

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Review Petition No. 29/RP/2022

Subject	: Review Petition No. 29/RP/2022 seeking review of order dated 9.6.2021 in Petition 471/TT/2020.
Date of Hearing	: 1.8.2022
Coram	: Shri I.S Jha, Member Shri Arun Goyal, Member Shri P.K. Singh, Member
Review Petitioner	: National Hydroelectric Power Corporation (NHPC)
Respondents	: Power Grid Corporation of India Ltd. (PGCIL)
Parties Present	: Shri Rajiv Shankar Dvivedi, Advocate, NHPC Shri Anand K Ganesan, Advocate, PGCIL Ms. Swapna Sheshadri, Advocate, PGCIL Shri Jai Dhanani, Advocate, PGCIL Shri S.S Raju, PGCIL Shri D.K. Biswal, PGCIL Shri Ved Rastogi, PGCIL Shri A.K. Verma, PGCIL Shri Ajay Shrivastava, NHPC Shri S.K. Meena, NHPC

Record of Proceedings

Case was called out for virtual hearing.

2. The Commission vide order dated 25.4.2019 in Petition No.124/TT/2018 determined the transmission tariff of Kishanganga-Amargarh D/C Transmission Line from its COD on 27.2.2018 to 31.3.2019, wherein it was also held that the tariff for the period from 27.2.2018 to 17.5.2018 would be borne by NHPC as the associated transmission asset under the scope of NHPC was not completed. Further, the Commission vide order dated 9.6.2021 in Petition No.471/TT/2020 trued up the tariff approved for the 2014-19 tariff period and approved the tariff of the 2019-24 tariff period.

3. The learned counsel for NHPC made the following submissions:

- a. Interlocutory Application No. 81/IA/2021 was initially filed by NHPC in Petition No.471/TT/2020 which has been converted to the instant review petition as per the directions of the Commission.
- b. NHPC was not impleaded as Respondent by PGCIL in Petition No. 471/TT/2020.
- c. There is discrepancy in the apportionment of cost by PGCIL of the multi circuit towers which are the common facilities/ assets of Kishanganga-Amargarh



Transmission line and Kishanganga-Wagoora Transmission line which were executed by PGCIL for evacuation of power from Kishanganga HEP of NHPC. PGCIL should provide the detailed break up of cost of transmission lines in respect of Kishanganga-Amargarh Transmission Line and Kishanganga-Wagoora Transmission Line.

- d. PGCIL has loaded the entire cost of the multi-circuit towers on the Kishanganga-Amargarh Transmission Line which was put into commercial operation much earlier than Kishanganga-Wagoora Transmission Line. As a result, NHPC has to pay more transmission charges for the period of mismatch from 27.2.2018 to 17.5.2018.

4. In response to Commission's query on how the Review Petitioner is being affected by the apportionment, the representative of NHPC submitted that as the entire cost of the multi-circuit portion has been loaded on Kishanganga-Amargarh Transmission Line. As a result, NHPC has to bear higher transmission charges for the period of mismatch from 27.2.2018 to 17.5.2018 as per the Commission's order dated 25.4.2019. Therefore, the cost of multi-circuit towers has to be apportioned between the Kishanganga-Amargarh Transmission Line and Kishanganga- Wagoora Transmission Line.

5. In response to Commission's another query regarding apportionment of the cost of multi-circuit portion of the towers, the representative of NHPC submitted that the cost of multi-circuit tower and land should be apportioned equally in the ratio of 50:50 between Kishanganga-Amargarh Transmission Line and Kishanganga-Wagoora Transmission Line, as done by PGCIL in the case of the conductor and insulator.

6. The Commission observed that the NHPC was not a party to the original petition and hence the grievance of the petitioner cannot be considered in a review petition. The Commission further observed that any effective order cannot be passed without impleading and hearing the NHPC. In view of the peculiar facts and circumstances, the Commission directed the staff to convert the instant review petition into a miscellaneous petition and directed NHPC to file a detailed Miscellaneous Petition by 10.8.2022 and also to deposit remaining fee of Rs.2,00,000/- (Rs.3,00,000/ for Miscellaneous Petition minus Rs.1,00,000/- already deposited for Interlocutory Application).

7. The Commission further directed PGCIL to explain why NHPC was not impleaded as a party in Petition No. 471/TT/2020.

8. The Respondents are directed to file their reply by 26.8.2022 with an advance copy to the Review Petitioner, who may file its rejoinder, if any, by 5.9.2022. The Commission directed that due date of filing the reply and rejoinder should be strictly adhered to and no extension of time shall be granted.

9. The matter shall be listed for hearing in due course for which a separate notice will be issued to the parties concerned.

By order of the Commission

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(V. Sreenivas)
Joint Chief (Law)

