

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 491/TT/2019**

**Coram:**

**Shri P.K. Pujari, Chairperson  
Shri I.S. Jha, Member  
Shri Pravas Kumar Singh, Member**

**Date of order: 02.07.2021**

**In the matter of:**

Approval under Regulation 86 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and revision of transmission tariff of 2004-09 and 2009-14 tariff periods and truing-up of transmission tariff of 2014-19 period under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 and determination of transmission tariff of 2019-24 period under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 in respect of 400 kV S/C Vindhyachal - Korba Ckt-II along with associated bay equipment at Vindhyachal and Korba under "Korba Vindhyachal Transmission System" in Western Region.

**And in the matter of:**

Power Grid Corporation of India Ltd.  
"SAUDAMINI", Plot No-2,  
Sector-29, Gurgaon – 122 001  
(Haryana).

**.....Petitioner**

**Vs.**

1. Madhya Pradesh Power Management Company Ltd.,  
Shakti Bhawan, Rampur,  
Jabalpur - 482 008.
2. Madhya Pradesh Power Transmission Company Ltd.,  
Shakti Bhawan, Rampur,  
Jabalpur - 482 008.
3. Madhya Pradesh Audyogik Kendra,  
Vikas Nigam (Indore) Ltd.,  
3/54, Press Complex, Agra-Bombay Road, Indore - 452 008.
4. Maharashtra State Electricity Distribution Co. Ltd.,  
Hongkong Bank Building, 3rd Floor,



M.G. Road, Fort, Mumbai - 400 001.

5. Maharashtra State Electricity Transmission Co. Ltd.,  
Prakashganga, 6th Floor, Plot No. C-19, E-Block,  
Bandra Kurla Complex, Bandra (East) Mumbai - 400 051.
6. Gujarat Urja Vikas Nigam Ltd.,  
Sardar Patel Vidyut Bhawan,  
Race Course Road, Vadodara - 390 007.
7. Gujarat Energy Transmission Corporation Ltd.,  
Sardar Patel Vidyut Bhawan,  
Race Course Road, Vadodara - 390 007
8. Electricity Department,  
Govt. of Goa, Vidyut Bhawan, Panaji,  
Near Mandvi Hotel, Goa - 403 001.
9. Electricity Department,  
Administration of Daman & Diu,  
Daman - 396 210.
10. Electricity Department,  
Administration of Dadra Nagar Haveli,  
U.T., Silvassa - 396 230.
11. Chhattisgarh State Electricity Board,  
P.O.Sunder Nagar, Dangania, Raipur,  
Chhattisgarh - 492 013.
12. Chhattisgarh State Power Transmission Co. Ltd.,  
Office of The Executive Director (C&P),  
State Load Despach Building,  
Dangania, Raipur - 492 013.
13. Chhattisgarh State Power Distribution Co. Ltd.,  
P.O. Sunder Nagar, Dangania, Raipur,  
Chhattisgarh.

.....Respondent(s)

**For Petitioner:** Shri S.S. Raju, PGCIL  
Shri A.K. Verma, PGCIL  
Shri B. Dash, PGCIL  
Shri Ved Prakash Rastogi, PGCIL

**For Respondents:** Shri Anindya Khare, MPPMCL



## ORDER

The instant petition has been filed by the Petitioner, Power Grid Corporation of India Ltd., a deemed transmission licensee, for revision of transmission tariff of 2004-09 and 2009-14 tariff periods, truing-up of transmission tariff of 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 transmission tariff under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (hereinafter referred to as “the 2019 Tariff Regulations”) of the period from 1.4.2019 to 31.3.2024 in respect of the 400 kV S/C Vindhyachal-Korba Ckt-II along with associated bay equipment at Vindhyachal and Korba (hereinafter referred to as the “transmission asset”) under “Korba Vindhyachal Transmission System” (hereinafter referred to as “the transmission system”) in Western Region.

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

*“1) Approve the revised Transmission Tariff for 2004-09 block and transmission tariff for 2009-14 block for the assets 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 assets covered under this petition, as per para 9 and 10 above.*

*3) a) 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 Regulation 2014 and Tariff regulations 2019 as per para 9 and 10 above for respective block.*

*b) Further it is submitted that deferred tax liability before 01.04.2009 shall be recoverable from the beneficiaries or long term transmission customers /DlC as the case may be, as and when materialized as per regulation 49 of 2014 and regulation 67 of 2019 tariff regulation. The petitioner may be allowed to recover the deferred*



*tax liability materialised 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 beneficiaries 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 beneficiaries.*

*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 beneficiaries, 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 Company vide its Memorandum dated 19.2.2004 at an estimated cost of ₹16402.00 lakh, including IDC of ₹878.00 lakh. The transmission system was to be completed by February 2007. Subsequently, approval for the revised cost estimate (RCE) was accorded by Board of Directors of the Petitioner company vide letter dated 10.7.2007 for an estimated cost of ₹21253.00 lakh, which included IDC of ₹1447 lakh.



(b) The transmission tariff for the transmission asset was allowed from 1.6.2007 to 31.3.2009 vide order dated 9.4.2009 in Petition No. 127/2008 that was further revised vide order dated 8.4.2010 in Petition No. 307/2009 due to ACE incurred during 2008-09. Tariff for 2009-14 period was allowed vide order dated 17.9.2010 in Petition No. 167/2010 in accordance with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (hereinafter referred to as "the 2009 Tariff Regulations"). Tariff for 2009-14 period was trued-up and tariff for the period from 1.4.2014 to 31.3.2019 was allowed vide order dated 31.12.2015 in Petition No. 358/TT/2014.

(c) As per IA dated 19.2.2004, the transmission system was to be put under commercial operation by February 2007. The transmission asset was put under commercial operation on 1.6.2007 with a time over-run of 3 months. The time over-run of 3 months was condoned by the Commission vide order dated 9.4.2009 in Petition No. 127/2008.

(d) The Petitioner has sought revision of transmission tariff approved for the 2004-09 tariff period 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 in Appeal No. 81 of 2005 and batch matters and dated 13.6.2007 in Appeal No. 139 of 2006 and batch matters. The Petitioner has also sought consequential revision of tariff allowed for 2009-14 tariff period, truing up of tariff of 2014-19 tariff period and determination of tariff for 2019-24 tariff period of the transmission asset.

(e) APTEL vide its judgments dated 22.1.2007 in Appeal No. 81/2005 and batch matters pertaining to generating stations of NTPC had considered 4 (four) issues. The issues considered by APTEL and its decisions are as given in the table as follows:



Sr. No.	Issue	APTEL's decision/ direction
1	Whether APTEL can enquire into the validity of Regulations framed by the Commission	Challenge to the validity of Regulations framed by the Commission falls outside the purview of APTEL.
2	Computation of interest on loan	In view of the order of the APTEL dated 14.11.2016 in Appeal Nos. 94 and 96 of 2005 and order dated 24.1.2007 passed in Appeal Nos. 81 to 87, 89 to 93 of 2005, computation of loan has to be based on loan repayment on normative basis. Commission is required to recalculate the loan outstanding as on 31.3.2004 based on loan repayment on normative basis.
3(a)	O&M Expenses: Inadequate provision of employee costs as part of O&M Expenses due to variation in salary and wages	Commission's view upheld.
3(b)	O&M Expenses: Non-inclusion of incentives and ex-gratia payment to employees	Commission's view upheld.
4	Cost of spares for calculation of working capital	Commission's view upheld.

(f) APTEL in its judgment dated 13.6.2007 in Appeal No. 139 of 2006 and batch matters pertaining to generating stations of NTPC had considered 9 (nine) issues. The issues considered and the decisions of APTEL are given in the table as follows:

Sr. No.	Issues	APTEL's decision/direction
I	Computation of outstanding loan at the beginning of the tariff period i.e. 1.4.2004	The Commission is required to recalculate the loan outstanding as on 31.3.2004 based on loan repayment on normative basis.
II	Consequence of refinance of loan	Commission to consider the issue afresh.
III	Treating depreciation available as deemed repayment of loan	Commission to make a fresh computation of outstanding loan.
IV	Admissibility of depreciation up to 90%	Commission to consider the issue afresh.
V	Cost of Maintenance Spares	Commission to consider the issue afresh.
VI	Impact of de-capitalisation of the assets on cumulative repayment of Loan	The cumulative repayment of the loan proportionate to the assets decapitalized required to be reduced. Commission to act accordingly.
VII	Non-consideration of normative transit loss for coal import.	Commission to consider afresh the transit losses for coal imported from coal mines other than the dedicated ones.



VIII	Foreign Exchange rate variation (FERV)	FERV has been kept as pass through to ensure that any liability or gain, if any, arising on account of any variation in foreign exchange rates is passed on to the beneficiary as held in order dated 4.10.2006 in Appeal No.135 to 140 of 2005. Commission to act accordingly.
IX	Computation of interest on loan in Singrauli Station	Net loan closing at the end of a year is reflected as net loan opening on the first day of the next year. Commission shall re-compute the interest accordingly.

(g) 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 a 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.

(h) Based on APTEL's judgments dated 22.1.2007 and dated 13.6.2007, the Petitioner had sought re-determination of tariff of its transmission assets for 2004-09 tariff period in 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 disposal of the Civil Appeals by the Hon'ble Supreme Court.

(i) The Hon'ble Supreme Court vide its judgment and final order dated 10.4.2018, dismissed the said Civil Appeals filed against APTEL's said judgments. Thus, the order of the judgements of APTEL has attained finality.

(j) Consequent to the Hon'ble Supreme Court's judgment dated 10.4.2018 in NTPC matters, 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 assets at the time of filing of truing up of petitions for the 2014-19 tariff period in respect of concerned transmission assets.

(k) The instant petition was heard on 18.5.2021 and in view of the APTEL judgments dated 22.1.2007 and dated 13.6.2007 and the judgment of Hon'ble



Supreme Court dated 10.4.2018, the tariff is being revised. Accordingly, tariff is being re-worked period-wise based on the Tariff Regulations applicable for the respective tariff periods along with necessary assumptions have been made at certain places and applied, wherever need be.

(l) The transmission asset was put under commercial operation on 1.6.2007. The tariff from 1.6.2007 has been worked out based on the admitted capital cost as under:

Admitted Expenditure up to COD	Additional Capital Expenditure (ACE)		Admitted Capital Cost as on 31.3.2009
	2007-08	2008-09	
17460.97	809.67	350.55	18621.19

(m) Accordingly, considering the above admitted capital cost, the tariff is being revised for 2004-09 and 2009-14 tariff periods in terms of the APTEL judgments dated 22.1.2007 and dated 13.6.2007.

4. The Respondents are transmission utilities, distribution licensees and power departments, which are procuring transmission services from the Petitioner, mainly beneficiaries of the Western Region.

5. 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 suggestions have been received from the general public in response to the aforesaid notices published in the newspapers. Madhya Pradesh Power Management Company Limited (MPPMCL), i.e. Respondent No. 1, has filed its reply vide affidavit dated 17.1.2020 and has raised issue of grossing up of Return on Equity (RoE). The Petitioner has uploaded rejoinder dated 30.4.2021 to the reply filed by MPPMCL on Commission's





e-filing portal. The issues raised by MPPMCL and clarifications given by the Petitioner are dealt in the relevant portions of this order.

**Re: Interest on Loan (IoL)**

6. APTEL while dealing with the issue of computation of IoL, in judgment 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 judgment dated 14.11.2006 in Appeal Nos.94 and 96 of 2005. APTEL vide its judgment dated 14.11.2006 had 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 order for the period 1.4.1998 to 31.3.2001. In view of the above, the interest allowed for the 2004-09 tariff period is revised on the basis of the normative debt repayment methodology.

**Re: Additional Capital Expenditure (ACE)**

7. APTEL vide judgment dated 13.6.2007 in Appeal No. 139/2006 and others held that additional capitalisation after the date of commercial operation should also be considered for computation of maintenance spares. In view of the above, the maintenance spares to be considered for computation of working capital for the 2004-09 period are also required to be revised taking into consideration the ACE after the date of commercial operation.

**Re: Depreciation**

8. As regards depreciation, APTEL in its judgement dated 13.6.2007 in Appeal No.139 of 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. In view of the above directions of APTEL, the outstanding loan allowed for the transmission asset for the 2004-09 tariff period is revised in the instant order.

9. The revision of transmission tariff allowed for the 2004-09 tariff period necessitates the revision of transmission tariff allowed for the 2009-14 tariff period, which is also being done in the present order. The implementation of the directions of APTEL in judgments dated 22.1.2007 in Appeal No. 81 of 2005 and batch matters and dated 13.6.2007 in Appeal No. 139 of 2006 and batch matters was kept pending in case of the Petitioner awaiting 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 2004-09 and 2009-14 tariff periods. Therefore, we direct that the Petitioner will neither claim nor pay any carrying cost from or to the beneficiaries for the difference, if any, in the tariff allowed earlier and the tariff being allowed in 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.

10. The hearing in this matter was held on 18.5.2021 through video conference and the order was reserved.

11. This order is issued considering the submissions of the Petitioner in the petition, MPPMCL's reply and the Petitioner's rejoinder thereto.

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



### **Revision of Transmission Charges allowed for 2004-09 and 2009-14 Tariff Periods**

13. MPPMCL has prayed that the revision in tariff be allowed only after prudence check. In response, the Petitioner has reiterated its submissions in the Petition and rejoinder.

### **Revision of tariff for 2004-09 Tariff Period**

14. The Commission approved the transmission charges for 2004-09 period vide order dated 9.4.2009 in Petition No. 127/2008 and order dated 8.4.2010 in Petition No. 307/2009 which are as follows:

Particulars	(₹ in lakh)	
	2007-08 (Pro-rata for 10 months)	2008-09
Depreciation	398.27	494.34
Return on Equity	625.3	774.73
O&M Expenses	114.13	142.67
Advance against Depreciation	0.00	0.00
Interest on Loan	797.54	966.07
Interest on Working Capital	59.72	73.97
<b>Total</b>	<b>1994.96</b>	<b>2451.78</b>

15. The Petitioner has claimed the revised transmission charges in respect of the transmission asset for 2004-09 period in this petition as follows:

Particulars	(₹ in lakh)	
	2007-08 (Pro-rata for 10 months)	2008-09
Depreciation	398.27	494.34
Return on Equity	625.30	774.73
O&M Expenses	114.13	142.67
Advance against Depreciation	0.00	0.00
Interest on Loan	810.81	1016.90
Interest on Working Capital	60.42	76.54
<b>Total</b>	<b>2008.93</b>	<b>2505.18</b>

16. We have considered the Petitioner's claim. The tariff is allowed in respect of the transmission asset on the basis of the following:



- a) Admitted capital cost of ₹17460.97 lakh as on COD;
- b) ₹ 809.67 lakh and ₹350.55 lakh as ACE during 2007-08 and 2008-09 periods;
- c) Weighted Average Rate of Interest (WAROI) on actual loan adopted from vide order dated 9.4.2009 & 8.4.2010 in Petition No. 127/ 2008 & 307/2009; and
- d) Weighted Average Rate of Depreciation (WAROD), Rate of Interest (RoI) for Working Capital and O&M Expenses as per order dated vide order dated 9.4.2009 & 8.4.2010 in Petition No. 127/ 2008 & 307/2009.

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

Particulars	(₹ in lakh)	
	2007-08 (Pro-rata for 10 months)	2008-09
Depreciation	398.27	494.34
Interest on Loan	797.90	966.06
Return on equity	625.30	774.73
Interest on Working Capital	60.15	75.26
O & M Expenses	114.13	142.61
Advance against Depreciation	0.00	0.00
<b>Total</b>	<b>1995.75</b>	<b>2453.01</b>

18. The Annual Fixed Charges (AFC) allowed for 2004-09 tariff period vide order dated 9.4.2009 in Petition No. 127/2008 and order dated 8.4.2010 in Petition No. 307/2009, the revised AFC claimed in the instant petition and AFC allowed in the instant order are as follows:

Particulars	(₹ in Lakh)	
	2007-08 (Pro-rata for 10 months)	2008-09
AFC allowed vide order dated 8.4.2010 in Petition No.307/2009	1994.96	2451.78
AFC claimed by the Petitioner in the instant petition	2008.93	2505.18
AFC approved in the instant order	1995.75	2453.01



### **Revision for 2009-14 Tariff Period**

19. The Commission vide order dated 17.9.2010 in Petition No. 167/2010 approved the transmission tariff in respect of the transmission asset for 2009-14 period and subsequently vide order dated 31.12.2015 in Petition No. 358/TT/2014 trued-up the tariff allowed for 2009-14 tariff period is as follows:

Particulars	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
Depreciation	985.75	988.48	989.70	990.84	991.85
Return on Equity	1044.89	1086.20	1088.60	1089.85	1104.12
O&M Expenses	208.26	220.04	232.74	246.08	260.10
Interest on Loan	923.60	851.86	776.70	700.79	624.57
Interest on Working Capital	71.99	72.00	71.15	70.28	69.71
<b>Total</b>	<b>3234.49</b>	<b>3218.58</b>	<b>3158.89</b>	<b>3097.84</b>	<b>3050.35</b>

20. The Petitioner has claimed the revised transmission charges in respect of the transmission asset for 2009-14 period in this petition as follows:

Particulars	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
Depreciation	985.75	988.48	989.70	990.84	991.85
Return on Equity	1044.89	1086.20	1088.60	1089.85	1104.12
O&M Expenses	208.26	220.04	232.74	246.08	260.10
Interest on Loan	994.24	922.79	847.83	772.11	696.10
Interest on Working Capital	73.46	73.48	72.63	71.77	71.20
<b>Total</b>	<b>3306.61</b>	<b>3291.00</b>	<b>3231.50</b>	<b>3170.65</b>	<b>3123.37</b>

21. We have considered the Petitioner's claim. The tariff is allowed in respect of the transmission asset on the basis of the following:

- a) Admitted capital cost of ₹ 18621.19 lakh for transmission asset as on 1.4.2009;
- b) Additional Capital expenditure (ACE) of ₹ 61.26 lakh, ₹ 42.05 lakh, ₹ 4.41 lakh & ₹ 38.56 during 2009-10, 2010-11, 2011-12 & 2012-13 period already approved vide Order dated 31.12.2015 in Petition No. 358/TT/2014.
- c) WAROI on actual loan derived/adopted from order dated 31.12.2015 in Petition No.358/TT/2014, and



d) WAROD as per order dated 31.12.2015 in Petition No. 358/TT/2014.

22. In view of the above, the revised transmission charges allowed in respect of the transmission asset for 2009-14 tariff period is as follows:

(₹ in lakh)					
Particulars	2009-10	2010-11	2011-12	2012-13	2013-14
Depreciation	985.75	988.48	989.70	990.84	991.85
Interest on Loan	923.60	851.86	776.70	700.79	624.57
Return on equity	1044.89	1086.20	1088.60	1089.85	1104.12
Interest on Working Capital	71.99	72.00	71.15	70.28	69.71
O&M Expenses	208.26	220.04	232.74	246.08	260.10
<b>Total</b>	<b>3234.49</b>	<b>3218.58</b>	<b>3158.89</b>	<b>3097.85</b>	<b>3050.35</b>

23. AFC allowed for 2009-14 tariff period vide order dated 31.12.2015 in Petition No. 358/TT/2014, the revised AFC claimed in the instant petition and AFC approved in the instant order are as follows:

(₹ in lakh)					
Particulars	2009-10	2010-11	2011-12	2012-13	2013-14
AFC allowed vide orders dated 31.12.2015 in Petition No. 358/TT/2014	3234.49	3218.58	3158.89	3097.84	3050.35
AFC claimed by the Petitioner in the instant petition	3306.60	32901.00	3231.50	3170.65	3123.37
AFC approved in the instant order	3234.49	3218.58	3158.89	3097.85	3050.35

### **Truing up of Annual Fixed Charges of 2014-19 Tariff Period**

24. The details of the trued-up transmission charges claimed by the Petitioner in respect of the transmission asset for the 2014-19 tariff period is as follows:

(₹ in lakh)					
Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Depreciation	991.85	991.85	991.85	991.85	991.85
Interest on Loan	619.17	542.59	466.68	392.28	322.63
Return on equity	1104.93	1110.00	1109.44	1109.44	1112.42
Interest on Working Capital	75.63	74.43	73.12	71.87	70.81
O&M Expenses	237.35	245.40	253.59	261.91	270.65
<b>Total</b>	<b>3028.93</b>	<b>2964.27</b>	<b>2894.68</b>	<b>2827.35</b>	<b>2768.36</b>



25. The details of the trued-up Interest on Working Capital (IWC) claimed by the Petitioner in respect of the transmission asset for 2019-24 tariff period are as under:

(₹ in lakh)

Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
O & M expenses	19.78	20.45	21.13	21.83	22.55
Maintenance Spares	35.60	36.81	38.04	39.29	40.60
Receivables	504.82	494.05	482.45	471.23	461.40
<b>Total</b>	<b>560.20</b>	<b>551.31</b>	<b>541.62</b>	<b>532.35</b>	<b>524.55</b>
Rate of Interest (in %)	13.50	13.50	13.50	13.50	13.50
<b>Interest on Working Capital</b>	<b>75.63</b>	<b>74.43</b>	<b>73.12</b>	<b>71.87</b>	<b>70.81</b>

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

26. The capital cost of the transmission asset has been calculated in accordance with Regulation 9(3) and Regulation 9(6) of the 2014 Tariff Regulations. The Commission vide order dated 31.12.2015 in Petition No. 358/TT/2014 allowed the transmission tariff of the transmission asset for 2014-19 period based on admitted capital cost of ₹18767.47 lakh as on 31.3.2014. The Petitioner has not claimed any ACE during the 2014-19 tariff period. Therefore, the admitted capital cost of ₹18767.47 lakh as on 31.3.2014 has been considered for working out the trued-up tariff for 2014-19 tariff period.

#### **Debt-Equity Ratio**

27. The debt-equity ratio has been allowed in accordance with Regulation 19(3) of the 2014 Tariff Regulations. 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 70:30 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 of the transmission asset. The details of debt-



equity ratio allowed in respect of the transmission asset as on 1.4.2014 and 31.3.2019 are as follows:

Particulars	Capital cost as on 1.4.2014 (₹ in lakh)	(in %)	Total cost as on 31.3.2019 (₹ in lakh)	(in %)
Debt	13137.23	70.00	13137.23	70.00
Equity	5630.24	30.00	5630.24	30.00
<b>Total</b>	<b>18767.47</b>	<b>100.00</b>	<b>18767.47</b>	<b>100.00</b>

### Depreciation

28. 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 of depreciation (WAROD). WAROD has been worked out at Annexure-I after taking into account the depreciation rates of asset as prescribed in the 2014 Tariff Regulations. The depreciation allowed for the transmission asset for 2014-19 tariff period is as follows:

Particulars	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Opening Gross Block	18767.47	18767.47	18767.47	18767.47	18767.47
ACE	0.00	0.00	0.00	0.00	0.00
Closing Gross Block	18767.47	18767.47	18767.47	18767.47	18767.47
Average Gross Block	18767.47	18767.47	18767.47	18767.47	18767.47
WAROD (in %)	5.28	5.28	5.28	5.28	5.28
Balance useful life (at the beginning of the year) (Years)	28.00	27.00	26.00	25.00	24.00
Aggregate Depreciable Value	16890.72	16890.72	16890.72	16890.72	16890.72
<b>Depreciation during the year</b>	<b>991.85</b>	<b>991.85</b>	<b>991.85</b>	<b>991.85</b>	<b>991.85</b>
Cumulative Aggregate Depreciation	6831.08	7822.94	8814.79	9806.65	10798.50
Remaining Aggregate Depreciable Value	10059.64	9067.78	8075.93	7084.07	6092.22

29. Accordingly, depreciation allowed vide order dated 31.12.2015 in Petition No. 358/TT/2014, claimed by the Petitioner in the instant petition and trued-up depreciation in respect of the transmission asset in the instant order is as follows:





Particulars	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Allowed vide order dated 21.12.2015 in Petition No. 356/TT/2014	991.85	991.85	991.85	991.85	991.85
Claimed by the Petitioner in the instant petition	991.85	991.85	991.85	991.85	991.85
Approved after true-up in this order	<b>991.85</b>	<b>991.85</b>	<b>991.85</b>	<b>991.85</b>	<b>991.85</b>

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

30. The Petitioner has claimed IoL based on actual interest rates for each year during the 2014-19 period. We have considered the submissions of the Petitioner and accordingly calculated the IoL based on actual interest rate, in accordance with Regulation 26 of the 2014 Tariff Regulations. The 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.

31. The details of trued-up IoL approved in respect of the transmission asset are as follows:

Particulars	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Gross Normative Loan	13137.23	13137.23	13137.23	13137.23	13137.23
Cumulative Repayments up to Previous Year	5839.23	6831.09	7822.94	8814.79	9806.65
Net Loan-Opening	7298.00	6306.14	5314.29	4322.43	3330.58
Additions due to ACE	0.00	0.00	0.00	0.00	0.00
Repayment during the year	991.85	991.85	991.85	991.85	991.85
Net Loan-Closing	6306.14	5314.29	4322.43	3330.58	2338.73
Average Loan	6802.07	5810.22	4818.36	3826.51	2834.65
Weighted Average Rate of Interest on Loan (in %)	8.047	8.095	8.172	8.312	8.656
<b>Interest on Loan</b>	<b>547.34</b>	<b>470.33</b>	<b>393.74</b>	<b>318.08</b>	<b>245.37</b>



32. Accordingly, IoL allowed vide order dated 31.12.2015 in Petition No.358/TT/2014, IoL claimed by the Petitioner in the instant petition and approved after truing up in respect of the transmission asset in the instant order is as follows:

Particulars	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Allowed vide order dated 31.12.2015 in Petition No.358/TT/2014	547.34	470.33	393.74	318.08	245.37
Claimed by the Petitioner in the instant petition	619.17	542.59	466.68	392.28	322.63
Approved after true-up in this order	547.34	470.33	393.74	318.08	245.37

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

33. The Petitioner has claimed RoE in respect of 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

34. MPPMCL has submitted that the Petitioner has grossed-up RoE on the basis of actual taxes paid during 2016-17 and 2017-18 and for 2018-19, it has been grossed-up on the basis of applicable rate of MAT, surcharge and cess and the Petitioner has not placed on record the assessment orders for 2016-17 and 2017-18 and that the Petitioner has not claimed the grossed-up RoE on effective tax rate based on actual taxes paid for 2018-19. MPPMCL further submitted that the Petitioner has not finalized its Income tax assessment order for the FY 2016-17, 2017-18 and 2018-19 yet and has not placed on record the copies of assessment



orders for 2014-15 and 2015-16. The Petitioner has also not submitted audited accounts in respect of actual taxes paid for 2016-17 and 2017-18.

35. In response the Petitioner has submitted that the Income Tax assessment of the Petitioner has been completed and Assessment Orders have been issued by the Income Tax Department in case of 2014-15, 2015-16 and 2016-17 and the Income Tax returns have been duly filed with the Income Tax Department for the years 2017-18 & 2018-19. The Petitioner has submitted that the year-wise effective tax rate and grossed-up RoE trued-up accordingly for 2014-19 period has been mentioned in the instant petition and the assessment order of 2014-15 and 2015-16 period has been submitted in Petition No. 20/TT/2020 which may be considered. The Petitioner has further submitted that so far it has been granted trued-up tariff of 2014-19 period by the Commission in various matters vide orders dated 18.4.2020, 27.4.2020, 23.4.2020 and 16.4.2020 in Petition Nos. 247/TT/2019, 274/TT/2019, 245/TT/2019 and 307/TT/2019 respectively for the transmission assets wherein effective tax rate for 2014-19 tariff period based on notified Minimum Alternate Tax (MAT) rates has been considered for grossing-up of rate of return on equity (RoE).

36. In view of the above, the Petitioner has submitted that Grossed-up RoE (in %) and effective tax rate for tariff period 2014-19 has already been determined by the Commission. Further, the Petitioner requested the Commission to allow its claim of the differential tariff on account of the trued-up RoE based on effective tax rate calculated as above and Income-tax assessment/re-assessment for 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19 on receipt of the respective assessment orders.



37. We have considered the submissions of the Petitioner and MPPMCL. The Commission vide order dated 2.2.2021 in Petition No. 312/TT/2020 has already dealt with the issue raised by MPPMCL. In terms of our findings in Petition No. 312/TT/2020, we do not find merit in the submissions by MPPMCL and the same are accordingly rejected.

38. The Commission vide order dated 27.4.2020 in Petition No. 274/TT/2019 has arrived at the effective tax rate for the Petitioner based on the notified MAT rates and the same is given in the table below:

<b>Year</b>	<b>Notified MAT rates (in %) (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

39. The MAT rates as allowed vide order dated 27.4.2020 in Petition No. 274/TT/2019 are considered for the purpose of grossing up of rate of RoE for truing up of the tariff of the 2014-19 period in terms of the provisions of the 2014 Tariff Regulations as follows:

<b>Year</b>	<b>Notified MAT rates (in %) (inclusive of surcharge &amp; cess)</b>	<b>Base rate of RoE (in %)</b>	<b>Grossed-up RoE [(Base Rate)/(1-t)] (in %)</b>
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

40. The details of trued-up RoE allowed in respect of the transmission asset are as follows:



Particular	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Opening Equity	5630.24	5630.24	5630.24	5630.24	5630.24
Addition due to ACE	0.00	0.00	0.00	0.00	0.00
Closing Equity	5630.24	5630.24	5630.24	5630.24	5630.24
Average Equity	5630.24	5630.24	5630.24	5630.24	5630.24
Return on Equity (Base Rate) (in %)	15.500	15.500	15.500	15.500	15.500
Tax Rate applicable (in %)	20.961	21.342	21.342	21.342	21.549
Applicable ROE Rate (in %)	19.610	19.705	19.705	19.705	19.758
<b>Return on Equity for the year</b>	<b>1104.09</b>	<b>1109.44</b>	<b>1109.44</b>	<b>1109.44</b>	<b>1112.42</b>

41. Accordingly, RoE allowed vide order dated 31.12.2015 in Petition No. 358/TT/2014, claimed in the instant petition and trued-up in respect of the transmission asset in the instant order is as follows:

Particulars	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
Allowed vide order dated 31.12.2015 in Petition No.358/TT/2014	1104.12	1104.12	1104.12	1104.12	1104.12
Claimed by the Petitioner in the instant petition	1104.93	1110.00	1109.44	1109.44	1112.42
Approved after true-up in this order	1104.09	1109.44	1109.44	1109.44	1112.42

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

42. The details of the O&M Expenses claimed by the Petitioner in respect of the transmission asset are as follows:

Particulars	(₹ in lakh)				
	2014-15	2015-16	2016-17	2017-18	2018-19
<b>Transmission Line</b>					
400 kV S/C (AC Twin Conductor) Korba- Vindhyahal Ckt II ( 288.994 km)					
Norms (₹ lakh/km)	0.40	0.42	0.43	0.45	0.46
<b>O&amp;M Expenses Transmission Line</b>	<b>116.75</b>	<b>120.80</b>	<b>124.85</b>	<b>128.89</b>	<b>133.23</b>
<b>Sub-station</b>					
Number of 400 kV Bays	2	2	2	2	2
Norms (₹ lakh/Bay)	60.30	62.30	64.37	66.51	68.71
<b>O&amp;M Expenses Sub-station</b>	<b>120.60</b>	<b>124.60</b>	<b>128.74</b>	<b>133.02</b>	<b>137.42</b>



<b>Total O&amp;M Expenses (₹ in lakh)</b>	<b>237.35</b>	<b>245.40</b>	<b>253.59</b>	<b>261.91</b>	<b>270.65</b>
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43. 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:

(₹ in lakh)					
Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
<b>Transmission Line</b>					
400 kV AC Twin S/C Korba Vindhyachal Ckt II (288.994 km)	288.994	288.994	288.994	288.994	288.994
Norms (₹ lakh/km)	0.40	0.42	0.43	0.45	0.46
<b>O&amp;M Expenses Transmission Line</b>	<b>116.75</b>	<b>120.80</b>	<b>124.85</b>	<b>128.89</b>	<b>133.23</b>
<b>Sub-station</b>					
Number of 400 kV Bays	2	2	2	2	2
Norms (₹ lakh/Bay)	60.30	62.30	64.37	66.51	68.71
<b>O&amp;M Expenses Sub-station</b>	<b>120.60</b>	<b>124.60</b>	<b>128.74</b>	<b>133.02</b>	<b>137.42</b>
<b>Total O&amp;M Expenses (₹ in lakh)</b>	<b>237.35</b>	<b>245.40</b>	<b>253.59</b>	<b>261.91</b>	<b>270.65</b>

44. Accordingly, O&M Expenses allowed vide order dated 31.12.2015 in Petition No. 358/TT/2014, claimed in the instant petition and trued-up in respect of the transmission asset in the instant order are as follows:

(₹ in lakh)					
Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Allowed vide order dated 31.12.2015 in Petition No.358 /TT/2014	237.35	245.40	253.59	261.91	270.65
Claimed by the Petitioner in the instant petition	237.35	245.40	253.59	261.91	270.65
Approved after true up in this order	237.35	245.40	253.59	261.91	270.65

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

45. The Petitioner has claimed IWC in terms of Regulation 28 of the 2014 Tariff Regulations as under:

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

Receivables have been worked out on the basis of 2 months of annual transmission charges.



**(ii) Maintenance spares**

Maintenance spares have been worked out based on 15% of O&M Expenses.

**(iii) O & M expenses**

O&M Expenses have been considered for one month of the allowed O&M Expenses.

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

Rate of interest on working capital is considered on normative basis in accordance with Clause (3) of Regulation 28 of the 2014 Tariff Regulations.

46. IWC worked out as per the methodology provided in Regulation 28 of the 2014 Tariff Regulations and allowed in respect of the transmission asset is as follows:

(₹ in lakh)					
Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
O&M Expenses (O&M Expenses for one month)	19.78	20.45	21.13	21.83	22.55
Maintenance Spares (15% of O&M)	35.60	36.81	38.04	39.29	40.60
Receivables <b>(Equivalent to two months of annual transmission charges)</b>	492.43	481.63	470.01	458.57	448.22
Total	547.81	538.89	529.18	519.69	511.37
Rate of Interest on working capital (in %)	13.50	13.50	13.50	13.50	13.50
<b>Interest of Working Capital</b>	<b>73.95</b>	<b>72.75</b>	<b>71.44</b>	<b>70.16</b>	<b>69.04</b>

47. Accordingly, IWC allowed vide order dated 31.12.2015 in Petition No. 358/TT/2014, IWC claimed in the instant petition and true-up IWC in respect of the transmission asset is as follows:

(₹ in lakh)					
Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Allowed vide order dated 31.12.2015 in Petition No. 358/TT/2014	73.95	72.63	71.32	70.03	68.84
Claimed by the Petitioner in the instant petition	75.63	74.43	73.12	71.87	70.81
Approved after true-up in this order	73.95	72.75	71.44	70.16	69.04



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

48. The trued-up annual fixed charges approved in respect of the transmission asset for 2014-19 tariff period are as follows:

<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	991.85	991.85	991.85	991.85	991.85
Interest on Loan	547.34	470.33	393.74	318.08	245.37
Return on Equity	1104.09	1109.44	1109.44	1109.44	1112.42
Interest on Working Capital	73.95	72.75	71.44	70.16	69.04
O&M Expenses	237.35	245.40	253.59	261.91	270.65
<b>Total</b>	<b>2954.59</b>	<b>2889.77</b>	<b>2820.05</b>	<b>2751.44</b>	<b>2689.33</b>

49. Accordingly, the details of the Annual Transmission Charges allowed vide order dated 31.12.2015 in Petition No. 358/TT/2014, claimed by the Petitioner in the instant petition and as approved after truing-up in the instant order are as follows:

<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>
Allowed earlier in order dated 31.12.2015 in Petition No. 358/TT/2014	2954.61	2884.33	2814.62	2745.99	2680.83
Claimed by the Petitioner in the instant petition	3028.93	2964.27	2894.68	2827.35	2768.36
Approved after true-up in this order	2954.59	2889.77	2820.05	2751.44	2689.33

### **Determination of Annual Fixed Charges for 2019-24 Tariff Period**

50. The Petitioner has claimed the transmission charges for 2019-24 tariff period as follows:

<b>Particulars</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	991.85	231.84	231.84	231.84	231.83
Interest on Loan	249.50	193.98	173.62	153.63	130.48
Return on Equity	1112.42	1112.42	1112.42	1112.42	1112.42
Interest on Working Capital	44.61	32.75	32.77	32.81	32.75
O&M Expenses	211.44	218.91	226.45	234.36	242.64
<b>Total</b>	<b>2609.82</b>	<b>1789.90</b>	<b>1777.10</b>	<b>1765.06</b>	<b>1750.13</b>





51. The Petitioner has claimed IWC for 2019-24 period in respect of the transmission asset as follows:

(₹ in lakh)					
Particulars	2019-20	2020-21	2021-22	2022-23	2023-24
O&M Expenses	17.62	18.24	18.87	19.53	20.22
Maintenance Spares	31.72	32.84	33.97	35.15	36.40
Receivables	320.88	220.67	219.09	217.61	215.18
<b>Total</b>	<b>370.22</b>	<b>271.75</b>	<b>271.93</b>	<b>272.29</b>	<b>271.80</b>
Rate of Interest (in %)	12.05	12.05	12.05	12.05	12.05
<b>Interest on Working Capital</b>	44.61	32.75	32.77	32.81	32.75

### Capital Cost

52. Regulation 19 of the 2019 Tariff Regulations provides as under:

*“(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 tried 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. “*

53. The Petitioner has claimed capital cost of ₹18767.47 lakh in respect of the transmission asset as on 31.3.2019, which is the same as worked out by the Commission. The Petitioner has not claimed any ACE for 2019-24 tariff period in respect of the transmission asset in the instant petition. Accordingly, the capital cost of ₹18767.47 lakh in respect of the transmission asset has been considered as on 1.4.2019 for determination of tariff in accordance with Regulation 19 of the 2019 Tariff Regulations.

### **Debt-Equity Ratio**

54. 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.*

**Explanation.-***The premium, if any, raised by the generating company or the transmission licensee, as the case may be, while issuing share capital and investment of internal resources created out of its free reserve, for the funding of the project, shall be reckoned as paid up capital for the purpose of computing return on equity, only if such premium amount and internal resources are actually utilised for meeting the capital expenditure of the generating station or the transmission system.*



(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.”

55. The details of the debt-equity ratio considered for the purpose of tariff of 2019-24 tariff period are as follows:

Particulars	Capital cost as on 1.4.2019 (₹ in lakh)	(in %)	Total cost as on 31.3.2024 (₹ in lakh)	(in %)
Debt	13137.23	70.00	13137.23	70.00
Equity	5630.24	30.00	5630.24	30.00
<b>Total</b>	<b>18767.47</b>	<b>100.00</b>	<b>18767.47</b>	<b>100.00</b>

### **Depreciation**

56. 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.”

57. WAROD calculated at Annexure-II to this order is allowed after taking into account the depreciation rates of asset as prescribed in the 2019 Tariff Regulations. The transmission asset has already completed 12 years of life as on 31.3.2020, the remaining depreciable value of ₹5100.37 lakh has been spread across the balance useful life of 22 years in accordance with Regulation 33(5) of 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 in respect of the transmission asset is as follows:

Particulars	(₹ in lakh)				
	2019-20	2020-21	2021-22	2022-23	2023-24
Opening Gross Block	18767.47	18767.47	18767.47	18767.47	18767.47
Addition during 2019-24 due to projected ACE	0.00	0.00	0.00	0.00	0.00
Closing Gross Block	18767.47	18767.47	18767.47	18767.47	18767.47
Average Gross Block	18767.47	18767.47	18767.47	18767.47	18767.47
Balance useful life at the beginning of the year (Years)	23.00	22.00	21.00	20.00	19.00
Depreciable Value	16890.72	16890.72	16890.72	16890.72	16890.72
Rate of Depreciation (in %)	5.28	1.21	1.21	1.21	1.21
<b>Depreciation during the year</b>	<b>991.85</b>	<b>231.83</b>	<b>231.83</b>	<b>231.83</b>	<b>231.83</b>
Cumulative Aggregate Depreciation	11790.36	12022.19	12254.03	12485.86	12717.70
Remaining Aggregate Depreciable Value	5100.37	4868.53	4636.70	4404.86	4173.03





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

58. Regulation 32 of the 2019 Tariff Regulations provides as follows:

**“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”.*



59. The weighted average rate of IoL has been considered on the basis of rate prevailing as on 1.4.2019. Accordingly, the floating rate of interest, if any, shall be considered at the time of true-up. Therefore, IoL has been allowed in accordance with Regulation 32 of the 2019 Tariff Regulations as follows:

(₹ in lakh)					
Particulars	2019-20	2020-21	2021-22	2022-23	2023-24
Gross Normative Loan	13137.23	13137.23	13137.23	13137.23	13137.23
Cumulative Repayments up to Previous Year	10798.50	11790.36	12022.19	12254.03	12485.86
Net Loan-Opening	2338.73	1346.87	1115.04	883.20	651.37
Additions	0.00	0.00	0.00	0.00	0.00
Repayment during the year	991.85	231.83	231.83	231.83	231.83
Net Loan-Closing	1346.87	1115.04	883.20	651.37	419.53
Average Loan	1842.80	1230.95	999.12	767.28	535.45
Weighted Average Rate of Interest on Loan (in %)	9.121	9.135	9.178	9.255	9.136
<b>Interest on Loan</b>	<b>168.09</b>	<b>112.44</b>	<b>91.70</b>	<b>71.01</b>	<b>48.92</b>

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

60. Regulations 30 and Regulation 31 of the 2019 Tariff Regulations specifies as follows:

**“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:

Rate of pre-tax return on equity = 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.”

61. The Petitioner has submitted that MAT rate is applicable to the Petitioner's company. We have considered the submissions of the Petitioner. Accordingly, 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 allowed in respect of the transmission asset is as follows:

(₹ in lakh)					
Particulars	2019-20	2020-21	2021-22	2022-23	2023-24
Opening Equity	5630.24	5630.24	5630.24	5630.24	5630.24
Additions due to ACE	0.00	0.00	0.00	0.00	0.00
Closing Equity	5630.24	5630.24	5630.24	5630.24	5630.24
Average Equity	5630.24	5630.24	5630.24	5630.24	5630.24
Return on Equity (Base Rate) (in %)	15.500	15.500	15.500	15.500	15.500
MAT Rate for respective year (in %)	17.472	17.472	17.472	17.472	17.472
Rate of Return on Equity (in %)	18.782	18.782	18.782	18.782	18.782
<b>Return on Equity</b>	<b>1057.47</b>	<b>1057.47</b>	<b>1057.47</b>	<b>1057.47</b>	<b>1057.47</b>

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

62. The norms specified under Regulation 35(3)(a) of the 2019 Tariff Regulations are as follows:

**“35. Operation and Maintenance Expenses:**

...

**(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	45.01	46.60	48.23	49.93	51.68



400 kV	32.15	33.28	34.45	35.66	36.91
220 kV	22.51	23.30	24.12	24.96	25.84
132 kV and below	16.08	16.64	17.23	17.83	18.46
<b>Norms for Transformers (₹ Lakh per MVA)</b>					
765 kV	0.491	0.508	0.526	0.545	0.564
400 kV	0.358	0.371	0.384	0.398	0.411
220 kV	0.245	0.254	0.263	0.272	0.282
132 kV and below	0.245	0.254	0.263	0.272	0.282
<b>Norms for AC and HVDC lines (₹ Lakh per km)</b>					
Single Circuit (Bundled Conductor with six or more sub-conductors)	0.881	0.912	0.944	0.977	1.011
Single Circuit (Bundled conductor with four sub-conductors)	0.755	0.781	0.809	0.837	0.867
Single Circuit (Twin & Triple Conductor)	0.503	0.521	0.539	0.558	0.578
Single Circuit (Single Conductor)	0.252	0.260	0.270	0.279	0.289
Double Circuit (Bundled conductor with four or more sub-conductors)	1.322	1.368	1.416	1.466	1.517
Double Circuit (Twin & Triple Conductor)	0.881	0.912	0.944	0.977	1.011
Double Circuit (Single Conductor)	0.377	0.391	0.404	0.419	0.433
Multi Circuit (Bundled Conductor with four or more sub-conductor)	2.319	2.401	2.485	2.572	2.662
Multi Circuit (Twin & Triple Conductor)	1.544	1.598	1.654	1.713	1.773
<b>Norms for HVDC stations</b>					
HVDC Back-to-Back stations (Rs Lakh per 500 MW) (Except Gazuwaka BTB)	834	864	894	925	958
Gazuwaka HVDC Back-to-Back station (₹ Lakh per 500 MW)	1,666	1,725	1,785	1,848	1,913
500 kV Rihand-Dadri HVDC bipole scheme (Rs Lakh) (1500 MW)	2,252	2,331	2,413	2,498	2,586
±500 kV Talcher- Kolar HVDC bipole scheme (Rs Lakh) (2000 MW)	2,468	2,555	2,645	2,738	2,834
±500 kV Bhiwadi-Balia HVDC bipole scheme (Rs Lakh) (2500 MW)	1,696	1,756	1,817	1,881	1,947
±800 kV, Bishwanath-Agra HVDC bipole scheme (Rs Lakh) (3000 MW)	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  $\pm 500$  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  $\pm 500$  kV Talchar-Kolar HVDC bi-pole scheme (2000 MW);*
  - iv. *the O&M expenses of  $\pm 800$  kV Champa-Kurukshetra HVDC bi-pole scheme (3000 MW) shall be on the basis of the normative O&M expenses for  $\pm 800$  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.”*

63. The Petitioner has claimed O&M Expenses for 2019-24 tariff period as follows:

	(₹ in lakh)				
Particulars	2019-20	2020-21	2021-22	2022-23	2023-24
<b>Transmission Line</b>					
400 kV (AC Twin conductor) S/C Korba -Vindhyachal Ckt II (288.994 km)	288.994	288.994	288.994	288.994	288.994
Norms (₹ lakh/km)	0.50	0.52	0.54	0.56	0.58
O&M Expenses Transmission Line	145.36	150.57	155.77	161.26	167.04
<b>Sub-station</b>					
Number of 400 kV Bays	2	2	2	2	2
Norms (₹ lakh/Bay)	32.15	33.28	34.45	35.66	36.91
O&M Expenses Sub-station	64.30	66.56	68.90	71.32	73.82
<b>Communication System (PLCC)</b>					



Project Cost (₹ in lakh)	88.78	88.78	88.78	88.78	88.78
Norm (in %)	2.00	2.00	2.00	2.00	2.00
O&M Expenses PLCC	1.78	1.78	1.78	1.78	1.78
<b>Total O&amp;M Expenses (₹ in lakh)</b>	<b>211.44</b>	<b>218.91</b>	<b>226.45</b>	<b>234.36</b>	<b>242.64</b>

64. We have considered the submissions of the Petitioner. The Petitioner has claimed O&M Expenses separately for 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.

65. The O&M Expenses allowed in respect of the transmission asset are as follows:

Particular	2019-20	2020-21	2021-22	2022-23	2023-24
<b>Transmission Line</b>					
400 kV (AC Twin conductor) S/C Korba -Vindhyachal Ckt II (km)	288.994	288.994	288.994	288.994	288.994
Norms (₹ lakh/km)	0.50	0.52	0.54	0.56	0.58
O&M Expenses Transmission Line	145.36	150.57	155.77	161.26	167.04
<b>Sub-station</b>					
Number of 400 kV Bays	2	2	2	2	2
Norms (₹ lakh/Bay)	32.15	33.28	34.45	35.66	36.91
O&M Expenses Sub-station	64.30	66.56	68.90	71.32	73.82
<b>Total O&amp;M Expenses (₹ in lakh)</b>	<b>209.66</b>	<b>217.13</b>	<b>224.67</b>	<b>232.58</b>	<b>240.86</b>



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

66. Regulations 34(1)(c), Regulation 34(3) and (4) and Regulation 3(7) of the 2019 Tariff Regulations specifies 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 triung-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;”*

67. The Petitioner has submitted that it has computed IWC for 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%.

68. The IWC is worked out in accordance with Regulation 34 of the 2019 Tariff Regulations. The Rate of IWC considered is 12.05% (SBI 1 year MCLR applicable as on 1.4.2019 of 8.55% plus 350 basis points) for 2019-20, 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), whereas RoI for 2021-22 onwards has been considered as 10.50% (SBI 1 year MCLR applicable as on 1.4.2021 of 7.00% plus 350 basis points). The components of the working capital and interest thereon allowed in respect of the transmission asset are as follows:

Particulars	(₹ in lakh)				
	2019-20	2020-21	2021-22	2022-23	2023-24
O M Expenses (O&M Expenses for one month)	17.47	18.09	18.72	19.38	20.07
Maintenance Spares (20% of O&M Expenses)	31.45	32.57	33.70	34.89	36.13
Receivables <b>(Equivalent to 45 days of annual transmission charges)</b>	303.63	203.11	201.24	199.67	197.42
<b>Total</b>	<b>352.56</b>	<b>253.77</b>	<b>253.67</b>	<b>253.94</b>	<b>253.62</b>
Rate of Interest on working capital (in %)	12.05	11.25	10.50	10.50	10.50
<b>Interest of Working Capital</b>	<b>42.48</b>	<b>28.55</b>	<b>26.63</b>	<b>26.66</b>	<b>26.63</b>

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

69. The transmission charges allowed in respect of the transmission asset for 2019-24 tariff period are as follows:

Particulars	(₹ in lakh)				
	2019-20	2020-21	2021-22	2022-23	2023-24
Depreciation	991.85	231.83	231.83	231.83	231.83
Interest on Loan	168.09	112.44	91.70	71.01	48.92
Return on Equity	1057.47	1057.47	1057.47	1057.47	1057.47
Interest on Working Capital	42.48	28.55	26.63	26.66	26.63
O&M Expenses	209.66	217.13	224.67	232.58	240.86
<b>Total</b>	<b>2469.56</b>	<b>1647.43</b>	<b>1632.31</b>	<b>1619.56</b>	<b>1605.72</b>

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

70. The Petitioner has sought reimbursement of fee paid by it for filing the petition and publication expenses.

71. 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**

72. The Petitioner has sought reimbursement of licence fee in accordance with Regulation 70(4) of the 2019 Tariff Regulations for 2019-24 tariff period. The Petitioner has also sought reimbursement of RLDC fee and charges in accordance with Regulation 70(3) of the 2019 Tariff Regulations for 2019-24 tariff period. The Petitioner shall be entitled to Licence Fee & RLDC Fees and Charges in terms of 2019 Tariff Regulations.

### **Security Expenses**

73. 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 a yearly basis.

74. We have considered the submissions of the Petitioner. We are of the view that the Petitioner should claim security expenses for all the transmission assets 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 (GST)**

75. The Petitioner has submitted that if GST is levied at any rate and at any point of time in future on 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, paid by the Petitioner on account of demand from Government / Statutory authorities, may also be allowed to be recovered from the beneficiaries.

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

### **Capital Spares**

77. 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**

78. During the tariff periods 2004-09 and 2009-14 (up to 30.6.2011), the transmission charges for inter-State transmission systems were being shared in accordance with the Tariff Regulations for the respective tariff periods. With effect from 1.7.2011, sharing of transmission charges for inter-State transmission systems



is governed by the provisions of the 2010 Sharing Regulations. With effect from 1.11.2020, the 2010 Sharing Regulations has been repealed and sharing is governed by the provisions of the 2020 Sharing Regulations. Accordingly, the liabilities of DICs for arrears of transmission charges determined through this order shall be computed DIC-wise in accordance with the provisions of respective Tariff Regulations and shall be recovered from the concerned DICs through Bill under Regulation 15(2)(b) of 2020 Sharing Regulations. Billing, collection and disbursement of transmission charges for subsequent period shall be recovered in terms of provisions of the 2020 Sharing Regulations as provided in Regulation 57 of the 2019 Tariff Regulations.

79. To summarise:

- a) The revised Annual Fixed Charges approved in respect of the transmission asset for 2004-09 as per the APTEL's judgements are as follows:

(₹ in lakh)		
Particulars	2007-08 (Pro-rata for 10 months)	2008-09
AFC	1995.75	2453.01

- b) The consequential revision of Annual Fixed Charges approved in respect of the transmission asset for 2009-14 tariff period are as follows:

(₹ in lakh)					
Particulars	2009-10	2010-11	2011-12	2012-13	2013-14
AFC	3234.49	3218.58	3158.89	3097.85	3050.35

- c) The trued-up Annual Fixed Charges approved in respect of the transmission asset for 2014-19 tariff period are as follows:

(₹ in lakh)					
Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
AFC	2954.59	2889.77	2820.05	2751.44	2689.33

- d) The Annual Fixed Charges allowed in respect of the transmission asset for 2019-24 tariff period in this order are as follows:

(₹ in lakh)					
Particulars	2019-20	2020-21	2021-22	2022-23	2023-24
AFC	2469.56	1647.43	1632.31	1619.56	1605.72



80. Annexure-I and Annexure-II given hereinafter shall forms part of the order.

81. This order disposes of Petition No. 491/TT/2019 in terms of the above discussion and findings.

**sd/-**  
**(Pravas Kumar Singh)**  
**Member**

**sd/-**  
**(I.S. Jha)**  
**Member**

**sd/-**  
**(P. K. Pujari)**  
**Chairperson**



**Annexure-I**

	Particular	Admitted Capital Cost as on 1.4.2014 (₹ in lakh)	Admitted Capital Cost as on 31.3.2019 (₹ in lakh)	Rate of Depreciation (in %)	Annual Depreciation as per Regulations (₹ in lakh)				
					2014-15	2015-16	2016-17	2017-18	2018-19
<b>Asset</b>	Transmission Line	16917.09	16917.09	5.28	893.22	893.22	893.22	893.22	893.22
	Sub Station	1761.60	1761.60	5.28	93.01	93.01	93.01	93.01	93.01
	PLCC	88.78	88.78	6.33	5.62	5.62	5.62	5.62	5.62
	<b>TOTAL</b>	<b>18767.47</b>	<b>18767.47</b>		991.85	991.85	991.85	991.85	991.85
			<b>Average Gross Block (₹ in lakh)</b>		18767.47	18767.47	18767.47	18767.47	18767.47
			<b>Weighted Average Rate of Depreciation (in %)</b>		5.28	5.28	5.28	5.28	5.28



**Annexure-II**

	Particular	Admitted Capital Cost as on 31.3.2024 (₹ in lakh)	Admitted Capital Cost as on 31.3.2024 (₹ in lakh)	Rate of Depreciation (in %)	Annual Depreciation as per Regulations (₹ in lakh)				
					2019-20	2020-21	2021-22	2022-23	2023-24
<b>Asset</b>	Transmission Line	16917.09	16917.09	1.21%	893.22				
	Sub Station	1761.60	1761.60	1.21%	93.01				
	PLCC	88.78	88.78	0.64%	5.62				
	<b>TOTAL</b>	<b>18767.47</b>	<b>18767.47</b>		991.85	227.09	227.09	227.09	227.09
			<b>Average Gross Block (₹ in lakh)</b>		18767.47	18767.47	18767.47	18767.47	18767.47
			<b>Weighted Average Rate of Depreciation(in %)</b>		5.28	1.21	1.21	1.21	1.21

