

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 48/RP/2022
in
Petition No. 673/TT/2020

Coram:

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

Date of order : 16.12.2022

In the matter of:

Review Petition under Section 94(1)(f) Electricity Act, 2003 read with Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking review of the order dated 24.8.2022 passed in Petition No. 673/TT/2022.

And in the matter of:

THDC India Limited,
Tehri Pump Storage Plant (PSP),
B. Puram, District Tehri Garhwal, Uttarakhand.

... Review Petitioner

Vs

1. Power Grid Corporation of India Limited,
"Saudamini", Plot No. 2,
Sector 29, Gurgaon-122001, Haryana.
2. Rajasthan Rajya Vidyut Prasaran Nigam Limited,
Vidyut Bhawan, Vidyut Marg, Jaipur - 302 005.
3. Ajmer Vidyut Vitran Nigam Limited,
132 kV, GSS RVPNL Sub- Station Building,
Caligiri Road, Malviya Nagar, Jaipur-302017 (Rajasthan).
4. Jaipur Vidyut Vitran Nigam Limited,
132 kV, GSS RVPNL Sub- Station Building,



- Caligiri Road, Malviya Nagar, Jaipur-302017 (Rajasthan).
5. Jodhpur Vidyut Vitran Nigam Limited,
132 kV, GSS RVPNL Sub- Station Building,
Caligiri Road, Malviya Nagar, Jaipur-302017 (Rajasthan).
 6. Himachal Pradesh State Electricity Board,
Vidyut Bhawan, Kumar House Complex Building II,
Shimla-171 004.
 7. Punjab State Electricity Board,
The Mall, Patiala - 147 001.
 8. Haryana Power Purchase Centre,
Shakti Bhawan, Sector-6,
Panchkula -134 109 (Haryana).
 9. Power Development Department,
Government of Jammu & Kashmir, Mini Secretariat, Jammu.
 10. Uttar Pradesh Power Corporation Limited,
(Formerly Uttar Pradesh State Electricity Board),
Shakti Bhawan, 14, Ashok Marg,
Lucknow - 226 001.
 11. Delhi Transco Limited,
Shakti Sadan, Kotla Road,
New Delhi-110 002.
 12. BSES Yamuna Power Limited,
BSES Bhawan, Nehru Place,
New Delhi.
 13. BSES Rajdhani Power Limited,
BSES Bhawan, Nehru Place, New Delhi.
 14. Tata Power Delhi Distribution Limited,
33 kV Sub-station, Building, Hudson Lane,
Kingsway Camp, North Delhi – 110009.
 15. Chandigarh Administration,
Sector -9, Chandigarh.



16. Uttarakhand Power Corporation Limited,
Urja Bhawan, Kanwali Road, Dehradun.
17. North Central Railway,
Allahabad.
18. New Delhi Municipal Council,
Palika Kendra, Sansad Marg, New Delhi-110002. ...Respondent(s)

ORDER

THDC India Limited has filed the instant petition seeking review of the order dated 24.8.2022 in Petition No. 673/TT/2020 wherein transmission tariff for assets covered under “Transmission System associated with Tehri Pump Storage Plant” (“Tehri PSP”) in the Northern Region was approved.

2. The Review Petitioner has made the following prayers:

- a) *Review/ modify the order dated 24.08.2022 passed by this Hon’ble Commission in Petition No. 673/TT/2020, in light of submissions made in the present Review Petition to the extent that waiver of transmission charges are granted to the THDCIL till the commissioning of the Tehri PSP; and*
- b) *Pass any such orders as this Hon’ble Commission may deem fit in the facts and circumstances of the present case.”*

3. Learned counsel for the Petitioner vide letter dated 29.11.2022 has sought permission to withdraw the present petition and has stated that they would try to resolve the issue of payment of transmission charges arising out of the Commission’s order dated 24.8.2022 in Petition No. 673/TT/2020 through the Administrative Mechanism for Resolution of CPSEs Disputes (“AMRCD”) in accordance with the Ministry of Heavy Industries & Public Enterprises, (“MOHI”) Department of Public Enterprises Office



Memorandum bearing reference no. F.NO4(1)/2013-DPE(GM)/FTS-1835 dated 22.5.2018. The relevant portion of the letter dated 29.11.2022 is as follows:

“....2. It may be noteworthy that in order avoid long drawn litigation and save precious judicial time, THDC has decided to first resort to mechanism of Administrative Mechanism for Resolution of CPSEs Disputes (“AMRCD”) for resolution of dispute of payment of transmission charges inter-alia arising out of the Order dated 24.8.2022 passed by Hon’ble Commission in Petition No. 673/TT/2020 and to take up route of litigation only if the said mechanism of AMRCD does not yield positive and fruitful result for the THDC.

3. In this regard, it is important to note that Ministry of Heavy Industries & Public Enterprises, (“MOHI”) Department of Public Enterprises vide its Office Memorandum bearing reference no. F.NO4(1)/2013-DPE(GM)/FTS-1835 dated 22.05.2018 (“OM dated 22.05.2018”) issued binding directives providing for resolution of commercial disputes between Central Public Sector Enterprises (“CPSEs”) inter se and also between CPSEs and Government Department/Organizations under a new dispute resolution mechanism i.e., AMRCD and subsequently notification having reference no. 332619/338367/LS/2019 dated 31.01.2020, issued by Secretary, Department of Legal Affairs, Ministry of Law and Justice, Government of India reiterating binding character of OM dated 22.05.2018 and requesting for strict compliance of the same.

4. In view of the above facts and circumstances, THDC seeks leave of this Hon’ble Commission to withdraw the Review Petition and instead seek redressal of the disputes first before an appropriate forum under AMRCD mechanism before approaching for judicial adjudication of the commercial dispute.....”

4. The learned counsel has also prayed that the filing fee of (₹3 lakh) deposited in the matter may be allowed to be adjusted in future petition(s) of the Petitioner.

5. The Petition is being decided by circulation.

6. In view of the submissions of the learned counsel for the Petitioner, the Petitioner is permitted to withdraw the present petition. The Petitioner shall be eligible to adjust the petition filing fee in future petition(s) as prayed. Ordered accordingly.



7. Accordingly, the Petition No. 48/RP/2022 is disposed of as withdrawn.

**sd/-
(P. K. Singh)
Member**

**sd/-
(Arun Goyal)
Member**

**sd/-
(I. S. Jha)
Member**

