

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Review Petition No. 5/RP/2020 in
Petition No.361/TT/2018**

Coram:

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

Date of Order: 01.02.2021

In the Matter of:

Petition for review of order dated 8.11.2019 in Petition No. 361/TT/2018 under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 103(1) and 116 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999.

And in the Matter of

Karnataka Power Transmission Corporation Ltd.,
Kaveri Bhawan,
Bangalore – 560009

...Review Petitioner

vs

1. Power Grid Corporation of India Ltd.,
Saudamini, Plot No.2,
Sector-29 Gurgaon-122001 (Haryana)
2. Tamil Nadu Generation and Distribution Corporation Ltd.,
NPKRR Maaligai, 800, Anna Salai
Chennai – 600 002
3. Transmission Corporation of Andhra Pradesh Ltd.,
Vidyut Soudha, Hyderabad- 500082
4. Kerala State Electricity Board (KSEB),
Vaidyuthi Bhavanam, Pattom,
Thiruvananthapuram - 695 004
5. Electricity Department, Government of Goa,
Vidyuti Bhawan, 3rd Floor, Panaji,
Goa-403001



6. Electricity Department,
Government of Pondicherry,
Pondicherry –605001
7. Eastern Power Distribution Company of Andhra Pradesh Ltd.,
Seethmmadhara, Vishakhapatnam,
Andhra Pradesh
8. Southern Power Distribution Company of Andhra Pradesh Ltd.,
Srinivasasa Kalyana Mandapam Backside,
Tiruchanoor Road, Kesavayana Gunta,
Tirupati-517 501, Andhra Pradesh
9. Central Power Distribution Company of Andhra Pradesh Ltd.,
Corporate Office, Mint Compound, Hyderabad - 500 063,
Andhra Pradesh
10. Northern Power Distribution Company of Andhra Pradesh Ltd.,
Opp. NIT Petrol Pump, Chaitanyapuri, Kazipet, Warangal - 506 004,
Andhra Pradesh
11. Bangalore Electricity Supply Company Ltd.,
Corporate Office, KR Circle, Bangalore - 560001,
Karnataka
12. Gulbarga Electricity Supply Company Ltd.,
Station Main Road, Gulbarga,
Karnataka
13. Hubli Electricity Supply Company Ltd.,
Navanagar, PB Road, Hubli,
Karnataka
14. Mangalore Electricity Supply Company Ltd.,
Corporate Office, Paradigm Plaza,
AB Shetty Circle, Mangalore – 575001
15. Chamundeswari Electricity Supply Corporation Ltd.,
927, L J Avenue, Ground Floor, New Kantharaj Urs Road,
Saraswatipuram, Mysore - 570009,
Karnataka
16. Transmission Corporation of Telangana Ltd.,
Vidhyut Sudha, Khairatabad,
Hyderabad, 500082

....Respondents



For Review Petitioner : Shri Anand K Ganeshan, Advocate, KPTCL
Ms. Swapna Seshadri, Advocate, KPTCL
Ms. Ritu Apoorva, Advocate, KPTCL

For Respondents : None

Order

The instant Petition No. 5/RP/2020 has been filed by Karnataka Power Transmission Corporation Limited (hereinafter referred to as “the Review Petitioner”) seeking review of the order dated 8.11.2019 in Petition No. 361/TT/2018.

Background

2. The Commission vide order dated 8.11.2019 in Petition No. 361/TT/2018 filed by Power Grid Corporation of India Ltd. (PGCIL) determined the tariff in respect of the following assets under the “System Strengthening XII in Southern Region” for the period from COD to 31.3.2019 under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (hereinafter referred to as “the 2014 Tariff Regulations”):

Asset-1: LILO of 400 kV S/C Neelmangla-Hoody Transmission Line at new 400/220 kV GIS sub-station at Yelahanka with 1X63 MVAR 420 kV Bus Reactor along with associated bays and equipment;

Asset-2A: 2 x 500 MVA, 400/220 kV ICTs alongwith associated bays and 2 no. 220 kV bays at 400/220 kV Yelahanka Sub-station; and

Asset-2B: 4 no. 220 kV bays at 400/220 kV Yelahanka Sub-station.

3. Taking into consideration the submissions of PGCIL, the Commission approved the COD of the subject assets as 1.4.2018 under proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations as the downstream assets under the scope of KPTCL were not put into commercial operation and it was held, vide order dated 8.11.2019, that the transmission charges in case of the subject assets would be



borne by KPTCL for the period of mismatch, i.e. from 1.4.2018 to the COD of the downstream transmission assets.

4. Aggrieved with the aforesaid order of the Commission dated 8.11.2019, KPTCL has sought filed the instant review petition, contending that it is not liable to bear the transmission charges.

5. The matter was heard on 16.7.2020. After hearing the learned counsel for the Review Petitioner, the Commission reserved order on maintainability of the Review Petition and directed the Review Petitioner to file Written Submissions. The Review Petitioner has filed the written submissions vide additional affidavit on 30.7.2020.

6. The gist of the submissions made by the Review Petitioner in support of the review petition is as follows:

(a) The subject assets were envisaged to be part of the Regional Transmission System and subsequently the transmission line was taken up under the Regional Strengthening Scheme XIII by PGCIL and hence it is not solely responsible to bear the transmission charges for the period of mismatch.

(b) There was considerable time over-run in completion of the Yelahanka Sub-station by PGCIL. Therefore, KPTCL had made alternate arrangements to meet the load requirements for Bangalore city.

(c) The time over-run in case of the downstream assets under its scope was due to rapid urbanisation. The time over-run in case of PGCIL was condoned. However, the time over-run of the assets under its scope was not considered.

(d) KPTCL has facilitated power flow from Yelahanka Sub-station through 2 bays by laying 2000 sq. mm UG cable on 13.10.2018 which has not been considered by the Commission.

(e) The UG cable was completed on 13.10.2018 and it was much before the planned upstream system of PGCIL. PGCIL was itself using the transmission system of KPTCL to execute the Yelahanka Sub-station in the



year 2018 and it was fully aware of the developments of the under-ground cables being planned and executed by KPTCL.

(f) PGCIL did not seek to impose the transmission charges on the Review Petitioner and has sought recovery of transmission charges under the Central Electricity Regulatory Commission (Sharing of Transmission Charges & Losses in Inter-State Transmission) Regulations, 2010 (in short, 'the 2010 Sharing Regulations'). Further, the 2010 Sharing Regulations provides for sharing of transmission charges of all inter-State transmission assets and it does not provide for any other methodology other than POC mechanism for the transmission charges to be recovered.

(g) Levy of transmission charges solely on the Review Petitioner on bilateral basis is erroneous. There is no Agreement between the parties for levy of such charges on bilateral basis.

(h) There are errors apparent on the face of record inasmuch as the requirement of transmission system, time frame for execution and the consequences of delay etc.

(i) KPTCL is only a transmission licensee and it does not purchase or sell electricity. KPTCL also does not use the transmission facilities or reserve capacity of PGCIL and as such KPTCL should not be made liable to pay the transmission charges.

7. We have considered the submissions made in the review petition, submissions of the learned counsel for the Review Petitioner during the hearing on 16.7.2020 and in the additional affidavit dated 30.7.2020. On perusal of the information submitted by the Review Petitioner, it is prima facie observed that PGCIL has not placed certain facts before the Commission at the time of issuing the impugned order and the same has implications on sharing of transmission charges for the assets in the impugned order. In view of the submissions of the Review Petitioner, we admit the Review Petition and order notice to respondents.



8. The Review Petitioner is directed to serve a copy of the Review Petition on the Respondents by 8.2.2021 and the Respondents are directed to file their reply by 22.2.2021. The Review Petitioner shall file the rejoinder, if any, by 8.3.2021. The parties are directed to comply with above directions within the specified timeline and no extension of time shall be granted.

9. The matter shall be listed for further hearing in due course for which separate notice will be issued.

sd/-
(Arun Goyal)
Member

sd/-
(I. S. Jha)
Member

sd/-
(P. K. Pujari)
Chairperson

