

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Review Petition No. 21/RP/2021 in
Petition No. 104/TT/2020
(alongwith I.A. No.77/2021)**

Subject	:	Petition for review of order dated 31.3.2021 in Petition No. 104/TT/2020.
Date of Hearing	:	20.1.2022
Coram	:	Shri P.K. Pujari, Chairperson Shri I.S. Jha, Member Shri Arun Goyal, Member
Review Petitioner	:	Power Transmission Corporation of Uttarakhand Limited
Respondents	:	Rajasthan Rajya Vidyut Prasaran Nigam Ltd. and 16 Others
Parties present	:	Shri Sitesh Mukherjee, Sr. Advocate, PTCUL Ms. Sonam Anand, Advocate, PTCUL Shri S.P. Arya, PTCUL Shri H.S. Hyanki, PTCUL Shri Ved Prakash Rastogi, PGCIL

Record of Proceedings

Case was called out for virtual hearing.

2. Instant review petition has been filed by the Review Petitioner, Power Transmission Corporation of Uttarakhand Limited (PTCUL) against the Commission's order dated 31.3.2021 in Petition No. 104/TT/2020, whereby the Commission trued up transmission tariff of 2014-19 tariff period and determined tariff for 2019-24 period in respect of the following assets:

Asset-I: Combined Asset: One circuit of 400 kV D/C Dehradun-Bagpat line along with associated bays at both ends. Part of second circuit of 400 kV D/C Dehradun-Bagpat Transmission Line as 400 kV S/C Roorkee Dehradun line from Dehradun end and partly as 400 kV S/C Saharanpur-Bagpat line from Bagpat end using part of one circuit of 400 kV D/C Roorkee-Saharanpur line (under-NRSS XXI) at intersection point along with associated bays at Dehradun and Bagpat end,



Asset-II: 400/220 kV, 315 MVA ICT-I at Dehradun and associated bays with 1 no. 220 kV line bay, 400/220 kV, 315 MVA ICT-II at Dehradun and associated bays with 1 no. 220 kV line bay, and 80 MVAR bus reactor at Dehradun and associated bays, and

Asset-III: 04 Nos. 220 kV bays at Dehradun Sub-station under “Northern Region System Strengthening Scheme-XVIII” in Northern Region.

3. Learned counsel for the Review Petitioner made the following submissions:

(a) The Commission in the impugned order dated 31.3.2021 in Petition No. 104/TT/2020 approved the commercial operation date of Asset-III as 4.2.2017 under proviso (ii) of Regulation 4(3) of 2014 Tariff Regulations and directed the Review Petitioner to bear the yearly transmission charges of this asset from 4.2.2017 up to COD of the downstream system under the scope of PTCUL.

(b) The Commission has erred in the impugned order by not considering the fact that PTCUL never agreed to a particular timeline for commissioning of the downstream system under its scope and, therefore, it cannot be made liable to bear the transmission charges in respect of Asset-II.

(c) Minutes of the Meeting of 23rd SCM held on 16.2.2008, clearly demonstrate that no timeline was agreed by PTCUL with respect to commissioning of the downstream system in its scope. In the absence of any Agreement between PTCUL and PGCIL with reference to the commissioning schedule of the downstream system, no liability can be imposed upon PTCUL.

(d) Placing reliance on APTEL’s judgment in the case of Punjab State Power Corporation Limited Vs. Patran Transmission Company Limited reported in 2018 SCC, APTEL 66, contended that for making a party liable for payment of transmission charges, a contractual relation between the parties has to be in existence.

(e) PTCUL is not in a financial position to bear the transmission charges imposed in the impugned order.

4. The representative of PGCIL submitted that during 34th NR Standing Committee Meeting, PTCUL stated that its 220 kV System from Dehradun Sub-station would be available by March, 2015 matching with COD of the Dehradun Sub-station. He further submitted that in the 43rd NRPC meeting, PTCUL informed that lines associated with the downstream system will be completed in November 2021. Hence, it is clear from the said meetings that a timeline was agreed for completion of the downstream system. He further submitted that the issues raised by the Review Petitioner do not disclose any error apparent on the face of record in the order dated 31.3.2021 in Petition No. 104/TT/2020. Therefore, the Review Petition ought to be dismissed.



5. After hearing the parties, the Commission reserved order in the matter.

By order of the Commission

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

