

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 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.
- Date of Hearing:** 11.2.2022
- Coram:** Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P.K. Singh, Member
- Petitioner:** Power Grid Corporation of India Limited (PGCIL)
- Respondents:** Gati Infrastructure Chuzachen Ltd. & Ors
- Parties Present:** Ms. Suparna Srivastava, Advocate, PGCIL
Shri Tushar Mathur, Advocate, PGCIL
Ms. Soumya Singh, Advocate, PGCIL
Shri S.S Raju, PGCIL
Shri Anshul Garg, PGCIL
Shri D.K Biswal, PGCIL
Shri Ved Prakash Rastogi, PGCIL

Record of Proceedings

Case was called out for virtual hearing.

2. The learned counsel for the Petitioner submitted that the instant petition has been filed 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 along with 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. The gist of the submissions made by her are as follows:

- a. Petition No.183/TT/2016 was filed by the Petitioner in September 2016 for determination of transmission tariff from their respective dates of commercial
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operation to 31.3.2019 for Asset-I: 220 kV D/C Rangpo-New Melli Line and associated bays at Rangpo and New Melli alongwith one no. 220 kV Bus Coupler Bay each at Rangpo and New Melli, Asset-II: 1 no. 31.5 MVAR Bus Reactor (1st) at New Melli and associated bay and Asset-III:1 no. 31.5 MVAR Bus Reactor (2nd) at New Melli and associated bay, under Sikkim Generation Projects-Part-B in Eastern Region.

- b. The Commission vide order dated 14.11.2017 in Petition No. 183/TT/2016 approved the transmission tariff for all three transmission assets. The Commission further observed that though Asset-I of the Petitioner was ready for use as on 20.5.2015, the same could not be put to regular use due to delay in commissioning of the Jorethang generating station. Therefore, the Commission while approving the COD of Asset-I as 21.9.2015 directed Jorethang generating station (Respondent No.5) and Rangit-VI generating station (Respondent No.6) to bear IDC and IEDC of Asset-I from 21.5.2015 to 21.9.2015 in the ratio of their respective LTAs.
 - c. Jorethang (Dans Energy Limited) filed a Review Petition No. 23/RP/2018 on the issue of imposing liability of IDC and IDEC of Asset-I for the period from 21.5.2015 to 21.9.2015 on it. The Petitioner in its reply to the Review Petition submitted that one more generator from Phase-II of the transmission system, i.e. Shiga Energy Pvt. Ltd. commissioned its generating station and is also using the transmission system and, hence, the transmission charges will have to be borne by Shiga Energy Pvt. Ltd.
 - d. The Commission vide order dated 19.3.2019 in Review Petition No. 23/RP/2018 decided to look afresh the issue of sharing of IDC and IEDC and transmission charges till the date of operationalisation of LTA and directed PGCIL to file an amended "Memo of Parties" in Petition No.183/TT/2016 making Shiga Energy Pvt. Ltd. and Rangit II and any other generator, for whom the instant transmission assets are envisaged, as party.
 - e. In terms of the order dated 19.3.2019, Petition No.183/TT/2016 was reopened to examine the limited issue of sharing of IDC and IEDC and transmission charges for the three assets. The Commission in order dated 5.2.2020 observed that due to lack of completeness in submissions of the Petitioner as regards the number of generators who have been granted LTA and signed LTAA/ BPTA for connecting at New Melli Sub-station, the Commission declined to give any directions regarding liability of IDC and IEDC for the period from 21.5.2015 to 21.9.2015 and accordingly directed 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. Hence, the instant petition has been filed by the Petitioner giving the details of all the transmission system planned for different phases of Sikkim generating system and has submitted all the relevant information including role of Government of Sikkim.
3. In response to a query of the Commission regarding any liberty granted to the Petitioner by the Commission for filing the instant petition and whether any true-up
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petition has been filed, the learned counsel for the Petitioner submitted that though no express liberty was granted by the Commission but the Commission in order dated 5.2.2020 in Petition No.183/TT/2016 had observed that due to lack of completeness in submissions of the Petitioner regarding the number of generators who have been granted LTA, signed BPTA connecting at New Melli Sub-station, the issue of imposing liability cannot be determined. She further submitted that the true up Petition No. 382/TT/2020 has been filed in respect of nineteen assets under "Transfer of Power from Generation Projects in Sikkim to NR / WR Part-B" in Eastern Region. She further requested the Commission to list Petition No. 382/TT//2020 and Petition No. 91/MP/2021 together.

4. After hearing the learned counsel for the Petitioner, the Commission admitted the instant petition and directed to issue notice to the Respondents/ beneficiaries. The Respondents are directed to file their reply by 4.3.2022 and the Petitioner to file rejoinder, if any, by 21.3.2022. The Commission further directed CTUIL to file its reply on whether all generating companies for whom the subject transmission line was planned have been impleaded as party in this Petition, on affidavit by 4.3.2022. The Commission also directed the parties to comply with the directions with the timeline specified and observed that no extension of time shall be granted.

5. The instant petition shall be listed alongwith Petition No 382/TT/2020 for final hearing in due course for which a separate notice will be issued.

By order of the Commission

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(V. Sreenivas)
Joint Chief (Law)

