019 for a particular year shall be allowed pro-rata on the basis of normative rate of operation and maintenance expenses of similar HVDC bi-pole scheme for the corresponding year of the tariff period;*
- ii. the O&M expenses norms for HVDC bi-pole line shall be considered as Double Circuit quad AC line;*
- iii. the O&M expenses of ±500 kV Mundra-Mohindergarh HVDC bipole scheme (2000 MW) shall be allowed as worked out by multiplying 0.80 of the normative O&M expenses for ±500 kV Talchar-Kolar HVDC bi-pole scheme (2000 MW);*
- iv. the O&M expenses of ±800 kV Champa-Kurukshetra HVDC bi-pole scheme (3000 MW) shall be on the basis of the normative O&M expenses for ±800 kV, Bishwanath-Agra HVDC bi-pole scheme;*



- v. the O&M expenses of  $\pm 800$  kV, Alipurduar-Agra HVDC bi-pole scheme (3000 MW) shall be allowed as worked out by multiplying 0.80 of the normative O&M expenses for  $\pm 800$  kV, Bishwanath-Agra HVDC bi-pole scheme; and
- vi. the O&M expenses of Static Synchronous Compensator and Static Var Compensator shall be worked at 1.5% of original project cost as on commercial operation which shall be escalated at the rate of 3.51% to work out the O&M expenses during the tariff period. The O&M expenses of Static Synchronous Compensator and Static Var Compensator, if required, may be reviewed after three years.

(b) The total allowable operation and maintenance expenses for the transmission system shall be calculated by multiplying the number of sub-station bays, transformer capacity of the transformer (in MVA) and km of line length with the applicable norms for the operation and maintenance expenses per bay, per MVA and per km respectively.

(c) The Security Expenses and Capital Spares for transmission system shall be allowed separately after prudence check:

Provided that the transmission licensee shall submit the assessment of the security requirement and estimated security expenses, the details of year-wise actual capital spares consumed at the time of truing up with appropriate justification.

(4) Communication system: The operation and maintenance expenses for the communication system shall be worked out at 2.0% of the original project cost related to such communication system. The transmission licensee shall submit the actual operation and maintenance expenses for truing up.”

83. The O&M Expenses claimed by the Petitioner are as under:

(₹ in lakh)					
Particular	2019-20	2020-21	2021-22	2022-23	2023-24
<b>Transmission Line</b>					
220 kV Jalandhar-Hamirpur D/C Transmission Line Actual line Length km) (Double Circuit Single Conductor)	124	124	124	124	124
Norms (₹ lakh/km)	0.377	0.391	0.404	0.419	0.433
O&M Transmission Line	46.75	48.48	50.10	51.96	53.69
<b>Sub-station</b>					
No. of 220 kV Bays	4	4	4	4	4
Norms (₹ lakh/Bay)	22.51	23.30	24.12	24.96	25.84
O&M Sub-station	90.04	93.30	96.48	99.84	103.36
<b>Communication System (PLCC)</b>					
Project Cost (₹ in lakh)	43.35	43.35	43.35	43.35	43.35
Norm (%)	2	2	2	2	2
PLCC	0.87	0.87	0.87	0.87	0.87
<b>Total O&amp;M (₹ in lakh)</b>	<b>137.66</b>	<b>142.55</b>	<b>147.45</b>	<b>152.67</b>	<b>157.92</b>



84. The Petitioner has claimed O&M Expenses separately for the PLCC under Regulation 35(4) of the 2019 Tariff Regulations @2% of its original project cost in the instant petition. The Petitioner has made similar claim in other petitions as well. Though PLCC is a communication system, it has been considered as part of the sub-station in the 2014 Tariff Regulations and the 2019 Tariff Regulations and the norms for Sub-station have been specified accordingly. Accordingly, the Commission vide order dated 24.1.2021 in Petition No. 126/TT/2020 has already concluded that no separate O&M Expenses can be allowed for PLCC under Regulation 35(4) of the 2019 Tariff Regulations even though PLCC is a communication system. Therefore, the Petitioner's claim for separate O&M Expenses for PLCC @2% is not allowed. The relevant portions of the order dated 24.1.2021 in Petition No. 126/TT/2020 are extracted hereunder.

*“103. Thus, although PLCC equipment is a communication system, it has been considered as a part of sub-station, as it is used both for protection and communication. Therefore, we are of the considered view that rightly, it was not considered for separate O&M Expenses while framing norms of O&M for 2019-24 tariff period. While specifying norms for bays and transformers, O&M Expenses for PLCC have been included within norms for O&M Expenses for sub-station. Norms of O&M Expenses @2% of the capital cost in terms of Regulation 35(4) of the 2019 Tariff Regulations have been specified for communication system such as PMU, RMU, OPGW etc. and not for PLCC equipment.”*

*“105. In our view, granting of O&M Expenses for PLCC equipment @2% of its capital cost under Regulation 35(4) of the 2014 Tariff Regulations under the communication system head would tantamount to granting O&M Expenses twice for PLCC equipment as PLCC equipment has already been considered as part of the sub-station. Therefore, the Petitioner's prayer for grant of O&M Expenses for the PLCC equipment @2% of its capital cost under Regulation 35(4) of the 2014 Tariff Regulations is rejected.*

*106. The principle adopted in this petition that PLCC is part of sub-station and accordingly no separate O&M Expenses is admissible for PLCC equipment in the 2019-24 tariff period under Regulation 35(4) of the 2019 Tariff Regulations shall be applicable in case of all petitions where similar claim is made by the Petitioner. As already mentioned, the Commission, however, on the basis of the claim made by the Petitioner has inadvertently allowed O&M Expenses for PLCC equipment @2% of its original project cost, which is applicable for other “communication system”, for 2019-24 period in 31 petitions given in Annexure-3 of this order. Therefore, the decision in this order shall also be applicable to all the petitions given in Annexure-3. Therefore, PGCIL is directed to bring this decision to the notice of all the stakeholders in the 31*



petitions given in Annexure-3 and also make revised claim of O&M Expenses for PLCC as part of the sub-station at the time of truing up of the tariff allowed for 2019-24 period in respective petitions.”

Therefore, the Petitioner’s claim for separate O&M Expenses for PLCC @2% is not allowed.

85. The O&M Expenses allowed out for the transmission asset covered in the instant petition are as under:-

	(₹ in lakh)				
Particular	2019-20	2020-21	2021-22	2022-23	2023-24
<b>Transmission Line</b>					
220 kV Jalandhar-Hamirpur D/C Transmission Line Actual line length km) (Double Circuit Single Conductor)	124	124	124	124	124
Norms (₹ lakh/km)	0.377	0.391	0.404	0.419	0.433
O&M Transmission Line	46.75	48.48	50.10	51.96	53.69
<b>Sub-station</b>					
No. of 220 kV Bays	4	4	4	4	4
Norms (₹ lakh/Bay)	22.51	23.30	24.12	24.96	25.84
O&M Sub-station	90.04	93.30	96.48	99.84	103.36
<b>Total O&amp;M (₹ in lakh)</b>	<b>136.79</b>	<b>141.68</b>	<b>146.58</b>	<b>151.80</b>	<b>157.05</b>

### **Interest on Working Capital (IWC)**

86. Regulations 34(1)(c), 34(3), 34(4) and 3(7) of the 2019 Tariff Regulations specify as follows:

“34. Interest on Working Capital

(1)...

(c) For Hydro Generating Station (including Pumped Storage Hydro Generating Station) and Transmission System:

- i. Receivables equivalent to 45 days of fixed cost;
- ii. Maintenance spares @ 15% of operation and maintenance expenses including security expenses; and
- iii. Operation and maintenance expenses, including security expenses for one month”

“(3)Rate of interest on working capital shall be on normative basis and shall be considered as the bank rate as on 1.4.2019 or as on 1st April of the year during the tariff period 2019-24 in which the generating station or a unit



thereof or the transmission system including communication system or element thereof, as the case may be, is declared under commercial operation, whichever is later:

*Provided that in case of truing-up, the rate of interest on working capital shall be considered at bank rate as on 1st April of each of the financial year during the tariff period 2019-24.*

*(4) Interest on working capital shall be payable on normative basis notwithstanding that the generating company or the transmission licensee has not taken loan for working capital from any outside agency.”*

“3.Definitions ...

*(7) ‘Bank Rate’ means the one year marginal cost of lending rate (MCLR) of the State Bank of India issued from time to time plus 350 basis points;”*

87. The Petitioner has submitted that it has computed IWC for the 2019-24 period considering the SBI Base Rate plus 350 basis points as on 1.4.2019. The Petitioner has considered the rate of interest on working capital as 12.05%. The IWC is worked out in accordance with Regulation 34 of the 2019 Tariff Regulations. The Rate of Interest (RoI) on working capital considered is 12.05% (SBI 1 year MCLR applicable as on 1.4.2019 of 8.55% plus 350 basis points) for 2019-20, whereas, RoI for 2020-21 onwards has been considered as 11.25% (SBI 1 year MCLR applicable as on 1.4.2020 of 7.75% plus 350 basis points). The components of the working capital and interest thereon allowed for the transmission asset is as under:-

Particular	(₹ in lakh)				
	2019-20	2020-21	2021-22	2022-23	2023-24
O & M Expenses for Working Capital	11.40	11.81	12.21	12.65	13.09
Maintenance Spares for Working Capital	20.52	21.25	21.99	22.77	23.56
Receivables for Working Capital	41.70	42.05	42.35	42.70	42.93
Total Working Capital	73.61	75.10	76.55	78.12	79.58
Rate of Interest (%)	12.05	11.25	11.25	11.25	11.25
Interest on working capital	<b>8.87</b>	<b>8.45</b>	<b>8.61</b>	<b>8.79</b>	<b>8.95</b>





### **Annual Fixed Charges for the 2019-24 Tariff Period**

88. The transmission charges allowed for the transmission asset for the 2019-24 period are as below:-

Particulars	(₹ in lakh)				
	2019-20	2020-21	2021-22	2022-23	2023-24
Depreciation	73.20	73.20	73.20	73.20	73.20
Interest on Loan	39.88	37.32	34.74	32.16	29.60
Return on Equity	80.39	80.39	80.39	80.39	80.39
Int. on Working Capital	8.87	8.45	8.61	8.79	8.95
Op. and Maintenance	136.79	141.68	146.58	151.80	157.05
<b>Total</b>	<b>339.13</b>	<b>341.03</b>	<b>343.51</b>	<b>346.33</b>	<b>349.18</b>

### **Filing Fee and Publication Expenses**

89. The Petitioner has sought reimbursement of fee paid by it for filing the petition and publication expenses. The Petitioner shall be entitled for reimbursement of the filing fees and publication expenses in connection with the present petition, directly from the beneficiaries on pro-rata basis in accordance with Regulation 70(1) of the 2019 Tariff Regulations.

### **Licence Fee & RLDC Fees and Charges**

90. The Petitioner has requested to allow the Petitioner to bill and recover License fee and RLDC fees and charges, separately from the Respondents. UPPCL has submitted that the license fee is the onus of the Petitioner.

91. We have considered the submissions of the Petitioner and UPPCL. The Petitioner shall be entitled for reimbursement of licence fee in accordance with Regulation 70(4) of the 2019 Tariff Regulations for 2019-24 period. The Petitioner shall also be entitled for recovery of RLDC fee and charges in accordance with Regulations 70(3) of the 2019 Tariff Regulations for 2019-24 period.



### **Security Expenses**

92. The Petitioner has submitted that security expenses for the transmission asset are not claimed in the instant petition and it would file a separate petition for claiming the overall security expenses and the consequential IWC. The Petitioner has requested to consider the actual security expenses incurred during 2018-19 for claiming estimated security expenses for 2019-20 which shall be subject to true up at the end of the year based on the actuals. The Petitioner has submitted that similar petition for security expenses for 2020-21, 2021-22, 2022-23 and 2023-24 shall be filed on a yearly basis on the basis of the actual expenses of previous year subject to true up at the end of the year on actual expenses. The Petitioner has submitted that the difference, if any, between the estimated security expenses and actual security expenses as per the audited accounts may be allowed to be recovered from the beneficiaries on yearly basis.

93. We have considered the submissions of the Petitioner. We are of the view that the Petitioner should claim security expenses for all the transmission asset in one petition. It is observed that the Petitioner has already filed Petition No. 260/MP/2020 claiming consolidated security expenses on projected basis for the 2019-24 tariff period on the basis of actual security expenses incurred in 2018-19. Therefore, security expenses will be dealt with in Petition No. 260/MP/2020 in accordance with the applicable provisions of the 2019 Tariff Regulations.

### **Goods and Services Tax**

94. The Petitioner has submitted that, if GST is levied at any rate and at any point of time in future on Charges of transmission of electricity, the same shall be borne and additionally paid by the Respondent(s) to the Petitioner and the same shall be



charged & billed separately by the Petitioner. Further additional taxes, if any, are to be paid by the Petitioner on account of demand from Govt./Statutory authorities, the same may be allowed to be recovered from the beneficiaries.

95. We have considered the submissions of the Petitioner. Since, GST is not levied on transmission service at present, we are of the view that Petitioner's prayer is premature.

### **Capital Spares**

96. The Petitioner has sought reimbursement of capital spares at the end of tariff period. The Petitioner's claim, if any, shall be dealt with in accordance with the provisions of the 2019 Tariff Regulations.

### **Sharing of Transmission Charges**

97. The billing, collection and disbursement of the transmission charges approved shall be governed by the provisions of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 or the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020, as applicable, as provided in Regulation 43 of the 2014 Tariff Regulations for the 2014-19 tariff period and Regulation 57 of the 2019 Tariff Regulations for the 2019-24 tariff period.

98. To summarise, revised Annual Fixed Charges (AFC) allowed for the transmission asset for the 2001-04, 2004-09 and 2009-14 tariff period and the trued-up AFC approved for the transmission asset for the 2014-19 tariff period are as under:



(₹ in lakh)			
Particulars	2001-02	2002-03	2003-04
AFC	349.34	614.34	646.37

(₹ in lakh)					
Particulars	2004-05	2005-06	2006-07	2007-08	2008-09
AFC	587.54	573.68	604.62	728.93	683.61

(₹ in lakh)					
Particulars	2009-10	2010-11	2011-12	2012-13	2013-14
AFC	647.49	642.46	636.68	628.23	625.80

(₹ in lakh)					
Particular	2014-15	2015-16	2016-17	2017-18	2018-19
AFC	434.13	438.26	446.10	450.67	456.71

The Annual Fixed Charges allowed for the Asset for the 2019-24 tariff period in this order are as under:

(₹ in lakh)					
Particulars	2019-20	2020-21	2021-22	2022-23	2023-24
Annual Fixed Charges	339.13	341.03	343.51	346.33	349.18

99. This order disposes of Petition No. 339/TT/2019

sd/-  
(Arun Goyal)  
Member

sd/-  
(I. S. Jha)  
Member

sd/-  
(P. K. Pujari)  
Chairperson



## Annexure-I

Asset	Particular	Admitted Capital Cost as on 1.4.2014 (₹ in lakh)	Admitted Capital Cost as on 31.3.2019 (₹ in lakh)	Rate of Depreciation (%)	Annual Depreciation as per Regulations (₹ in lakh)				
					2014-15	2015-16	2016-17	2017-18	2018-19
Asset	Land	0.00	0.00	0.00					
	Building	0.00	0.00	2.27					
	Transmission Line	3717.10	3717.10	1.21					
	Sub Station	691.73	691.73	1.21					
	PLCC	43.35	43.35	0.64					
	Leasehold Land	0.00	0.00	2.27					
	IT Equipment and software	0.00	0.00	0.00					
	<b>TOTAL</b>	<b>4452.18</b>	<b>4452.18</b>						
<b>Average Gross Block (₹ in lakh)</b>					<b>4452.18</b>	<b>4452.18</b>	<b>4452.18</b>	<b>4452.18</b>	<b>4452.18</b>
<b>Weighted Average Rate of Depreciation (%)</b>					<b>Spreading</b>	<b>Spreading</b>	<b>Spreading</b>	<b>Spreading</b>	<b>Spreading</b>



**Annexure-II**

Asset	Particular	Admitted Capital Cost as on 31.3.2024 (₹ in lakh)	Admitted Capital Cost as on 31.3.2024 (₹ in lakh)	Rate of Depreciation (%)	Annual Depreciation as per Regulations (₹ in lakh)				
					2014-15	2015-16	2016-17	2017-18	2018-19
Asset	Land	0.00	0.00	0.00					
	Building	0.00	0.00	2.27					
	Transmission Line	3717.10	3717.10	1.21					
	Sub Station	691.73	691.73	1.21					
	PLCC	43.35	43.35	0.64					
	Leasehold Land	0.00	0.00	2.27					
	IT Equipment and software	0.00	0.00	0.00					
	<b>TOTAL</b>	<b>4452.18</b>	<b>4452.18</b>						
		<b>Average Gross Block (₹ in lakh)</b>		<b>4452.18</b>	<b>4452.18</b>	<b>4452.18</b>	<b>4452.18</b>	<b>4452.18</b>	
		<b>Weighted Average Rate of Depreciation (%)</b>		<b>Spreading</b>	<b>Spreading</b>	<b>Spreading</b>	<b>Spreading</b>	<b>Spreading</b>	

