

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. : 451/MP/2019 Along with I.A No. 59/2022

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 in compliance of directions issued by the Commission vide order dated 10.5.2019 in Petition No. 65/RP/2016, Petition No. 66/RP/2016, Petition No.18/RP/2017 and Petition No.19/RP/2017 for payment of Transmission Charges for the period from 1.11.2011 to 24.5.2012 for power evacuation from the Budhil Hydro Electric Project in Himachal Pradesh.

Date of Hearing : 15.11.2022

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Power Grid Corporation of India Limited (PGCIL)

Respondents : NHPC Limited and Ors.

Parties present : Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Astha Jain, Advocate, PGCIL
Ms. Soumya Singh, Advocate, PGCIL
Shri Buddy Ranganadhan, Advocate, GBHPPL
Shri Hemant Singh, Advocate, GBHPPL
Shri Lakshyajit Singh Bagdwal, Advocate, GBHPPL
Shri Alchi thapliyal, Advocate, GBHPPL
Shri Venkatesh, Advocate, NHPC
Shri Ashutosh Shrivastav, Advocate, NHPC
Shri Siddhart Nigotia, Advocate, NHPC
Shri Ravi Kishore, Advocate, PTC India
Shri Aman Mahajan, NHPC
Shri Piyush Kumar, NHPC
Shri S. K. Meena, NHPC
Shri Mukesh Kumar, NHPC
Shri Ajay Upadhyay, CTUIL
Shri Yogeshwar, CTUIL
Shri Rakesh Singh, GBHPPL

Record of Proceedings

The learned counsel appearing for Greenko Budhil Hydro Power Pvt. Ltd. (GBHPPL) submitted that GBHPPL has filed an Appeal Nos. 69, 70, 71 and 72 of 2020 before the Appellate Tribunal for Electricity (APTEL) against the Commission's order dated 10.5.2019 in Petition No. 18/RP/2017 on the issue of exclusive levy of transmission charges on GBHPPL and it is pending adjudication. Further, the GBHPPL has also filed Appeal No. 296 of 2019 before the Hon'ble APTEL against the order dated 31.5.2018 in Petition no. 190/MP/2016 to the limited extent that the said order holds GBHPPL will not get refund of the transmission charges voluntarily paid



on behalf of PTC and the same is also pending adjudication. PTC India, has also filed Appeal No. 261 of 2018 and the same is also pending adjudication. He further submitted that I.A No.59/2022, has been filed in the instant petition seeking directions to defer the proceedings of the instant petition till the adjudication of the Appeals filed before the Hon'ble APTEL. Accordingly, he prayed to the Commission to defer the proceedings in the instant petition till APTEL adjudicates and decides the aforesaid Appeals.

2. The learned counsel appearing for NHPC submitted that the transmission system has been built by the Petitioner for evacuation of power from the hydro power projects of both GBHPPL and NHPC Ltd (from its Chamera-III project). The Petitioner is seeking recovery of transmission charges for its transmission asset from Respondent GBHPPL for the period from 1.11.2011 to 24.5.2012. NHPC, being a constituent of the regional pool and a beneficiary to the transmission project of the Petitioner, has been made a party for effective adjudication of the instant Petition. As such, no averments or prayers has been sought against NHPC.

3. The learned counsel appearing for PTC India also sought time to file its reply in the instant petition/I.A.

4. The Commission directed GBHPPL to submit the specific prayers made in the Appeal No. 69, 70, 71 and 72 of 2020 and Appeal No. 296 of 2019 filed before the APTEL. The Commission also directed PTC India Ltd. to submit the specific prayers made in the Appeal No. 261 of 2018 filed before the APTEL by 30.11.2022, on affidavit with a copy to the other parties.

5. After hearing the parties, the Commission directed the Respondents to file their reply to the petition as well as the IA by 12.12.2022 and the Petitioner to file rejoinder, if any, by 26.12.2022. The Commission also directed the parties to comply with the directions with the specified time and observed that no extension of time shall be granted.

6. The Petition along with the I.A. shall be listed for further hearing on 17.1.2023.

By the order of the Commission

sd/-
V. Sreenivas
Joint Chief (Law)

