

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
New Delhi**

**Petition 91/MP/2021**

- Subject** : Petition under Sections 79(1)(c), Section 38(2)(b) & (c) of the Electricity Act, 2003 read with Regulation 111 of the CERC (Conduct of Business) Regulations, 1999 seeking allowance of Interest During Construction (IDC) and Incidental Expenses During Construction (IEDC) for the period from 21.5.2015 to 21.9.2015 for 220 kV D/c New Melli-Rangpo line and Associated bays at New Melli and Rangpo alongwith 1 No.220 kV bus coupler bay each at Rangpo and New Melli implemented as part of the transmission system for transfer of power from generating station in Sikkim.
- Petitioner** : Power Grid Corporation of India Limited (PGCIL)
- Respondents** : Gati Infrastructure Chuzachen Ltd. & Ors
- Parties Present** : Ms. Suparna Srivastava, Advocate, PGCIL  
Shri B. B. Rath, PGCIL  
Shri Vipin Jacob Joseph, PGCIL  
Shri Manish Ranjan Keshari, CTU  
Shri Siddhart Sharma, CTU  
Shri Lashit, CTU

**Petition No. 382/TT/2020**

- Subject** : Petition for truing up of transmission tariff of 2014-19 tariff period and determination of transmission tariff of 2019-24 tariff period in respect of nineteen assets under "Transfer of Power from Generation Projects in Sikkim to NR / WR Part-B" in Eastern Region.
- Petitioner** : Power Grid Corporation of India Ltd. (PGCIL)
- Respondents** : Bihar State Power (Holding) Company Ltd. & 16 Ors.
- Date of Hearing** : 14.9.2022
- Coram** : Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Parties Present** : Shri Sitesh Mukherjee, Advocate, PGCIL  
Ms. Abiha Zaidi, Advocate, PGCIL  
Shri Ankur Gupta, Advocate, TPTL



Shri Tarun Johri, Advocate, Teesta Urja Ltd. (TUL)  
Shri Manish Kumar Choudhary, Advocate, BSPHCL  
Shri Kusharga Sinha, Advocate, BSPHCL  
Shri B. B. Rath, PGCIL  
Shri Vipin Jacob Joseph, PGCIL  
Shri D.K Biswal, PGCIL

### **Record of Proceedings**

#### **Petition No. 382/TT/2020**

The learned counsel for the Petitioner submitted as follows:

- (i) The instant petition is filed for truing up of transmission tariff of 2014-19 period and determination of transmission tariff for 2019-24 period in respect of the nineteen (19) assets under “Transfer of Power from Generation Projects in Sikkim to NR/WR Part-B” in the Eastern Region.
- (ii) The second line of the 400 kV DC line of Asset-19 was delayed due to severe RoW issues and subsequent changes.
- (iii) The Petitioner has placed on record the earlier tariff order of 2014-19 tariff period in Petition No. 123/TT/2017 and has submitted that LILO of both circuits of Teesta III-Kishanganj 400 kV D/C line at Rangpo were the part of the transmission system. However, one circuit of the 400 kV D/C LILO line was completed while the other circuit was delayed due to delay in forest clearance. Due to this anticipated delay in COD of 2<sup>nd</sup> circuit LILO, the Petitioner proposed that till the LILO of 2<sup>nd</sup> circuit comes into the scheme, the transfer of power from generation project in Sikkim will continue through NR-WR for Phase-I and considered 2<sup>nd</sup> circuit as a separate scheme and the same was discussed and ratified in the 18<sup>th</sup> SCM of the ER on 13.6.2016 and in 30<sup>th</sup> ERPC on 20.6.2015. This change led to change in the construction cost.
- (iv) 2 number of bays at Rangpo were separated from the scope of this project, only 2 bays remained at Rangpo. Therefore, under Asset-19 one circuit was used for loop-in and another circuit was used for loop-out. However, CEA certificate mentioned that the lines only pertain to loop-in and issued the energization certificate accordingly. The Commission in its order dated 5.9.2018 in Petition No. 123/TT/2017 directed the Petitioner to submit CEA energisation certificate for loop-out portion at the time of truing up, but, the Petitioner did not get CEA certificate for loop-out portion. From various documents submitted in the Petition it is clear that one line of loop-in circuit is being used as loop-out line but, CEA has not recognised the same. Based on technicalities involved, as power is flowing through these lines, loop-in and loop-out arrangement must have been made, the Commission may consider the same.



- (v) In the earlier submission as well as in Petition No. 123/TT/2017, the cost of 4 nos. of bays at Rangpo was inadvertently included in Asset-19 instead of 2 nos. of bays associated with this LILO. Subsequently, in the revised submission, only the cost related to 2 nos. of bays has been claimed. The additional billed amount will be adjusted/ reimbursed as per the relevant provisions.
- (vi) Respondent Nos. 16 and 17 had filed RTI on 9.11.2018 against the Petitioner before CEA. An inadvertent error was made by the Petitioner as they have filed the instant Petition for 4 lines instead of 2 lines. An affidavit, having details regarding the same and revised cost has been filed by the Petitioner with cost implications and how the tariff will be reduced and has prayed to condone this uncommon and inadvertent error and has referred to the Tripura High Court's judgment in case of "Soma Debbarma Vs. State of Tripura" in support of his submissions.
- (vii) Initial Spares claimed are within the norms.

2. In response to Commission's query about the status of the circuits, the learned counsel of the Petitioner submitted that at present both circuits are complete and the Petitioner is claiming the tariff of 2<sup>nd</sup> circuit in a separate petition.

3. The learned counsel for Teestavalley Power Transmission Limited (TPTL), Respondent No. 16 and Teesta Urja Limited (TUL), Respondent No.17 submitted that the Commission observed that against the capital cost (hard cost) addition of ₹505.26 lakh during the period from COD i.e. 11.3.2016 to 26.11.2016 corresponding IDC addition is ₹1140.88 lakh, which is 2.25 times of hard cost addition which appears to be illogical and without proper justification from the Petitioner and prayed that the Petitioner may be directed to clarify the same at the time of truing-up and has submitted as follows:

- (i) IDC imposed on TPTL and TUL from March, 2016 to November, 2016 was found illogical by the Commission. The assets were completed on 10.3.2016 and the charging took place on 26.11.2016, therefore, most of the hard cost incurred by the Petitioner was prior to 10.3.2016 in respect of Asset 19 (concerned asset).
- (ii) The documents filed by the Petitioner do not justify the disbursement of this huge amount of IDC during the said period as the asset had already been completed in March, 2016 and only charging took place in November, 2016.

4. In response to the query of the Commission as why charging was delayed, the learned counsel for TPTL and TUL submitted that it was due to non-completion of their asset. IDC was imposed on them but justification given by the Petitioner is not proper in the petition. The Petitioner has not justified the disbursement after the completion of the project i.e. after March, 2016.

5. The learned counsel for TPTL and TUL further submitted as follows:



- (i) The Petitioner has submitted the RLDC certificate in support of the loop-in and loop-out line but has not submitted the CEA certificate for the same. The 2<sup>nd</sup> circuit which could not be completed at the appropriate time was delinked much prior to the execution of the instant asset and the Petitioner at the time of filing of the petition was aware of the fact that CEA has not issued the loop-out energization certificate.
- (ii) An RTI had been filed by them against the Petitioner and got reply from CEA that no loop-out is there.
- (iii) As the Commission had passed the order in Petition No. 123/TT/2017, hence, compliance of the order is required. The said order is under Appeal before the APTEL.

6. In response to the submission of TPTL and TUL, the learned counsel of the Petitioner submitted that they had already clarified the reasons for IDC. The commercial operation took place in November, 2016, therefore, IDC has been charged for this period.

7. The learned counsel for BSPHCL, Respondent No. 1 submitted that they had already filed their reply which may be considered.

8. The Commission directed the Petitioner to submit the Form 12 for Asset-13 and Asset-14, on affidavit, by 30.9.2022 with an advance copy to the Respondents.

### **Petition No. 91/TT/2021**

9. The learned counsel for the Petitioner submitted as follows:

- (i) The Commission vide order dated 14.11.2017 in Petition No. 183/TT/2016 held that the developers of the generating companies are liable to bear IDC and IEDC from 21.5.2015 to 21.9.2015 in respect of Asset-I (concerned asset) in the ratio of their LTAs and the transmission charges to be shared by the generating companies (i.e. Jorethang and Rangit-IV) in the ratio of the LTA granted. Aggrieved by the said order Respondent No. 5 (in the instant petition) filed Review Petition No. 28/RP/2018 in Petition No. 183/TT/2016. The Commission vide order dated 19.3.2019 decided to look afresh the sharing of IDC and IEDC and transmission charges till the date of operationalisation of the LTA and directed the Petitioner not to take any coercive measures to recover the charges for the period prior to operationalisation of the LTA.
- (ii) The Commission decided Petition No. 183/TT/2016 on three issues (i) non-clarity on how many generators are there (ii) what was the mode of governance in the construction of this particular asset and (iii) what were the upstream and downstream assets. The Commission vide order dated



5.2.2020 held that due to lack of completeness in submissions by the Petitioner as regards the number of generators who have been granted LTA, the Commission is not inclined to give any directions regarding liability of IDC and IEDC for the period 21.5.2015 to 21.9.2015 and directed the Petitioner that bills raised for IDC and IEDC in terms of Commission's order dated 14.11.2017 in Petition No. 183/TT/2016 shall be withdrawn and charges paid by generating stations, if any, shall be refunded by the Petitioner within 15 days of issue of the order. Hence, the Petitioner has filed the instant petition and has provided the details considering all the issues found to be incomplete at the time of the order dated 5.2.2020 in Petition No. 183/TT/2016.

- (iii) The details regarding why the 3rd generator came at a later stage is provided in the instant petition. At the time of filing of the tariff Petition No. 183/TT/2016, there were only two generators, hence, the details of only two generators were provided in the said petition. At a later stage, one more generator came in to existence.
- (iv) All the details and emails of meetings where the system planning was modified for the 3<sup>rd</sup> generator to be implemented is being provided by the Petitioner in the instant petition.

10. In response to a query of the Commission about the third generator who came at a later stage, the learned counsel for the Petitioner submitted that the generators connected or planned to be connected to the transmission system at the time of filing of the petition were included in the petition. The third generator was included in the 16<sup>th</sup> ERPC meeting held on 17/18.12.2010 and Government of Sikkim came as 3<sup>rd</sup> generator to implement a part of the system.

11. In response to another query of the Commission about the COD of the project, the learned counsel for the Petitioner submitted that for Asset-I (the concerned asset), they claimed COD as 21.5.2015, but the same was rejected by the Commission and reckoned as 22.9.2015 matching with COD of Jorethang Generating Station and IDC and IEDC for the said asset was allowed from 21.5.2015 to 21.9.2015.

12. Learned counsel for the Petitioner further submitted that the facts and figures in the petition are same as before. At the time of filing Petition No. 183/TT/2016 there were two generators but now there are three generators, the scope of governance has been provided in the petition and claim of IDC and IEDC is same as in earlier petition and are placed on record.

13. The representative of CTU submitted that in compliance to the Commission's direction vide RoP dated 26.7.2022, all the three generating companies have been impleaded as party in the petition and the same has been intimated and placed on record vide affidavit dated 10.8.2022.



14. After hearing both the petitions extensively and subject to submission of the information as directed in para-8 above, the Commission reserved the order in both the matters.

**By order of the Commission**

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

