

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Interlocutory Applications No. 54/2020, 41/2021 and 55/2021

in

Suo Motu Petition No. 7/SM/2020

Coram:

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

Date of Order: 9th July, 2021

In the matter of

Interlocutory Applications for invoking power of relaxation clause under Regulation 76 of the 2019 Tariff Regulations, for extension of time to file tariff petitions for determination of tariff for the 2019-24 tariff period along with truing-up petitions for the 2014-19 tariff period in case of existing generating stations/units and transmission system/assets by relaxation of Regulation 9(2) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019

And

In the matter of

Kanti Bijlee Utpadan Nigam Ltd
NTPC Bhawan, Core-7, Scope Complex,
7, Institutional Area, Lodhi Road,
New Delhi – 110 003

....I.A.No.54/IA/2020

AND

Parbati Koldam Transmission Company Ltd
5th Floor, JMD Galleria, Sector-48,
Sohna Road, Gurgaon
Haryana-122018

....IA No. 41/IA/2021

AND

NHPC Ltd
NHPC Office Complex,
Sector-33, Faridabad,
Haryana-121003

....IA No. 55/IA/2021



ORDER

Regulation 9(2) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (hereinafter referred to as 'the 2019 Tariff Regulations') provides as under:

"9. Application for determination of tariff

(1) xxxx

(2) In case of an existing generating station or unit thereof, or transmission system or element thereof, the application shall be made by the generating company or the transmission licensee, as the case may be, by 31.10.2019, based on admitted capital cost including additional capital expenditure already admitted and incurred up to 31.3.2019 (either based on actual or projected additional capital expenditure) and estimated additional capital expenditure for the respective years of the tariff period 2019-24 along with the true up petition for the period 2014-19 in accordance with the CERC (Terms and Conditions of Tariff) Regulations, 2014.

2. In terms of the above provision, an application for determination of tariff of an existing generating station or unit thereof or a transmission system or element thereof for the 2019-24 tariff period, was required to be filed by 31.10.2019, along with the true-up petitions for the 2014-19 tariff period.

3. Subsequently, in Petition No.331/MP/2019 filed by PGCIL, the Commission by its order dated 28.10.2019 permitted the generating companies and the transmission licensees to file tariff petitions for the 2019-24 tariff period along with the truing up petitions for the 2014-19 tariff period, within three months from the date of issue of the final order for the period 2014-19.

4. Thereafter, NHPC and NTPC had sought extension of time to file tariff petitions for the 2019-24 tariff period along with the truing up petitions for the 2014-19 tariff period in respect of their projects and the Commission by its order dated 6.4.2020 in Petition No. 7/SM/2020 granted time till 30.6.2020 to file the said petitions, by relaxation of Regulation 9(2) of the 2019 Tariff Regulations.



5. The above order was made applicable to the transmission licensees, including deemed transmission licensees regulated by this Commission vide Addendum order dated 7.4.2020.

6. Subsequently, NHPC and Teesta Urja Ltd. filed IA No. 39/2020 and IA No. 40/2020 respectively and sought extension of time to file tariff petitions for the 2019-24 tariff period along with the truing up petitions for the 2014-19 tariff period in respect of their projects and the Commission by its order dated 6.7.2020 had granted time till 30.9.2020 to file the said petitions, by relaxation of Regulation 9(2) of the 2019 Tariff Regulations. The relevant portion of the order is extracted hereunder:

“8. Keeping in view the unprecedented measures taken by the Government of India to contain the spread of COVID-19 pandemic and the difficulties being faced by the generating companies in filing tariff petitions, we, in exercise of the power under Regulation 76 of the 2019 Tariff Regulations, relax the provisions of Regulation 9(2) of the 2019 Tariff Regulations and grant extension of time till 30.9.2020 for these generating companies to file tariff petitions for 2019-24 period along with truing-up petitions for 2014-19 period. The applicable fees shall be governed by the provisions of Regulation 3(1) of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012”

7. Further, the Teestavalley Power Transmission Ltd (TPTL) filed IA No. 44/2020 in Petition No.7/SM/2020 and requested for grant of extension of time up to 30.9.2020 to file tariff petitions in respect of its transmission lines and reactors for the 2019-24 tariff period along with truing up of tariff for the 2014-19 tariff period, in exercise of the power to relax under Regulation 76 of the 2019 Tariff Regulations. Accordingly, the Commission vide its order dated 23.7.2020 relaxed the provisions of Regulation 9(2) of the 2019 Tariff Regulations and granted extension of time till 30.9.2020 to TPTL to file tariff petitions for the 2019-24 tariff period along with truing-up petitions for the 2014-19 tariff period.



Interlocutory Applications (IAs)

8. Kanti Bijlee Utpadan Nigam Ltd (KBUNL) has filed IA.No.54/2020 and has submitted that there were certain difficulties faced by it on account of lockdown restrictions imposed due to Covid-19 pandemic since the tariff petition (along with requisite documents/ forms and affidavit) had to be verified by the Corporate office in New Delhi and then signed and collated by the concerned signatory of KBUNL who was located at site premises in Muzaffarpur (Bihar). KBUNL has submitted that since lockdown restrictions extended up to 1.6.2020, it was unable to verify and file the tariff petitions by 30.6.2020. KBUNL has stated that the delay in filing the tariff petition may be condoned in the interest of justice and the timeline for filing the tariff petitions may be extended by three more weeks.

9. Parbati Koldam Transmission Company Ltd (PKTCL) has filed IA No. 41/2021 and has submitted that due to circumstances beyond its control, it has not been able to file tariff petition for the 2019-24 tariff period along with the truing-up petition for the 2014-19 tariff period for all its seven transmission assets viz., Asset 1: Section of 400 kV (Quad) S/C Parbati-Koldam Transmission Line (Ckt-II) starting from LILO point of Parbati-III HEP to LILO Point of Parbati Pooling Station, Asset 2: 400kV D/C Koldam-Ludhiana Transmission Line; Ckt-I, Asset 3: 400 kV D/C Kodam- Ludhiana Transmission Line; Ckt-II, Asset 4: Section of 400 kV (Quad) S/C Parbati-Koldam Transmission Line (Ckt-I) starting from LILO Point of Banala Pooling Station to Koldam (connected to Tower 9E of 400 kV D/C Koldam-Nalagarh Transmission Line forming Banala-Nalagarh section in Northern Region., Asset 5: Section of 400 kV (Quad) S/C Parbati-Koldam Transmission Line (Ckt-II) starting from LILO Point of Banala Pooling Station to Koldam (connected to Tower 9C of 400kV D/C Koldam-Nalagarh Transmission Line forming Banala-Koldam section), Asset 6: Section of



400kV (Quad) S/C Parbati-Koldam Transmission Line (Ckt-I) starting from Parbati-II HEP to LILO Point of Banala Pooling station, Asset 7: Section of 400 kV (Quad) S/C Parbati-Koldam Transmission Line (Ckt-II) starting from Parbati-II HEP to LILO Point of Parbati-III HEP as per timelines provided in Regulation 9(2) of the 2019 Tariff Regulations. PKTCL has also submitted that the Commission in its order dated 9.2.2021 in Petition No.156/TT/2015 had determined the final tariff of Assets-6 and 7 of PKTCL for the 2014-19 tariff period and thus, in accordance with the extension granted by this Commission in its order dated 28.10.2019 in Petition No.331/MP/2019 read with Orders dated 6.4.2020 and 7.4.2020 in Petition No.7/SM/2020, the limitation for filing PKTCL's petition for truing-up of tariff for the 2014-19 tariff period along with the tariff petition for the 2019-24 tariff period expires on 9.5.2021. PKTCL has further submitted that the functioning of PKTCL has specially been impacted by the second wave of Covid-19 and most of the officers are directly affected by it and are battling with the disease. It has added that as a result of sudden surge in Covid-19 cases, the State Government of Delhi/NCR and Maharashtra (where offices of PKTCL are located) have again imposed lockdown and put restriction on any non-essential movement of personnel. PKTCL has stated that the lockdown has resulted in an unexpected closure of the corporate center and most of the officers are unable to report to office or access voluminous records/documents in order to compile information from its lenders etc., required for preparing the petition. Accordingly, PKTCL has prayed for relaxation of Regulation 9(2) of the 2019 Tariff Regulations and grant additional time of 120 days, beyond 9.5.2021, for filing of the tariff petition for the 2019-24 tariff period along with the truing-up petition for the 2014-19 tariff period, for all its seven transmission assets, in exercise of the power to relax under Regulation 76 of the 2019 Tariff Regulations.



10. NHPC Limited has filed IA. No. 55/2021 and has submitted that the tariff order in respect of Teesta Low Dam IV Power station (in short 'TLDP-IV') for the 2014-19 period was issued on 24.1.2021 and accordingly, NHPC was supposed to file the tariff petition for the 2019-24 tariff period along with the truing-up petition for the 2014-19 tariff period up to 23.4.2021. It has stated that due to Covid-19 pandemic and limitation on working of offices, the entire data for filing the tariff petition for TLDP-IV could not be collected. NHPC has further submitted that in the month of April 2021, the second wave of Covid-19 pandemic erupted and offices of NHPC were fully closed during May, 2021 due to lockdown imposed by the State Government and hence, complete information for preparation of tariff petition could not be collected from TLDP-IV power station and different divisions of Corporate Office. In this background, NHPC has submitted that the Commission may allow extension of time up to 30.9.2021 for filing the tariff petition for the 2019-24 tariff period along with the truing-up petition for the 2014-19 tariff period in respect of TLDP-IV power station, by relaxing Regulation 9(2) of the 2019 Tariff Regulations, in exercise of the power to relax under Regulation 76 of the 2019 Tariff Regulations.

11. These IAs are being decided by circulation.

12. Keeping in view the unprecedented measures taken by the Government of India to contain the spread and spike of the COVID-19 pandemic and the difficulties being faced by these Petitioners in filing the tariff petitions, we, in exercise of the power under Regulation 76 of the 2019 Tariff Regulations, by way of relaxing the provisions of Regulation 9(2) of the 2019 Tariff Regulations, hereby grant extension of time for filing tariff petitions till 30.9.2021 to the Petitioners, NHPC and PKTCL and extension of time till 31.7.2021 to the Petitioner, KBUNL to file their tariff petitions for the 2019-24 tariff period along with truing-up petitions for the 2014-19 tariff period in respect of



their generating stations and transmission assets as stated. The applicable fees shall be governed by the provisions of Regulation 3(2) of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012. The Petitioners are directed to adhere to the timeline as stated and any further relaxation shall not be granted.

13. IA No. 54/2020, IA No. 41/2021 and IA No. 55/2021 in Petition No. 7/SM/2020 are disposed of in terms of the above.

Sd/-
(Pravas Kumar Singh)
Member

Sd/-
(Arun Goyal)
Member

Sd/-
(I.S. Jha)
Member

Sd/-
(P. K. Pujari)
Chairperson

