CENTRAL ELECTRICITY REGULATORY COMMISSION NEW DELHI

Petition No. 43/TT/2022

Coram:

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

Date of Order: 05.09.2022

In the matter of:

Approval under Regulation 86 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for truing up of transmission tariff of 2014-19 tariff period under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 and determination of transmission tariff of 2019-24 tariff period under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 for Hot Line Speech Communication (Computer Dialling) System for Grid Operation" consisting of PABX & Associated items as installed and commissioned in NERLDC & 07 nos. SLDCs (Assam, Meghalaya, Tripura, Nagaland, Mizoram, Arunachal Pradesh, Manipur) of North Eastern Region under project- "Establishment of Fiber Optic Communication under Wide band Communication Expansion plan in the North Eastern Region."

And in the matter of:

Power Grid Corporation of India Limited, "SAUDAMINI", Plot No-2, Sector-29, Gurgaon-122 001 (Haryana).

.....Petitioner

Versus

- Assam Electricity Grid Corporation Limited, (Formerly Assam State Electricity Board), Bijulee Bhawan, Paltan Bazar, Guwahati – 781001, Assam
- Meghalaya Energy Corporation Limited, (Formerly Meghalaya State Electricity Board), Short Round Road, "Lumjingshai", Shillong – 793001, Meghalaya.
- 3. Government of Arunachal Pradesh, Itanagar, Arunachal Pradesh.
- 4. Power and Electricity Department, Government of Mizoram, Aizawl, Mizoram,



- 5. Manipur State Power Distribution Corporation Limited, (Formerly Electricity Department, Government of Manipur), Keishampat, Imphal.
- Department of Power, Government of Nagaland, Kohima, Nagaland.
- 7. Tripura State Electricity Corporation Limited, Vidyut Bhawan, North Banamalipur, Agartala, Tripura (W) 799001, Tripura.

....Respondent(s)

For Petitioner : Shri S.S. Raju, PGCIL

Shri D.K. Biswal, PGCIL Shri V.P. Rastogi, PGCIL Shri A. K. Verma, PGCIL

For Respondents : None

ORDER

The instant petition has been filed by Power Grid Corporation of India Limited, a deemed transmission licensee, for truing up of transmission tariff of 2014-19 tariff period under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (hereinafter referred to as "the 2014 Tariff Regulations") and determination of tariff under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (hereinafter referred to as "the 2019 Tariff Regulations") for 2019-24 tariff period in respect of Hot Line Speech Communication (Computer Dialling) System for Grid Operation" consisting of PABX & Associated items as installed and commissioned in NERLDC & 07 nos. SLDCs (Assam, Meghalaya, Tripura, Nagaland, Mizoram, Arunachal Pradesh, Manipur) of North Eastern Region (hereinafter referred to as 'the transmission asset') under project- "Establishment of Fiber Optic Communication under Wide band Communication Expansion plan in the North Eastern Region." (hereinafter referred to as 'the transmission project').

- 2. The Petitioner has made the following prayers:
 - "1) Approve the Additional capitalization incurred/ Projected to be incurred as per para 10.1 and 11.
 - 2) Approve the trued up Transmission Tariff for 2014-19 block and transmission tariff for 2019-24 block for the assets covered under this petition as per para 10 and 11 respectively.

Allow the Petitioner to recover the shortfall or refund the excess Annual Fixed Charges, on account of Return on Equity due to change in applicable Minimum Alternate/Corporate Income Tax rate as per the Income Tax Act, 1961 (as amended from time to time) of the respective financial year directly without making any application before Hon'ble Commission as provided in Tariff Regulations, 2014 and Tariff Regulations, 2019.

- 3) Approve the reimbursement of expenditure by the beneficiaries towards petition filing fee, and expenditure on publishing of notices in newspapers in terms of Regulation 70 (1) Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019, and other expenditure (if any) in relation to the filing of petition.
- 4) Allow the Petitioner to bill and recover Licensee fee and RLDC fees and charges, separately from the beneficiaries in terms of Regulation 70 (3) and (4) Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019.
- 5) Allow the Petitioner to bill and adjust impact on Interest on Loan due to change in Interest rate on account of floating rate of interest applicable during 2019-24 period, if any, from the beneficiaries.
- 6) Allow the Petitioner to file a separate petition before Hon'ble Commission for claiming the overall security expenses and consequential IOWC on that security expenses.
- 7) Allow the Petitioner to claim the capital spares at the end of tariff block as per actual.
- 8) Allow the Petitioner to bill and recover GST on Transmission Charges separately from the beneficiaries, if GST on transmission is withdrawn from negative list at any time in future. Further, any taxes including GST and duties including cess etc. imposed by any statutory/Govt./municipal authorities shall be allowed to be recovered from the beneficiaries.

and pass such other relief as the Hon'ble Commission deems fit and appropriate under the circumstances of the case and in the interest of justice"

Background

- 3. The brief facts of the case are as follows:
 - a. The Petitioner was initially entrusted with the implementation of the scope of works under project "Fibre Optic Communication system in lieu of existing Unified



Load Despatch and Communication (ULDC) Microwave links in the North Eastern region".

- b. The Investment Approval (IA) to execute it was accorded by Board of Directors of Petitioner's Company in its 313thmeeting held on 17.4.2015 at an estimated cost of ₹8073 lakh including IDC of ₹523 lakh based on December, 2014 price level (notified vide Memorandum No. C/CP/FO-CS-NER, dated 24.4.2015). In the original IA, the instant transmission asset i.e., "Hot Line Speech Communication (Computer Dialing) System for Grid Operation" was not included in the approval of the transmission project i.e., "Establishment of Fibre Optic Communication under Wide Band Communication Expansion plan in the North Eastern Region.
- c. Subsequently, in the 18th meeting of the NERPC held on 11.10.2017, it was discussed and agreed to include the Hot Line Speech Communication (Computer Dialing) System for Grid Operation under Establishment of Fibre Optic Communication under Wide Band Communication Expansion Plan in North Eastern Region.
- d. The Petitioner has submitted Revised Cost Estimate (RCE) of the transmission project duly approved by the Board of Directors of the Petitioner's Company in its 375th meeting held on 28.3.2020 wherein the Petitioner has included the Hot Line Speech Communication (Computer Dialing) System for Grid Operation under Establishment of Fibre Optic Communication under Wide Band Communication Expansion Plan in North Eastern Region.
- e. The Revised Cost Estimate (RCE) for establishment of Fibre Optic Communication under Wide Band Communication Expansion Plan in North Eastern Region was accorded by Board of Directors of the Petitioner's Company

in its 375th meeting held on 28.3.2020 at an estimated cost of ₹10344 lakh including IDC of ₹1036 lakh based on September, 2019 price level (notified vide Memorandum No. C/CP/PA1920-12-BH-RCE018, dated 31.3.2020). The scope of the project as per RCE is as follows:

- i) Implementation of OPGW fibre optic cable on the existing EHV transmission line of POWERGRID and constituents, the estimated length of such cable is approximately 1975 km.
- ii) Installation of 74 numbers of terminal equipment based upon Synchronous Digital Hierarchy (SDH) technology at sub-stations of POWERGRID and the constituents. 129 numbers of Multiplexers/D&I/DACS at wide band nodes and Network Management System (NMS).
- iii) DC Power supply at all wide band locations where equipment is to be installed.
- iv) Approach cable for providing connectivity between OPGW and equipment.
- v) Hot Line Speech Communication System (Computer Dialing) for Grid Operations for NER part under Central Sector.
- f. The instant Petition covers Hot Line Speech Communication System (Computer Dialing) for Grid Operations for NER part under Central Sector and balance assets are not commissioned yet.
- g. The details of COD of the asset under the instant petition is as follows:

| SCOD | Actual COD | Time over-run | Time over-run condoned |
|------------|------------|---------------|------------------------|
| 17.10.2017 | 1.4.2018 | 166 days | Nil |

h. The Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020 had approved the tariff for the transmission asset from its COD to 31.3.2014.

- 4. The Respondents are distribution licensees, power departments, power utilities and transmission licensees, which are procuring transmission services from the Petitioner, mainly beneficiaries of the North Eastern Region.
- 5. The Petitioner has served the petition on the Respondents and notice of this petition has been published in the newspapers in accordance with Section 64 of the Electricity Act, 2003. No comments/objections have been received from the general public in response to the aforesaid notice published in the newspapers by the Petitioner. None of the Respondents have filed their reply in the matter.
- 6. This order is issued considering the submissions made by the Petitioner dated 16.6.2021 and 18.4.2022.
- 7. The hearing in this matter was held on 26.7.2022 through video conference and the Commission reserved the order in the matter.
- 8. Having heard the representatives of the Petitioner and after perusal of the materials on record, we proceed to dispose of the petition.

Truing up of Annual Fixed Charges For 2014-19 Tariff Period

9. The details of the trued-up transmission charges claimed by the Petitioner in respect of the transmission asset from its COD to 31.3.2014 period are as follows:

(₹ in lakh)

| Particulars | 2018-19 | |
|-----------------------------|---------|-------|
| Depreciation | | 20.69 |
| Interest on Loan | | 18.35 |
| Return on Equity | | 19.37 |
| O&M Expenses | | 32.88 |
| Interest on Working Capital | | 1.21 |
| Total | | 92.50 |

10. The details of the trued-up Interest on Working Capital (IWC) claimed by the Petitioner in respect of the transmission asset from its COD to 31.3.2014 period are as follows:

(₹ in lakh)

| Particulars | Asset-I |
|-----------------------------|---------|
| | 2018-19 |
| O&M Expenses | 0.00 |
| Maintenance Spares | 0.00 |
| Receivables | 9.94 |
| Total Working Capital | 9.94 |
| Rate of Interest (in%) | 12.20 |
| Interest on Working Capital | 1.21 |

Date of Commercial Operation

11. The Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020 taking into consideration the RLDC Certificate dated 18.7.2018 and COD letter dated 3.8.2018 in respect of the transmission asset has already approved the COD of the transmission asset as 1.4.2018. Accordingly, the COD of the transmission asset considered in the instant order is 1.4.2018.

Capital Cost

12. The Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020 has allowed the capital cost as on COD and Additional Capital Expenditure (ACE) during 2018-19 period in respect of the transmission asset and the same are as follows:

(₹ in lakh)

| FR Approved Capital Cost | Approved Cost as per RCE | Capital Cost claimed as on COD | Admitted Capital Cost as on COD | ACE allowed for 2018-19 | Capital Cost claimed as on 31.3.2019 |
|-----------------------------------|--------------------------------|---|---------------------------------------|-------------------------------|--|
| 241.00 | 406.72 | 338.30 | 319.08 | 3.16 | 322.24 |

13. The Petitioner in the instant true-up petition has claimed the following capital cost based on actual expenditure towards installation of the transmission assets during the 2014-19 tariff period:

(₹ in lakh)

| Approved Cost as per RCE | Capital Cost claimed as on COD | ACE claimed for 2018-19 | Capital Cost claimed as on 31.3.2019 |
|--------------------------|--------------------------------------|-------------------------|--------------------------------------|
| 406.72 | 325.30 | 3.14 | 328.44 |

14. The estimated completion cost in respect of the transmission asset is within the RCE.

Time over-run

- 15. As per IA dated 17.4.2015, the scheduled date of commercial operation (SCOD) of the transmission project was 20 months. Accordingly, the schedule commercial operation date of the transmission asset was 17.10.2017 against which the transmission asset was put into commercial operation on 1.4.2018 after time over-run of 166 days. The Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020 did not condone the time over-run of 166 days. The relevant extract of the order dated 20.2.2021 is as follows:
 - "31. Considering the inconsistencies in submission of the Petitioner regarding inclusion of transmission asset in Investment Approval/ Revised Cost Estimates, lack of clarity as to how reasons advanced by the Petitioner has attributed to delay in implementation of transmission asset in SLDC buildings and reasons for delay in execution of work even after SLDC buildings were made available, we are of the view that the time overrun in case of the transmission asset is attributable to the Petitioner. Therefore, the time over-run of 166 days is not condoned. The time overrun condoned/ not condoned in respect of transmission asset is summarised as below:

| Total Time | Time overrun | Time overrun Not |
|------------|--------------|------------------|
| over -Run | Condoned | condoned |
| 166 days | Nil | 166 days |
| | | ., |

Interest During Construction ("IDC")

16. The Petitioner has claimed Interest During Construction (IDC) for the transmission asset and has submitted the Auditor's Certificate in support of the same.

The Petitioner has submitted computation of IDC along with year-wise details of the IDC discharged and the same is as follows:

(₹ in lakh)

| | IDC as per Auditor's Certificate | IDC Discharged upto COD | IDC discharged during 2018-19 |
|---|-------------------------------------|-------------------------|-------------------------------|
| Ī | 43.98 | 35.31 | 8.67 |

17. We have considered the submissions of the Petitioner. The time over-run in execution of the transmission asset was not condoned vide order dated 20.2.2021 in Petition No. 156/TT/2020. Accordingly, IDC has been allowed considering the information submitted by the Petitioner for the transmission asset on cash basis. The loan details submitted in Form-9C for 2014-19 tariff period and IDC computation sheet have been considered for the purpose of IDC calculation on cash and on accrued basis. The un-discharged IDC as on COD has been considered as ACE during the year in which it has been discharged. Accordingly, IDC considered is as follows:

(₹ in lakh)

| IDC as per Auditor's Certificate | IDC disallowed due to time over-run not condoned | IDC Allowed | Undischarged IDC | IDC allowed on COD | IDC discharged in2018-19 |
|----------------------------------|---|----------------|---------------------|--------------------|--------------------------------|
| 43.98 | 13.37 | 30.62 | 0.69 | 29.93 | 0.69 |

Incidental Expenditure During Construction ("IEDC")

- 18. The Petitioner has claimed IEDC and submitted Auditor's Certificate in support of the same. The Petitioner has submitted that vide order dated 20.2.2021 in Petition No. 156/TT/2020, the Commission has observed as follows:
 - "37. IEDC allowed for the transmission asset will be reconsidered in the light of the directions of Appellate Tribunal for Electricity (APTEL) in judgment dated 2.12.2019 in Appeal Nos. 95 of 2018 and 140 of 2018 as implemented vide the Commission's Order dated 4.2.2020 in petition no 1/TT/2019, at the time of truing up, after all the assets under the transmission project scope are put to commercial use and the actual quantum of IEDC is known. The Petitioner is directed to furnish the IEDC details of all the assets of the transmission project at the time of true-up."

- 19. The Petitioner vide affidavit dated 18.4.2022 while giving details of the assets covered under the instant transmission project and in response to a query of the Commission as to whether all the assets are covered in the instant petition, the Petitioner has submitted that only the transmission asset is covered under the Petition No. 43/TT/2022 and the balance assets of the transmission project are under different stages of execution for which petition will be filed subsequently under the 2019 Tariff Regulations.
- 20. The Petitioner has submitted that IEDC of ₹6.16 lakh disallowed by the Commission as on COD due to excess claim vide order dated 20.2.2021 in Petition No. 156/TT/2020 is being reclaimed in the instant petition.
- 21. We have considered the submissions of the Petitioner. The time over-run of 166 days in case of the transmission asset was not condoned. Hence, the amount of IEDC as claimed has not been allowed and the same is as follows:

(₹ in lakh)

| IEDC claimed (as per Auditor's Certificates) | IEDC disallowed due to time over- run not condoned | IEDC allowed |
|--|---|--------------|
| 34.37 | 5.28 | 29.09 |

Initial Spares

- 22. Regulation 13(d) of the 2014 Tariff Regulations provides that Initial Spares shall be capitalised as a percentage of plant and machinery cost up to cut-off date, subject to the following ceiling norms:
 - "(d) Transmission System
 - (i) Transmission line: 1.00%
 - (ii) Transmission sub-station (Green Field): 4.00%
 - (iii) Transmission sub-station (Brown Field): 6.00%
 - (iv) Series Compensation devices and HVDC Station: 4.00%
 - (v) Gas Insulated Sub-station (GIS): 5.00%
 - (vi) Communication System: 3.5%"
- 23. The Initial Spares claimed by the Petitioner are as follows:

(₹ in lakh)

| Asset | Plant and Machinery excluding IDC, IEDC, Land cost and cost of Civil works as on cut-off date (A) | Initial Spares Claimed by the Petitioner (B) | Ceiling (in %) (C) | Initial Spares worked out by the Petitioner D = [(A-B)*C/(100- C)] | |
|-------------------------|---|---|--------------------------|---|--|
| For Transmission System | | | | | |
| Total | 269.53 | 6.68 | 3.50 | 9.53 | |
| Total | 269.53 | 6.68 | 3.50 | 9.53 | |

- 24. The Petitioner has submitted that the expenditure on Initial Spares is included in the Auditor's Certificate as per actual cash expenditure incurred.
- 25. We have considered the submissions of the Petitioner. Initial Spares claimed by the Petitioner are within ceiling of 3.5% under Communication System. Accordingly, the Initial Spares computed and allowed as per the 2014 Tariff Regulations are as follows:

(₹ in lakh)

| Plant and Machinery excluding IDC, IEDC, land cost | | Ceiling (in %) | Initial Spares worked out | Initial Spares | Excess Initial Spares |
|---|--------|-------------------|------------------------------|-------------------|-----------------------|
| and cost of Civil works as on cut- off date (A) | | (C) | D = [(A-B)*C/(100- C)] | Allowed (E) | Disallowed (F=B-E) |
| 269.5 | 3 6.68 | 3.50 | 9.53 | 6.68 | 0.00 |

26. The Initial Spares claimed by the Petitioner is within the norms specified in the 2014 Tariff Regulations. The details of the capital cost as on COD approved in the instant order are as follows:

(₹ in lakh)

| Capital Cost claimed as on COD on accrual basis (A) | Less: Undischarged IDC (B) | Less: IDC disallowed due time over-run not condoned (C) | Less: IEDC disallowed due time over-run not condoned (D) | Capital Cost allowed as on COD on cash basis (E) = (A-B-C-D) |
|--|-------------------------------------|---|--|--|
| 338.30 | 0.69 | 13.37 | 5.28 | 318.95 |

Additional Capital Expenditure ("ACE")

27. The Petitioner in the instant true-up petition has claimed the following net ACE. The Petitioner has submitted that the ACE incurred in the transmission asset is on account of undischarged liability towards final payment/withheld payment due to contractual exigencies for works executed within the cut-off date. The Petitioner has claimed the following ACE during 2014-19 period:

(₹ in lakh)

| Particulars | ACE claimed for 2018-19 |
|--|-------------------------|
| Expenditure as per Auditor's Certificate | 2.47 |
| Undischarged IDC | 0.67 |
| Total ACE claimed | 3.14 |

28. We have considered the submissions of the Petitioner. The ACE has been allowed under Regulation 14 (1)(i) and Regulation 14(1) (ii) of the 2014 Tariff Regulations on account of undischarged liability towards final payment/withheld payment due to contractual exigencies for works executed within the cut-off date. The ACE allowed for 2014-19 tariff period in respect of the transmission asset is as follows:

(₹ in lakh)

| Particulars | ACE allowed for 2018-19 |
|--|-------------------------|
| Expenditure as per Auditor Certificate | 2.47 |
| Undischarged IDC | 0.69 |
| Total ACE claimed | 3.16 |

29. Accordingly, the capital cost considered for truing up of transmission tariff for 2014-19 tariff period is as follows:

(₹ in lakh)

| Admitted Capital Cost (as on COD) | ACE allowed (2018-19) | Total Capital Cost (as on 31.3.2019) |
|-----------------------------------|-----------------------|--------------------------------------|
| 318.95 | 3.16 | 322.12 |

Debt-Equity:Ratio

30. The debt-equity ratio has been allowed in accordance with Regulation 19 of the 2014 Tariff Regulations. As per Regulation 19 of the 2014 Tariff Regulations, the debt-

equity ratio allowed by the Commission for determination of tariff for the period ending on as on COD for transmission asset. The details of the debt-equity ratio as on COD and 31.3.2019 are as follows:

| Funding | Capital Cost (as on COD) (₹ in lakh) | (in %) | ACE in 2018-19 (₹ in lakh) | (in %) | Capital Cost (as on 31.3.2019) (₹ in lakh) | (in %) |
|---------|--|--------|----------------------------------|--------|---|--------|
| Debt | 223.27 | 70.00 | 2.21 | 70.00 | 225.48 | 70.00 |
| Equity | 95.69 | 30.00 | 0.95 | 30.00 | 96.64 | 30.00 |
| Total | 318.95 | 100.00 | 3.16 | 100.00 | 322.12 | 100.00 |

Depreciation

31. The Gross Block during the 2014-19 tariff period has been depreciated at Weighted Average Rate of Depreciation (WAROD). WAROD at Annexure-I has been worked out after taking into account the depreciation rates of assets as prescribed in the 2014 Tariff Regulations and depreciation allowed for the transmission asset during the 2014-19 tariff period is as follows:

(₹ in lakh)

| | Particulars | 2018-19 |
|---|--|---------|
| Α | Opening Gross Block | 318.95 |
| В | ACE | 3.16 |
| С | Closing Gross Block (A+B) | 322.12 |
| D | Average Gross Block (A+C)/2 | 320.54 |
| F | Weighted Average Rate of Depreciation (in %) | 6.33 |
| G | Balance useful life of the asset (Year) | 15 |
| Н | Elapsed life at the beginning of the year (Year) | 0 |
| I | Aggregate Depreciable Value | 288.48 |
| J | Combined Depreciation during the year | 20.29 |
| K | Aggregate Cumulative Depreciation | 20.29 |
| L | Remaining Depreciable Value (I-K) | 268.19 |

32. The details of depreciation approved by the Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020, claimed by the Petitioner in the instant petition and trued-up in the instant order are as follows:

| | (₹ in lakh) |
|---|-------------|
| Particulars | 2018-19 |
| Approved by the Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020 | 20.30 |
| Claimed by the Petitioner in the instant petition | 20.69 |
| Approved after true-up in this order | 20.29 |

Interest on Loan ("IoL")

33. The Petitioner has claimed the weighted average rate of IoL based on its actual loan portfolio and rate of interest. We have considered the submissions of the Petitioner. IoL has been calculated based on actual interest rate submitted by the Petitioner in accordance with Regulation 26 of 2014 Tariff Regulations. The trued-up IoL allowed in respect of the transmission asset is as follows:

(₹ in lakh)

| | Particulars | 2018-19 |
|---|---|---------|
| Α | Gross Normative Loan | 223.27 |
| В | Cumulative Repayments up to Previous Year | 0.00 |
| С | Net Loan-Opening | 223.27 |
| D | Additions due to ACE | 2.21 |
| Е | Repayment during the year | 20.29 |
| F | Net Loan-Closing | 205.19 |
| G | Average Loan | 214.23 |
| Н | Weighted Average Rate of Interest on Loan (in%) | 8.3973 |
| | Interest on Loan (GxH) | 17.99 |

34. The details of IoL approved by the Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020, claimed by the Petitioner in the instant petition and trued-up in the instant order are as follows:

(₹ in lakh)

| Particulars | 2018-19 |
|---|---------|
| Approved by the Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020 | 17.96 |
| Claimed by the Petitioner in the instant petition | 18.35 |
| Approved after true-up in this order | 17.99 |

Return on Equity ("RoE")

35. The Petitioner has claimed RoE for the transmission assets in terms of Regulation 24 and Regulation 25 of the 2014 Tariff Regulations. The Petitioner has submitted that it is liable to pay income tax at Minimum Alternate Tax (MAT) rates and has claimed the effective tax rates for 2014-19 period as follows:

| Year | Claimed effective tax (in %) | Grossed up RoE [(Base Rate)/(1-t)] (in %) |
|---------|------------------------------|---|
| 2018-19 | 21.549 | 19.758 |

36. The Commission *vide* order dated 27.4.2020 in Petition No.274/TT/2019 had arrived at the effective tax rate for the Petitioner based on the notified MAT rates and the same is as follows:

| Year | Notified MAT rates (inclusive of surcharge & cess) | Effective tax (in %) |
|---------|--|----------------------|
| | (in %) | |
| 2014-15 | 20.961 | 20.961 |
| 2015-16 | 21.342 | 21.342 |
| 2016-17 | 21.342 | 21.342 |
| 2017-18 | 21.342 | 21.342 |
| 2018-19 | 21.549 | 21.549 |

37. The same MAT rates are considered for the purpose of grossing up of rate of RoE for truing up of tariff of 2014-19 tariff period in terms of the provisions of the 2014 Tariff Regulations and the same are as follows:

| Year | Notified MAT rates (inclusive of surcharge & cess) (in %) | Base rate of RoE (in %) | Grossed up ROE [(Base Rate)/(1-t)] (in %) |
|---------|---|-------------------------------|---|
| 2014-15 | 20.961 | 15.50 | 19.610 |
| 2015-16 | 21.342 | 15.50 | 19.705 |
| 2016-17 | 21.342 | 15.50 | 19.705 |
| 2017-18 | 21.342 | 15.50 | 19.705 |
| 2018-19 | 21.549 | 15.50 | 19.758 |

38. The trued-up RoE is allowed on the basis of the MAT rate applicable for 2014-19 tariff period and it is as follows:

| | | (₹ in lakh |
|---|-------------------------------------|------------|
| | Particulars | 2018-19 |
| Α | Opening Equity | 95.69 |
| В | Additions | 0.95 |
| С | Closing Equity (A+B) | 96.64 |
| D | Average Equity (A+C)/2 | 96.16 |
| Е | Return on Equity (Base Rate) (in %) | 15.500 |
| F | MAT Rate for respective year (in %) | 21.549 |
| G | Rate of Return on Equity (in %) | 19.758 |
| | Return on Equity | 19.00 |

39. The details of RoE approved by the Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020, claimed by the Petitioner in the instant petition and trued-up in the instant order are as follows:

| | (₹ in lakh) |
|---|-------------|
| Particulars | 2018-19 |
| Approved by the Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020 | 19.01 |
| Claimed by the Petitioner in the instant petition | 19.37 |
| Approved after true-up in this order | 19.00 |

Operation & Maintenance Expenses ("O&M Expenses")

- 40. The Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020 has held as follows:
 - "64. We observe that the Petitioner has not submitted the Auditor's Certificate for O&M expenditure of 2018-19. Hence, no O&M expenses are being allowed for the Asset. However, the Petitioner is directed to submit the details of actual O&M expenses duly supported by Auditor certificate at the time of truing up of 2014-19 tariff period"
- 41. The Petitioner in the instant true-up Petition has claimed actual O&M Expenses for the transmission asset. The Petitioner has submitted Auditor's certificate dated 11.3.2021 in support of actual O&M Expenses for 2018-19. The details of O&M Expenses claimed by the Petitioner for 2018-19 period are as follows:

(₹ in lakh)

| S. No | Description of O&M Expense Components | Expenses |
|-------|---|----------|
| 1 | Employee Cost | 31.75 |
| 2 | Communication expenses | 0.03 |
| 3 | Traveling expenses | 0.44 |
| 4 | Corporate center expenses | 0.25 |
| 5 | Self-insurance reserve (0.12% of gross block) | 0.41 |
| 6 | Total O&M expenses | 32.88 |

- 42. We have considered the submissions made by the Petitioner. With regard to the self-insurance, the Commission vide order dated 29.7.2016 in Petition No. 275/TT/2015 had disallowed the Petitioner's claim of self-insurance reserve as expense under O & M Expenses. The relevant portion of the said order is as follows:
 - "45. The petitioner was directed vide ROP dated 22.3.2016, to submit the actual O&M Expenses year wise along with details. In response, petitioner vide affidavit Order in Petition No. 275/TT/2015 has submitted that actual O&M Expenses for 2014-15 towards Asset-I and II are ₹5.75 lakh and ₹4.46 lakh respectively. Break up of O&M Expenses has also been provided vide Auditor's Certificate dated 15.6.2016. The petitioner has claimed self-insurance reserve as expenses under O&M Expenses which is not allowable as expenses...."
- 43. In line with above order, self-insurance is not allowable as expense under O&M Expenses. Therefore, self-insurance reserve expenses pertaining to transmission asset covered in the instant petitions have been disallowed.
- 44. Accordingly, the Commission has allowed following O&M Expenses for the transmission asset in accordance with the appropriate provisions of the 2014 Tariff Regulations.

(₹ in lakh)

| S. No | Description of O&M Expense Components | Expenses |
|-------|---------------------------------------|----------|
| 1 | Employee Cost | 31.75 |
| 2 | Communication Expenses | 0.03 |
| 3 | Traveling expenses | 0.44 |
| 4 | Corporate center expenses | 0.25 |
| 5 | Total O&M expenses allowed | 32.47 |

45. The details of O&M Expenses approved by the Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020, claimed by the Petitioner in the instant petition and trued-up in the instant order areas follows:

| | (₹ in iakn) |
|---|-------------|
| Particulars | 2018-19 |
| Approved by the Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020 | 0.00 |
| Claimed by the Petitioner in the instant petition | 32.88 |
| Approved after true-up in this order | 32.47 |

Interest on Working Capital ("IWC")

46. The IWC has been worked out as per the methodology provided in Regulation 28 of the 2014 Tariff Regulations and is allowed as follows:

(₹ in lakh)

| | Particulars | 2018-19 |
|---|---|---------|
| | Interest on Working Capital | |
| Α | Working Capital for O&M Expenses (O&M Expenses for one month) | 2.71 |
| В | Working Capital for Maintenance Spares (Maintenance Spares @15% of O&M Expenses) | 4.87 |
| С | Working Capital for Receivables (Equivalent to two months of annual transmission charges) | 9.90 |
| D | Total Working Capital (A+B+C) | 17.48 |
| | Rate of Interest (in %) | 12.20 |
| | Interest on Working Capital (D*E) | 2.13 |

47. The details of IWC approved by the Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020, claimed by the Petitioner in the instant petition and trued-up in the instant order are as follows:

(₹ in lakh)

/**3**:.. | _ | _ | _ |

| Particulars | 2018-19 |
|---|---------|
| Approved by the Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020 | 1.19 |
| Claimed by the Petitioner in the instant petition | 1.21 |
| Approved after true-up in this order | 2.13 |

Approved Annual Fixed Charges for the 2014-19 Tariff Period

48. The trued-up AFC approved for the transmission assets for 2014-19 period is as follows:

(₹ in lakh)

| Particulars | |
|-----------------------------|---------|
| | 2018-19 |
| Depreciation | 20.29 |
| Interest on Loan | 17.99 |
| Return on Equity | 19.00 |
| O&M Expenses | 32.47 |
| Interest on Working Capital | 2.13 |
| Total | 91.88 |

49. The details of AFC approved by the Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020, claimed by the Petitioner in the instant petition and trued-up in the instant order are as follows:

(₹ in lakh)

| | (III lakii) |
|---|--------------|
| Particulars | 2018-19 |
| Approved by the Commission vide order dated 20.2.2021 in Petition No. 156/TT/2020 | 58.45 |
| Claimed by the Petitioner in the instant petition | 92.50 |
| Approved after true-up in this order | 91.88 |

DETERMINATION OF ANNUAL FIXED CHARGES FOR 2019-24 TARIFF PERIOD

50. The Petitioner has claimed the transmission charges for the transmission asset for 2019-24 tariff period as follows:

(₹ in lakh)

| | | | | | (* |
|-----------------------------|---------|---------|---------|---------|---------|
| Particulars | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
| Depreciation | 21.02 | 21.24 | 21.24 | 21.24 | 21.24 |
| Interest on Loan | 16.84 | 15.23 | 13.43 | 11.63 | 9.82 |
| Return on Equity | 18.71 | 18.91 | 18.91 | 18.91 | 18.91 |
| O&M Expenses | 6.71 | 6.71 | 6.71 | 6.71 | 6.71 |
| Interest on Working Capital | 1.14 | 1.13 | 1.10 | 1.07 | 1.04 |
| Total | 64.42 | 63.22 | 61.39 | 59.56 | 57.72 |

51. The details of IWC claimed by the Petitioner for the transmission asset for the 2019-24 tariff period are as follows:

(₹ in lakh)

| Particulars | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|--------------------|---------|---------|---------|---------|---------|
| O&M Expenses | 0.56 | 0.56 | 0.56 | 0.56 | 0.56 |
| Maintenance Spares | 1.01 | 1.01 | 1.01 | 1.01 | 1.01 |

| Particulars | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|-----------------------------|---------|---------|---------|---------|---------|
| Receivables | 7.92 | 7.79 | 7.57 | 7.34 | 7.10 |
| Total Working Capital | 9.49 | 9.36 | 9.14 | 8.91 | 8.67 |
| Rate of Interest (in %) | 12.05 | 12.05 | 12.05 | 12.05 | 12.05 |
| Interest on Working Capital | 1.14 | 1.13 | 1.10 | 1.07 | 1.04 |

Capital Cost

- 52. Regulation 19 of the 2019 Tariff Regulations provides as follows:
 - **"19.** Capital Cost: (1) The Capital cost of the generating station or the transmission system, as the case may be, as determined by the Commission after prudence check in accordance with these regulations shall form the basis for determination of tariff for existing and new projects.
 - (2) The Capital Cost of a new project shall include the following:
 - (a) The expenditure incurred or projected to be incurred up to the date of commercial operation of the project;
 - (b) Interest during construction and financing charges, on the loans (i) being equal to 70% of the funds deployed, in the event of the actual equity in excess of 30% of the funds deployed, by treating the excess equity as normative loan, or (ii) being equal to the actual amount of loan in the event of the actual equity less than 30% of the funds deployed;
 - (c) Any gain or loss on account of foreign exchange risk variation pertaining to the loan amount availed during the construction period;
 - (d) Interest during construction and incidental expenditure during construction as computed in accordance with these regulations;
 - (e) Capitalised initial spares subject to the ceiling rates in accordance with these regulations;
 - (f) Expenditure on account of additional capitalization and de-capitalisation determined in accordance with these regulations;
 - (g) Adjustment of revenue due to sale of infirm power in excess of fuel cost prior to the date of commercial operation as specified under Regulation 7 of these regulations;
 - (h) Adjustment of revenue earned by the transmission licensee by using the assets before the date of commercial operation;
 - (i) Capital expenditure on account of ash disposal and utilization including handling and transportation facility;
 - (j) Capital expenditure incurred towards railway infrastructure and its augmentation for transportation of coal upto the receiving end of the generating station but does not include the transportation cost and any other appurtenant cost paid to the railway;
 - (k) Capital expenditure on account of biomass handling equipment and facilities, for co-firing;
 - Capital expenditure on account of emission control system necessary to meet the revised emission standards and sewage treatment plant;
 - (m) Expenditure on account of fulfilment of any conditions for obtaining environment clearance for the project;
 - (n) Expenditure on account of change in law and force majeure events; and
 - (o) Capital cost incurred or projected to be incurred by a thermal generating station, on account of implementation of the norms under Perform, Achieve and Trade (PAT) scheme of Government of India shall be considered by the Commission subject to sharing of benefits accrued under the PAT scheme



- (3) The Capital cost of an existing project shall include the following:
 - (a) Capital cost admitted by the Commission prior to 1.4.2019 duly trued up by excluding liability, if any, as on 1.4.2019;
 - (b) Additional capitalization and de-capitalization for the respective year of tariff as determined in accordance with these regulations;
 - (c) Capital expenditure on account of renovation and modernisation as admitted by this Commission in accordance with these regulations;
 - (d) Capital expenditure on account of ash disposal and utilization including handling and transportation facility;
 - (e) Capital expenditure incurred towards railway infrastructure and its augmentation for transportation of coal upto the receiving end of generating station but does not include the transportation cost and any other appurtenant cost paid to the railway; and
 - (f) Capital cost incurred or projected to be incurred by a thermal generating station, on account of implementation of the norms under Perform, Achieve and Trade (PAT) scheme of Government of India shall be considered by the Commission subject to sharing of benefits accrued under the PAT scheme with the beneficiaries.
- (4) The capital cost in case of existing or new hydro generating station shall also include:
 - (a) cost of approved rehabilitation and resettlement (R&R) plan of the project in conformity with National R&R Policy and R&R package as approved; and
 - (b) cost of the developer's 10% contribution towards Rajiv Gandhi Grameen Vidyutikaran Yojana (RGGVY) and Deendayal Upadhyaya Gram Jyoti Yojana (DDUGJY) project in the affected area.
- (5) The following shall be excluded from the capital cost of the existing and new projects:
 - (a) The assets forming part of the project, but not in use, as declared in the tariff petition;
 - (b) De-capitalised Assets after the date of commercial operation on account of replacement or removal on account of obsolescence or shifting from one project to another project:

Provided that in case replacement of transmission asset is recommended by Regional Power Committee, such asset shall be decapitalised only after its redeployment;

Provided further that unless shifting of an asset from one project to another is of permanent nature, there shall be no de-capitalization of the concerned assets.

- (c) In case of hydro generating stations, any expenditure incurred or committed to be incurred by a project developer for getting the project site allotted by the State Government by following a transparent process;
- (d) Proportionate cost of land of the existing project which is being used for generating power from generating station based on renewable energy; and
- (e) Any grant received from the Central or State Government or any statutory body or authority for the execution of the project which does not carry any liability of repayment."



53. The Petitioner has claimed capital cost of ₹328.44 lakh as on 31.3.2019. Capital cost of ₹322.12 lakh has been considered as opening capital cost as on 31.3.2019 for determination of tariff in accordance with Regulation 19 of the 2019 Tariff Regulations.

Additional Capital Expenditure

54. Regulation 24 and Regulation 25 of the 2019 Tariff Regulations provides as follows:

"24. Additional Capitalisation within the original scope and upto the cut-off date:

- (1) The additional capital expenditure in respect of a new project or an existing project incurred or projected to be incurred, on the following counts within the original scope of work, after the date of commercial operation and up to the cut-off date may be admitted by the Commission, subject to prudence check:
 - (a) Undischarged liabilities recognized to be payable at a future date;
 - (b) Works deferred for execution;
 - (c) Procurement of initial capital spares within the original scope of work, in accordance with the provisions of Regulation 23of these regulations;
 - (d) Liabilities to meet award of arbitration or for compliance of the directions or order of any statutory authority or order or decree of any court of law;
 - (e) Change in law or compliance of any existing law; and
 - (f) Force Majeure events:

Provided that in case of any replacement of the assets, the additional capitalization shall be worked out after adjusting the gross fixed assets and cumulative depreciation of the assets replaced on account of de-capitalization.

(2) The generating company or the transmission licensee, as the case may be shall submit the details of works asset wise/work wise included in the original scope of work along with estimates of expenditure, liabilities recognized to be payable at a future date and the works deferred for execution.

25. Additional Capitalisation within the original scope and after the cut-off date:

- (1) The additional capital expenditure incurred or projected to be incurred in respect of an existing project or a new project on the following counts within the original scope of work and after the cut-off date may be admitted by the Commission, subject to prudence check:
 - a) Liabilities to meet award of arbitration or for compliance of the directions or order of any statutory authority, or order or decree of any court of law;
 - b) Change in law or compliance of any existing law;
 - c) Deferred works relating to ash pond or ash handling system in the original scope of work;
 - d) Liability for works executed prior to the cut-off date;
 - e) Force Majeure events;
 - f) Liability for works admitted by the Commission after the cut-off date to the extent of discharge of such liabilities by actual payments; and
 - g) Raising of ash dyke as a part of ash disposal system.



- (2) In case of replacement of assets deployed under the original scope of the existing project after cut-off date, the additional capitalization may be admitted by the Commission, after making necessary adjustments in the gross fixed assets and the cumulative depreciation, subject to prudence check on the following grounds:
 - (a) The useful life of the assets is not commensurate with the useful life of the project and such assets have been fully depreciated in accordance with the provisions of these regulations.
 - (b) The replacement of the asset or equipment is necessary on account of change in law or Force Majeure conditions;
 - (c) The replacement of such asset or equipment is necessary on account of
 - (d) The replacement of such asset or equipment has otherwise been allowed by the Commission."
- 55. The Petitioner has claimed ACE for 2019-24 tariff period under Regulations 25(1)(b) and Regulation 25(1)(d)of the 2019 Tariff Regulations on account of undischarged liability towards final payment/withheld payment for works executed within cut-off date as follows:

(₹ in lakh) Capital

| Apportioned Approved Cost | Capital Cost (as on | ACE claimed as per Auditor' S Certificate | Capital Cost (as | |
|---------------------------|------------------------|---|---------------------|--|
| (as per RCE) | 31.3.2019) | 2019-20 | on 31.3.2024) | |
| 406.72 | 328.44 | 7.12 | 335.56 | |

56. We have considered the submission of the Petitioner. The ACE of ₹3.45 lakh has been allowed under Regulation 24(1)(a) of the 2019 Tariff Regulations and of ₹3.67 lakh has been allowed under Regulation 24(1)(b)of the 2019 Tariff Regulations as the same is towards un-discharged liabilities recognised to be payable at a future date. Accordingly, the ACE allowed for 2019-24 tariff period for the transmission asset is as follows:

(₹ in lakh)

| Particulars | ACE allowed for 2019-20 |
|--|-------------------------|
| Expenditure as per Auditor Certificate | 7.12 |

- 57. Accordingly, the ACE for 2019-24 tariff period and the capital cost as on
- 31.3.2024 for the transmission asset considered is as follows:

| Apportioned Approved Cost (as per RCE) | Capital Cost admitted as on 1.4.2019 | ACE allowed for 2019-24 tariff period 2019-20 | (₹ in lakh) Capital Cost allowed as on 31.3.2024 |
|---|--|---|---|
| 406.72 | 322.12 | 7.12 | 329.24 |

Debt-Equity Ratio

- 58. Regulation 18 of the 2019 Tariff Regulations provides as follows:
 - **"18. Debt-Equity Ratio**: (1) For new projects, the debt-equity ratio of 70:30 as on date of commercial operation shall be considered. If the equity actually deployed is more than 30% of the capital cost, equity in excess of 30% shall be treated as normative loan:

Provided that:

- i. where equity actually deployed is less than 30% of the capital cost, actual equity shall be considered for determination of tariff:
- ii. the equity invested in foreign currency shall be designated in Indian rupees on the date of each investment:
- iii. any grant obtained for the execution of the project shall not be considered as a part of capital structure for the purpose of debt: equity ratio.

Explanation-The premium, if any, raised by the generating company or the transmission licensee, as the case may be, while issuing share capital and investment of internal resources created out of its free reserve, for the funding of the project, shall be reckoned as paid up capital for the purpose of computing return on equity, only if such premium amount and internal resources are actually utilised for meeting the capital expenditure of the generating station or the transmission system.

- (2) The generating company or the transmission licensee, as the case may be, shall submit the resolution of the Board of the company or approval of the competent authority in other cases regarding infusion of funds from internal resources in support of the utilization made or proposed to be made to meet the capital expenditure of the generating station or the transmission system including communication system, as the case may be.
- (3) In case of the generating station and the transmission system including communication system declared under commercial operation prior to 1.4.2019, debt: equity ratio allowed by the Commission for determination of tariff for the period ending 31.3.2019 shall be considered:

Provided that in case of a generating station or a transmission system including communication system which has completed its useful life as on or after 1.4.2019, if the equity actually deployed as on 1.4.2019 is more than 30% of the capital cost, equity in excess of 30%shall not be taken into account for tariff computation;



Provided further that in case of projects owned by Damodar Valley Corporation, the debt: equity ratio shall be governed as per sub-clause (ii) of clause (2) of Regulation 72 of these regulations.

- (4) In case of the generating station and the transmission system including communication system declared under commercial operation prior to 1.4.2019, but where debt: equity ratio has not been determined by the Commission for determination.
- (5) Any expenditure incurred or projected to be incurred on or after 1.4.2019 as may be admitted by the Commission as additional capital expenditure for determination of tariff, and renovation and modernisation expenditure for life extension shall be serviced in the manner specified in clause (1) of this Regulation.
- (6) Any expenditure incurred for the emission control system during the tariff period as may be admitted by the Commission as additional capital expenditure for determination of supplementary tariff, shall be serviced in the manner specified in clause (1) of this Regulation."
- 59. The details of debt-equity considered for the purpose of computation of tariff for 2019-24 tariff period is allowed as per Regulation 18(3) of the 2019 Tariff Regulations. The details of debt-equity considered for the purpose of computation of tariff for 2019-24 tariff period is as follows:

(₹ in lakh)

| Funding | Capital Cost (as on 1.4.2019) (₹ in lakh) | (in %) | ACE in 2019-24 (₹ in lakh) | (in %) | Capital Cost (as on 31.3.2024) (₹ in lakh) | (in %) |
|---------|---|--------|----------------------------------|--------|--|--------|
| Debt | 225.48 | 70.00 | 4.98 | 70.00 | 230.47 | 70.00 |
| Equity | 96.64 | 30.00 | 2.14 | 30.00 | 98.77 | 30.00 |
| Total | 322.12 | 100.00 | 7.12 | 100.00 | 329.24 | 100.00 |

Depreciation

- 60. Regulation 33 of the 2019 Tariff Regulations provides as follows:
 - **"33. Depreciation:** (1) Depreciation shall be computed from the date of commercial operation of a generating station or unit thereof or a transmission system or element thereof including communication system. In case of the tariff of all the units of a generating station or all elements of a transmission system including communication system for which a single tariff needs to be determined, the depreciation shall be computed from the effective date of commercial operation of the generating station or the transmission system taking into consideration the depreciation of individual units:

Provided that effective date of commercial operation shall be worked out by considering the actual date of commercial operation and installed capacity of all the units of the generating station or capital cost of all elements of the transmission system, for which single tariff needs to be determined.



- (2) The value base for the purpose of depreciation shall be the capital cost of the asset admitted by the Commission. In case of multiple units of a generating station or multiple elements of a transmission system, weighted average life for the generating station of the transmission system shall be applied. Depreciation shall be chargeable from the first year of commercial operation. In case of commercial operation of the asset for part of the year, depreciation shall be charged on pro rata basis.
- (3) The salvage value of the asset shall be considered as 10% and depreciation shall be allowed up to maximum of 90% of the capital cost of the asset:

Provided that the salvage value for IT equipment and software shall be considered as NIL and 100% value of the assets shall be considered depreciable;

Provided further that in case of hydro generating stations, the salvage value shall be as provided in the agreement, if any, signed by the developers with the State Government for development of the generating station:

Provided also that the capital cost of the assets of the hydro generating station for the purpose of computation of depreciated value shall correspond to the percentage of sale of electricity under long-term power purchase agreement at regulated tariff:

Provided also that any depreciation disallowed on account of lower availability of the generating station or unit or transmission system as the case may be, shall not be allowed to be recovered at a later stage during the useful life or the extended life.

- (4) Land other than the land held under lease and the land for reservoir in case of hydro generating station shall not be a depreciable asset and its cost shall be excluded from the capital cost while computing depreciable value of the asset.
- (5) Depreciation shall be calculated annually based on Straight Line Method and at rates specified in **Appendix-I** to these regulations for the assets of the generating station and transmission system:

Provided that the remaining depreciable value as on 31st March of the year closing after a period of 12 years from the effective date of commercial operation of the station shall be spread over the balance useful life of the assets.

- (6) In case of the existing projects, the balance depreciable value as on 1.4.2019 shall be worked out by deducting the cumulative depreciation as admitted by the Commission upto 31.3.2019 from the gross depreciable value of the assets.
- (7) The generating company or the transmission licensee, as the case may be, shall submit the details of proposed capital expenditure five years before the completion of useful life of the project along with justification and proposed life extension. The Commission based on prudence check of such submissions shall approve the depreciation on capital expenditure.
- (8) In case of de-capitalization of assets in respect of generating station or unit thereof or transmission system or element thereof, the cumulative depreciation shall be adjusted by taking into account the depreciation recovered in tariff by the de-capitalized asset during its useful services.
- (9) Where the emission control system is implemented within the original scope of the generating station and the date of commercial operation of the generating station or unit thereof and the date of operation of the emission control system are the same,



depreciation of the generating station or unit thereof including the emission control system shall be computed in accordance with Clauses (1) to (8) of this Regulation.

- (10) Depreciation of the emission control system of an existing or a new generating station or unit thereof where the date of operation of the emission control system is subsequent to the date of commercial operation of the generating station or unit thereof, shall be computed annually from the date of operation of such emission control system based on straight line method, with salvage value of 10%, over a period of
 - a) twenty five years, in case the generating station or unit thereof is in operation for fifteen years or less as on the date of operation of the emission control system; or
 - b) balance useful life of the generating station or unit thereof plus fifteen years, in case the generating station or unit thereof is in operation for more than fifteen years as on the date of operation of the emission control system; or
 - c) ten years or a period mutually agreed by the generating company and the beneficiaries, whichever is higher, in case the generating station or unit thereof has completed its useful life."
- 61. We have considered the submissions of the Petitioner. The depreciation has been worked out considering the admitted capital expenditure as on 31.3.2019 and accumulated depreciation up to 31.3.2019 at Weighted Average Rate of Depreciation (WAROD). WAROD at Annexure-II has been worked out after taking into account the depreciation rates of assets as prescribed in the 2019 Tariff Regulations. The depreciation allowed in respect of the transmission asset is as follows:

(₹ in lakh)

| | Particulars | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|---|--|---------|---------|---------|---------|---------|
| | Depreciation | | | | | |
| Α | Opening Gross Block | 322.12 | 329.24 | 329.24 | 329.24 | 329.24 |
| В | ACE | 7.12 | 0.00 | 0.00 | 0.00 | 0.00 |
| С | Closing Gross Block (A+B) | 329.24 | 329.24 | 329.24 | 329.24 | 329.24 |
| Е | Average Gross Block (A+C)/2 | 325.68 | 329.24 | 329.24 | 329.24 | 329.24 |
| F | Weighted average rate of Depreciation (WAROD) (in %) | 6.33 | 6.33 | 6.33 | 6.33 | 6.33 |
| G | Balance useful life of the asset (year) | 14 | 13 | 12 | 11 | 10 |
| Н | Lapsed life at the beginning of the year (year) | 1 | 2 | 3 | 4 | 5 |
| I | Aggregate Depreciable Value | 293.11 | 296.31 | 296.31 | 296.31 | 296.31 |
| J | Depreciation during the year | 20.62 | 20.84 | 20.84 | 20.84 | 20.84 |
| K | Cumulative Depreciation | 40.91 | 61.75 | 82.59 | 103.43 | 124.27 |
| L | Remaining Depreciable Value (I-K) | 252.20 | 234.57 | 213.73 | 192.89 | 172.05 |

Interest on Loan ("IoL")

- 62. Regulation 32 of the 2019 Tariff Regulations provides as follows:
 - **"32. Interest on loan capital:** (1) The loans arrived at in the manner indicated in Regulation 18 of these regulations shall be considered as gross normative loan for calculation of interest on loan.
 - (2) The normative loan outstanding as on 1.4.2019 shall be worked out by deducting the cumulative repayment as admitted by the Commission up to 31.3.2019 from the gross normative loan.
 - (3) The repayment for each of the year of the tariff period 2019-24 shall be deemed to be equal to the depreciation allowed for the corresponding year/period. In case of decapitalization of assets, the repayment shall be adjusted by taking into account cumulative repayment on a pro rata basis and the adjustment should not exceed cumulative depreciation recovered upto the date of de-capitalisation of such asset.
 - (4) Notwithstanding any moratorium period availed by the generating company or the transmission licensee, as the case may be, the repayment of loan shall be considered from the first year of commercial operation of the project and shall be equal to the depreciation allowed for the year or part of the year.
 - (5) The rate of interest shall be the weighted average rate of interest calculated on the basis of the actual loan portfolio after providing appropriate accounting adjustment for interest capitalized:

Provided that if there is no actual loan for a particular year but normative loan is still outstanding, the last available weighted average rate of interest shall be considered;

Provided further that if the generating station or the transmission system, as the case may be, does not have actual loan, then the weighted average rate of interest of the generating company or the transmission licensee as a whole shall be considered.

- (5a) The rate of interest on loan for installation of emission control system shall be the weighted average rate of interest of actual loan portfolio of the emission control system or in the absence of actual loan portfolio, the weighted average rate of interest of the generating company as a whole shall be considered.
- (6) The interest on loan shall be calculated on the normative average loan of the year by applying the weighted average rate of interest.
- (7) The changes to the terms and conditions of the loans shall be reflected from the date of such re-financing."
- 63. The Petitioner has prayed that the change in interest rate due to floating rate of interest applicable, if any, during the 2019-24 tariff period may be adjusted.
- 64. We have considered the submissions of the Petitioner. The weighted average rate of IoL has been considered on the basis of rate prevailing as on 1.4.2019.



Accordingly, the floating rate of interest, if any, shall be considered at the time of true up. IoL has been allowed in accordance with Regulation 32 of the 2019 Tariff Regulations. IoL allowed for 2019-24 tariff period is as follows:

(₹ in lakh)

| | Particulars | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|---|--|---------|---------|---------|---------|---------|
| Α | Gross Normative Loan | 225.48 | 230.47 | 230.47 | 230.47 | 230.47 |
| В | Cumulative Repayments up to Previous Year | 20.29 | 40.91 | 61.75 | 82.59 | 103.43 |
| С | Net Loan-Opening | 205.19 | 189.56 | 168.72 | 147.88 | 127.04 |
| D | Additions due to ACE | 4.98 | 0.00 | 0.00 | 0.00 | 0.00 |
| Е | Repayment during the year | 20.62 | 20.84 | 20.84 | 20.84 | 20.84 |
| F | Net Loan-Closing | 189.56 | 168.72 | 147.88 | 127.04 | 106.20 |
| G | Average Loan | 197.38 | 179.14 | 158.30 | 137.46 | 116.62 |
| Н | Weighted Average Rate of Interest on Loan (in %) | 8.3720 | 8.3443 | 8.3242 | 8.3000 | 8.2609 |
| I | Interest on Loan (G*H) | 16.52 | 14.95 | 13.18 | 11.41 | 9.63 |

Return on Equity

- 65. Regulation 30 and Regulation 31 of the 2019 Tariff Regulations provides as follows:
 - **"30. Return on Equity**: (1) Return on equity shall be computed in rupee terms, on the equity base determined in accordance with Regulation 18 of these regulations.
 - (2) Return on equity shall be computed at the base rate of 15.50% for thermal generating station, transmission system including communication system and run-of-river hydro generating station, and at the base rate of 16.50% for the storage type hydro generating stations including pumped storage hydro generating stations and run-of-river generating station with pondage:

Provided that return on equity in respect of additional capitalization after cutoff date beyond the original scope, excluding additional capitalization on account of emission control system, shall be computed at the weighted average rate of interest on actual loan portfolio of the generating station or the transmission system or in the absence of actual loan portfolio of the generating station or the transmission system, the weighted average rate of interest of the generating company or the transmission licensee, as the case may be, as a whole shall be considered, subject to ceiling of 14%.

Provided further that:

i. In case of a new project, the rate of return on equity shall be reduced by 1.00% for such period as may be decided by the Commission, if the generating station or transmission system is found to be declared under commercial operation without commissioning of any of the Restricted Governor Mode Operation (RGMO) or Free Governor Mode Operation (FGMO), data telemetry, communication system up to load dispatch centre or protection system based on the report submitted by the respective RLDC:

- ii. in case of existing generating station, as and when any of the requirements under (i) above of this Regulation are found lacking based on the report submitted by the concerned RLDC, rate of return on equity shall be reduced by 1.00% for the period for which the deficiency continues;
- iii. in case of a thermal generating station, with effect from 1.4.2020:
 - a) rate of return on equity shall be reduced by 0.25% in case of failure to achieve the ramp rate of 1% per minute;
 - b) an additional rate of return on equity of 0.25% shall be allowed for every incremental ramp rate of 1% per minute achieved over and above the ramp rate of 1% per minute, subject to ceiling of additional rate of return on equity of 1.00%:

Provided that the detailed guidelines in this regard shall be issued by National Load Dispatch Centre by 30.6.2019.

- (3) The return on equity in respect of additional capitalization on account of emission control system shall be computed at the base rate of one-year marginal cost of lending rate (MCLR) of the State Bank of India as on 1st April of the year in which the date of operation (ODe) occurs plus 350 basis point, subject to ceiling of 14%;"
- **31. Tax on Return on Equity.** (1) The base rate of return on equity as allowed by the Commission under Regulation 30 of these regulations shall be grossed up with the effective tax rate of the respective financial year. For this purpose, the effective tax rate shall be considered on the basis of actual tax paid in respect of the financial year in line with the provisions of the relevant Finance Acts by the concerned generating company or the transmission licensee, as the case may be. The actual tax paid on income from other businesses including deferred tax liability (i.e. income from business other than business of generation or transmission, as the case may be) shall be excluded for the calculation of effective tax rate.
- (2) Rate of return on equity shall be rounded off to three decimal places and shall be computed as per the formula given below:

Rate of pre-tax return on equity = Base rate / (1-t)

Where "t" is the effective tax rate in accordance with clause (1) of this Regulation and shall be calculated at the beginning of every financial year based on the estimated profit and tax to be paid estimated in line with the provisions of the relevant Finance Act applicable for that financial year to the company on pro-rata basis by excluding the income of non-generation or non-transmission business, as the case may be, and the corresponding tax thereon. In case of generating company or transmission licensee paying Minimum Alternate Tax (MAT), "t" shall be considered as MAT rate including surcharge and cess.

Illustration-

(i) In case of a generating company or a transmission licensee paying Minimum Alternate Tax (MAT) @ 21.55% including surcharge and cess:

Rate of return on equity = 15.50/(1-0.2155) = 19.758%

(ii) In case of a generating company or a transmission licensee paying normal corporate tax including surcharge and cess:



- (a) Estimated Gross Income from generation or transmission business for FY 2019-20 is Rs 1,000 crore:
- (b) Estimated Advance Tax for the year on above is Rs 240 crore;
- (c) Effective Tax Rate for the year 2019-20 = Rs 240 Crore/Rs 1000 Crore = 24%;
- (d) Rate of return on equity = 15.50/(1-0.24) = 20.395%.
- (3) The generating company or the transmission licensee, as the case may be, shall true up the grossed up rate of return on equity at the end of every financial year based on actual tax paid together with any additional tax demand including interest thereon, duly adjusted for any refund of tax including interest received from the income tax authorities pertaining to the tariff period 2019-24 on actual gross income of any financial year. However, penalty, if any, arising on account of delay in deposit or short deposit of tax amount shall not be claimed by the generating company or the transmission licensee, as the case may be. Any under-recovery or over-recovery of grossed up rate on return on equity after truing up, shall be recovered or refunded to beneficiaries or the long term customers, as the case may be, on year to year basis."
- 66. The Petitioner has submitted that MAT rate is applicable to it. Accordingly, the MAT rate applicable in 2019-20 has been considered for the purpose of RoE which shall be trued up with actual tax rate in accordance with Regulation 31(3) of the 2019 Tariff Regulations. RoE allowed is as follows:

(₹ in lakh)

| | Particulars | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|---|-------------------------------------|---------|---------|---------|---------|---------|
| | Return on Equity | | | | | |
| Α | Opening Equity | 96.64 | 98.77 | 98.77 | 98.77 | 98.77 |
| В | Additions | 2.14 | 0.00 | 0.00 | 0.00 | 0.00 |
| С | Closing Equity (A+B) | 98.77 | 98.77 | 98.77 | 98.77 | 98.77 |
| D | Average Equity (A+C)/2 | 97.70 | 98.77 | 98.77 | 98.77 | 98.77 |
| Е | Return on Equity (Base Rate) (in %) | 15.500 | 15.500 | 15.500 | 15.500 | 15.500 |
| F | MAT Rate for respective year (in %) | 17.472 | 17.472 | 17.472 | 17.472 | 17.472 |
| G | Rate of Return on Equity (in %) | 18.782 | 18.782 | 18.782 | 18.782 | 18.782 |
| Н | Return on Equity (D*G) | 18.35 | 18.55 | 18.55 | 18.55 | 18.55 |

Operation & Maintenance Expenses("O&M Expenses')

67. The O&M Expenses claimed by the Petitioner for the transmission asset for 2019-24 period is as follows:

(₹ in lakh)

| Particulars | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|--------------------------|--------------|---------|---------|---------|---------|
| Hotline PABX (@ 2% of ca | apital cost) | | | | |



| Particulars | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|---|---------|---------|---------|---------|---------|
| Original project cost /Asset related to Communication System (₹ in lakh) | 335.56 | 335.56 | 335.56 | 335.56 | 335.56 |
| Total O&M Expenses claimed (₹ in lakh) | 6.71 | 6.71 | 6.71 | 6.71 | 6.71 |

The Regulation 35(3)(a) and Regulation 35(4) of the 2019 Tariff Regulations 68. provide as follows:

"35. Operation and Maintenance Expenses:

(3) Transmission system: (a) The following normative operation and maintenance expenses shall be admissible for the transmission system:

| Particulars | 2019- 20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 | | | | |
|---|-------------|---------|---------|---------|---------|--|--|--|--|
| Norms for sub-station Bays (₹ Lakh per bay) | | | | | | | | | |
| 765 kV | 45.01 | 46.60 | 48.23 | 49.93 | 51.68 | | | | |
| 400 kV | 32.15 | 33.28 | 34.45 | 35.66 | 36.91 | | | | |
| 220 kV | 22.51 | 23.30 | 24.12 | 24.96 | 25.84 | | | | |
| 132 kV and below | 16.08 | 16.64 | 17.23 | 17.83 | 18.46 | | | | |
| Norms for Transformers (₹ Lakh per M | VA) | | | | | | | | |
| 765 kV | 0.491 | 0.508 | 0.526 | 0.545 | 0.564 | | | | |
| 400 kV | 0.358 | 0.371 | 0.384 | 0.398 | 0.411 | | | | |
| 220 kV | 0.245 | 0.254 | 0.263 | 0.272 | 0.282 | | | | |
| 132 kV and below | 0.245 | 0.254 | 0.263 | 0.272 | 0.282 | | | | |
| Norms for AC and HVDC lines (₹ Lakh | per km) | | | • | | | | | |
| Single Circuit (Bundled Conductor with six or more sub-conductors) | 0.881 | 0.912 | 0.944 | 0.977 | 1.011 | | | | |
| Single Circuit (Bundled conductor with four sub-conductors) | 0.755 | 0.781 | 0.809 | 0.837 | 0.867 | | | | |
| Single Circuit (Twin & Triple Conductor) | 0.503 | 0.521 | 0.539 | 0.558 | 0.578 | | | | |
| Single Circuit (Single Conductor) | 0.252 | 0.260 | 0.270 | 0.279 | 0.289 | | | | |
| Double Circuit (Bundled conductor with four or more sub-conductors) | 1.322 | 1.368 | 1.416 | 1.466 | 1.517 | | | | |
| Double Circuit (Twin & Triple Conductor) | 0.881 | 0.912 | 0.944 | 0.977 | 1.011 | | | | |
| Double Circuit (Single Conductor) | 0.377 | 0.391 | 0.404 | 0.419 | 0.433 | | | | |
| Multi Circuit (Bundled Conductor with four or more sub-conductor) | 2.319 | 2.401 | 2.485 | 2.572 | 2.662 | | | | |
| Multi Circuit (Twin & Triple Conductor) | 1.544 | 1.598 | 1.654 | 1.713 | 1.773 | | | | |
| Norms for HVDC stations | | | | | | | | | |
| HVDC Back-to-Back stations (Rs Lakh per 500 MW) (Except Gazuwaka BTB) | 834 | 864 | 894 | 925 | 958 | | | | |

| Particulars | 2019- 20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|---|-------------|---------|---------|---------|---------|
| Gazuwaka HVDC Back-to-Back station (₹ Lakh per 500 MW) | 1,666 | 1,725 | 1,785 | 1,848 | 1,913 |
| 500 kV Rihand-Dadri HVDC bipole scheme (Rs Lakh) (1500 MW) | 2,252 | 2,331 | 2,413 | 2,498 | 2,586 |
| ±500 kV Talcher- Kolar HVDC bipole scheme (Rs Lakh) (2000 MW) | 2,468 | 2,555 | 2,645 | 2,738 | 2,834 |
| ±500 kV Bhiwadi-Balia HVDC bipole scheme (Rs Lakh) (2500 MW) | 1,696 | 1,756 | 1,817 | 1,881 | 1,947 |
| ±800 kV, Bishwanath-Agra HVDC bipole scheme (Rs Lakh) (3000 MW) | 2,563 | 2,653 | 2,746 | 2,842 | 2,942 |

Provided that the O&M expenses for the GIS bays shall be allowed as worked out by multiplying 0.70 of the O&M expenses of the normative O&M expenses for bays;

Provided further that:

- i. the operation and maintenance expenses for new HVDC bi-pole schemes commissioned after 1.4.2019 for a particular year shall be allowed prorata on the basis of normative rate of operation and maintenance expenses of similar HVDC bi-pole scheme for the corresponding year of the tariff period;
- ii. the O&M expenses norms for HVDC bi-pole line shall be considered as Double Circuit quad AC line;
- iii. the O&M expenses of ±500 kV Mundra-Mohindergarh HVDC bipole scheme (2000 MW) shall be allowed as worked out by multiplying 0.80 of the normative O&M expenses for ±500 kV Talchar-Kolar HVDC bi-pole scheme (2000 MW);
- iv. the O&M expenses of ±800 kV Champa-Kurukshetra HVDC bi-pole scheme (3000 MW) shall be on the basis of the normative O&M expenses for ±800 kV, Bishwanath-Agra HVDC bi-pole scheme;
- v. the O&M expenses of ±800 kV, Alipurduar-Agra HVDC bi-pole scheme (3000 MW) shall be allowed as worked out by multiplying 0.80 of the normative O&M expenses for ±800 kV, Bishwanath-Agra HVDC bi-pole scheme; and
- vi. the O&M expenses of Static Synchronous Compensator and Static Var Compensator shall be worked at 1.5% of original project cost as on commercial operation which shall be escalated at the rate of 3.51% to work out the O&M expenses during the tariff period. The O&M expenses of Static Synchronous Compensator and Static Var Compensator, if required, may be reviewed after three years.
- (b) The total allowable operation and maintenance expenses for the transmission system shall be calculated by multiplying the number of sub-station



bays, transformer capacity of the transformer (in MVA) and km of line length with the applicable norms for the operation and maintenance expenses per bay, per MVA and per km respectively.

(c) The Security Expenses and Capital Spares for transmission system shall be allowed separately after prudence check:

Provided that the transmission licensee shall submit the assessment of the security requirement and estimated security expenses, the details of year-wise actual capital spares consumed at the time of truing up with appropriate justification.

- (4) Communication system: The operation and maintenance expenses for the communication system shall be worked out at 2.0% of the original project cost related to such communication system. The transmission licensee shall submit the actual operation and maintenance expenses for truing up."
- 69. We have considered the submissions made by the Petitioner. The Petitioner has claimed the original project cost as ₹335.56 lakh whereas the original project cost means capital cost incurred upto cut-off date which works out to be ₹329.24 lakh. The O&M Expenses worked out @2% of original project cost upto cut-off date. Accordingly, the O&M Expenses allowed for the transmission asset are as follows:

| Particulars | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 | |
|-----------------------------------|---------|---------|---------|---------|---------|--|
| PLCC (@ 2% of capital cost) | | | | | | |
| Capital cost for PLCC (₹ in lakh) | 329.24 | 329.24 | 329.24 | 329.24 | 329.24 | |
| Total O&M Expenses (₹ in lakh) | 6.58 | 6.58 | 6.58 | 6.58 | 6.58 | |

Interest on Working Capital ("IWC")

- 70. Regulation 34(1)(c), Regulation 34(3) and Regulation 3(7) of the 2019 Tariff Regulations provides as follows:
 - "34. Interest on Working Capital: (1) The working capital shall cover:

.....

- (c) For Hydro Generating Station (including Pumped Storage Hydro Generating Station) and Transmission System:
 - (i) Receivables equivalent to 45 days of annual fixed cost;
 - (ii) Maintenance spares @ 15% of operation and maintenance expenses including security expenses; and

Operation and maintenance expenses, including security expenses for one month.

(3) Rate of interest on working capital shall be on normative basis and shall be considered as the bank rate as on 1.4.2019 or as on 1st April of the year during the tariff period 2019-



24 in which the generating station or a unit thereof or the transmission system including communication system or element thereof, as the case may be, is declared under commercial operation, whichever is later:

Provided that in case of truing-up, the rate of interest on working capital shall be considered at bank rate as on 1st April of each of the financial year during the tariff period 2019-24.

- (4) Interest on working capital shall be payable on normative basis notwithstanding that the generating company or the transmission licensee has not taken loan for working capital from any outside agency."
- "3. Definitions. In these regulations, unless the context otherwise requires:-
- (8) **Bank Rate**' means the one year marginal cost of lending rate (MCLR) of the State Bank of India issued from time to time plus 350 basis points;"
- 71. The Petitioner has submitted that it has computed IWC for 2019-24 period considering the SBI Base Rate plus 350 basis points as on 1.4.2019. The Petitioner has considered the rate of IWC as 12.05%. IWC is worked out in accordance with Regulation 34 of the 2019 Tariff Regulations. The rate of IWC considered is 12.05% (SBI 1-year MCLR applicable as on 1.4.2019 of 8.55% plus 350 basis points) for 2019-20, 11.25% (SBI 1-year MCLR applicable as on 1.4.2020 of 7.75% plus 350 basis points) for 2020-21 and from 2021-22 onwards has been considered as 10.50% (SBI 1-year MCLR applicable as on 1.4.2020 of 7.00% plus 350 basis points). The components of the working capital and interest thereon allowed is as follows:

(₹ in lakh)

| | Particulars | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|---|--|---------|---------|---------|---------|---------|
| Α | Working Capital for O&M Expenses (O&M Expenses for one month) | 0.55 | 0.55 | 0.55 | 0.55 | 0.55 |
| В | Maintenance Spares (15% of O&M Expenses) | 0.99 | 0.99 | 0.99 | 0.99 | 0.99 |
| С | Working Capital for Receivables (Equivalent to 45 days of annual transmission charges) | 7.77 | 7.64 | 7.41 | 7.19 | 6.95 |
| D | Total Working Capital (A+B+C) | 9.31 | 9.17 | 8.95 | 8.72 | 8.48 |
| Ε | Rate of Interest (in%) | 12.05 | 11.25 | 10.50 | 10.50 | 10.50 |
| F | Interest on working capital (D*E) | 1.12 | 1.03 | 0.94 | 0.92 | 0.89 |

Annual Fixed Charges of the 2019-24 Tariff Period

72. The transmission charges allowed for the transmission asset for 2019-24 tariff period are as follows:

(₹ in lakh)

| Particulars | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|-----------------------------|---------|---------|---------|---------|---------|
| Depreciation | 20.62 | 20.84 | 20.84 | 20.84 | 20.84 |
| Interest on Loan | 16.52 | 14.95 | 13.18 | 11.41 | 9.63 |
| Return on Equity | 18.35 | 18.55 | 18.55 | 18.55 | 18.55 |
| O&M Expenses | 6.58 | 6.58 | 6.58 | 6.58 | 6.58 |
| Interest on Working Capital | 1.12 | 1.03 | 0.94 | 0.92 | 0.89 |
| Total | 63.19 | 61.95 | 60.09 | 58.30 | 56.49 |

Filing Fees and the Publication Expenses

73. The Petitioner has sought reimbursement of fees paid by it for filing the petition and publication expenses. We have considered the submissions of the Petitioner. The Petitioner shall be entitled for reimbursement of the filing fees and publication expenses in connection with the present petition, directly from the beneficiaries on pro-rata basis in accordance with Regulation 70(1) of the 2019 Tariff Regulations.

Licence Fees & RLDC Fees and Charges

74. The Petitioner shall be entitled for reimbursement of licence fees in accordance with Regulation 70(4) of the 2019 Tariff Regulations for 2019-24 tariff period. The Petitioner shall also be entitled for recovery of RLDC fee and charges in accordance with Regulations 70(3) of the 2019 Tariff Regulations for the 2019-24 tariff period.

Goods and Services Tax

75. The Petitioner has submitted that if GST is levied at any rate and at any point of time in future on charges of transmission of electricity, the same shall be borne and additionally paid by the Respondent(s) to the Petitioner and the same shall be charged and billed separately by the Petitioner. The Petitioner further claimed that any taxes including GST and duties including cess etc. imposed by any statutory/Govt./municipal authorities shall be allowed to be recovered from the beneficiaries.

76. We have considered the submissions of the Petitioner. Since GST is not levied on transmission services at present, we are of the view that the Petitioner's prayer is premature.

Security Expenses and Capital Spares

- 77. The Petitioner has submitted that security expenses for the transmission asset are not claimed in the instant petition and it would file a separate petition for claiming the overall security expenses and the consequential IWC. Further, the Petitioner has sought reimbursement of capital spares at the end of tariff period.
- 78. We have considered the submissions of the Petitioner. The Petitioner has claimed consolidated security expenses on projected basis for 2019-24 tariff period on the basis of actual security expenses incurred in 2018-19 in petition No. 260/MP/2020. The said petition has already been disposed of by the Commission *vide* order dated 3.8.2021. Therefore, the Petitioner's prayer in the instant petition for allowing it to file a separate petition for claiming the overall security expenses and consequential IWC has become infructuous. Further, the Petitioner's claim pertaining to capital spares, if any, shall be dealt with in accordance with the provisions of the 2019 Tariff Regulations.

Sharing of Transmission Charges

79. With effect from 1.7.2011, sharing of transmission charges for inter-State transmission systems was governed by the provisions of the 2010 Sharing Regulations. However, with effect from 1.11.2020, sharing of transmission charges is governed by the Central Electricity Regulatory Commission (Sharing of Transmission Charges and Losses) Regulations, 2020 (in short "the 2020 Sharing Regulations"). The COD of the instant transmission asset is approved as 1.4.2018. Therefore, the transmission charges from 1.4.2018 to 31.10.2020 shall be governed by the 2010 Sharing Regulations and from 1.11.2020 shall be governed by the 2020 Sharing Regulations.

Accordingly, the liabilities of the DICs for arrears of the transmission charges determined through this order shall be computed DIC-wise in accordance with the provisions of respective Sharing Regulations and shall be recovered from the concerned DICs through bill under Regulation 15(2)(b) of the 2020 Sharing Regulations.

80. **To summarize:**

a) The trued-up AFC approved for the transmission asset for 2014-19 tariff period are as follows:

| | (₹ in lakh) |
|-------------|-------------|
| Particulars | 2018-19 |
| AFC | 91.88 |

b) AFC allowed for the transmission asset for 2019-24 tariff period in this order are as follows:

(₹ in lakh)

| 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
|---------|---------|---------|---------|---------|
| 63.19 | 61.95 | 60.09 | 58.30 | 56.49 |

- 81. Annexure-I and Annexure-II given hereinafter form part of the order.
- 82. This order disposes of Petition No. 43/TT/2022 in terms of the above discussions and findings.

sd/- sd/- sd/(P.K. Singh) (Arun Goyal) (I.S. Jha)
Member Member Member

Annexure-I

| 2014-19 | Admitted Capital Cost as on | ACE (₹ in lakh) | | Admitted Capital Cost | Rate of Depreciation | Annual Depreciation as per Regulations (₹ in lakh) | |
|------------------------|-----------------------------------|--------------------|-------|-----------------------------------|-------------------------|--|--|
| Capital Expenditure | COST as on COD (₹ in lakh) | 2018- 19 | Total | as on 31.3.2019 (₹ in lakh) | as per Regulations | 2018-19 | |
| PLCC | 318.95 | 3.16 | 3.16 | 322.12 | 6.33% | 20.29 | |
| Total | 318.95 | 3.16 | 3.16 | 322.12 | | 20.29 | |
| | | | | Average G (₹ in | 320.54 | | |
| | | | | Weighted A of Depre | 6.33% | | |

Annexure-II

| 2019-24 | Admitted Capital Cost as on | Projected ACE (₹ in lakh) | | Admitted Capital Cost as on | Rate of Depreciation | Annual Depreciation as per Regulations (₹ in lakh) | | | | |
|---------------------|-----------------------------------|------------------------------|-------|---------------------------------------|-----------------------|---|---------|---------|---------|---------|
| Capital Expenditure | 1.4.2019 (₹ in lakh) | 2019- 20 | Total | 31.3.2024 (₹ in lakh) | as per Regulations | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
| PLCC | 322.12 | 7.12 | 7.12 | 329.24 | 6.33% | 20.62 | 20.84 | 20.84 | 20.84 | 20.84 |
| Total | 322.12 | 7.12 | 7.12 | 329.24 | | 20.62 | 20.84 | 20.84 | 20.84 | 20.84 |
| | , | 1 | | Average Gross Block (₹ in lakh) | | 325.68 | 329.24 | 329.24 | 329.24 | 329.24 |
| | | | | Weighted Average Rate of Depreciation | | 6.33% | 6.33% | 6.33% | 6.33% | 6.33% |