

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
New Delhi**

**Review Petition No. 18/RP/2023 along with diary (IA) No. 212/2023 in  
Petition No. 473/TT/2020**

**Subject** : Petition for seeking review of the order dated 9.1.2023 in Petition No. 473/TT/2020.

**Petitioner** : Power Grid Corporation of India Limited (PGCIL)

**Respondents** : Karnataka Power Transmission Corporation Limited and 16 Ors.

**Review Petition No. 19/RP/2023 along with diary (IA) No. 211/2023 in  
Petition No. 12/TT/2022**

**Subject** : Petition for seeking review of the order dated 14.11.2022 in Petition No. 12/TT/2022

**Petitioner** : Power Grid Corporation of India Limited (PGCIL)

**Respondents** : Madhya Pradesh Power Management Company Limited and 12 Ors.

**Date of Hearing** : 5.7.2023

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

**Parties Present** : Ms. Swapna Seshadri, Advocate, PGCIL  
Sh. Utkarsh Sing, Advocate, PGCIL  
Shri Mohammad Mohsin, PGCIL  
Shri Zafrul Hasan, PGCIL  
Shri Arjun Malhotra, PCCIL

**Record of Proceedings**

The Petition No. 18/RP/2023 has been filed by PGCIL seeking review of the order dated 9.1.2023 in Petition No. 473/TT/2020, wherein the Petitioner had prayed for revision of transmission tariff for the period 2001-04, 2004-09 and 2009-14; truing-up of the transmission tariff for 2014-19 tariff period and determination of the transmission tariff for the period of 2019-24 tariff period for the assets associated with *Ramagundam STPP including ICT at Khammam and Reactor at Gazuwaka in Southern Region under "CTP Augmentation in Southern Region"*. The Commission in order dated 9.1.2023 in Petition No. 473/TT/2020 did not revise the transmission tariff of the period 2001-04, 2004-09 and



2009-14 referring to the APTEL's judgement dated 17.10.2022 in Appeal No. 212 of 2020 and IA No.1683 of 2022 and Appeal No. 335 of 2022 and IA No.1580 of 2020.

2. The Petition No. 19/RP/2023 is also filed by PGCIL seeking review of the order dated 14.11.2022 in Petition No. 12/TT/2022, wherein the Review Petitioner had prayed for revision of transmission tariff of the period 2004-09 and 2009-14; truing-up of the transmission tariff for 2014-19 tariff period and determination of the transmission tariff of the period of 2019-24 tariff period for the assets associated with "*Sipat-I Transmission System*". The Commission in order dated 14.11.2022 in Petition No. 12/TT/2022 did not revise the transmission tariff of 2004-09 and 2009-14 tariff period referring to the APTEL's judgement dated 17.10.2022 in the Appeals referred to above in paragraph.

3. The review petitions were taken up together since identical issue has been raised in the review petitions.

4. Learned counsel for the Review Petitioner submitted that Petition No. 473/TT/2020 and Petition No. 12/TT/2022 were filed pursuant to the liberty/ direction given by the Commission in its order dated 18.1.2019 in Petition No. 121/2007, in line with the order dated 10.4.2018 passed by the Hon'ble Supreme Court in Civil Appeal No.5843/2007 & Batch.

5. Learned counsel submitted that the present review petitions are filed as the Petitioner's prayer for revision of transmission tariff for the said transmission lines were rejected following the APTEL's judgment dated 17.10.2022 in Appeal No.212 of 2020 & IA No.1683 of 2022 and Appeal No.335 of 2022 & IA No.1580 of 2020. There is a delay of 77 days and 129 days respectively in filing the present petitions and the delay in filing the review petitions may be condoned.

6. In response to a query of the Commission, learned counsel for the Review Petitioner submitted that the judgment dated 17.10.2022 passed by the Tribunal in Appeal No.212 of 2020 and Appeal No.335 of 2022 is specific to the Appeal(s) filed by BSES Discoms (BRPL and BYPL) for another transmission line/completely different line, i.e., Petition 288/TT2019 and the Tribunal has categorically used the term "*in the case involving them*", as there are no generic findings by the Tribunal in the Judgment dated 17.10.2022 or directions to apply the judgment '*in rem*' to all cases. This Commission has, however, applied the findings of said Judgment without giving an opportunity to the Petitioner to explain the import of the Judgment. Further, the Judgment dated 17.10.2022 has no application to the tariff determination process for the year 2001-2004, 2004-09 and 2009-14 for the subject transmission line. She further submitted that the Petitioner had filed a Civil Appeal No. 74/75 of 2023 against the said judgement of the APTEL dated 17.10.2022 and the Supreme Court, vide order dated 23.1.2023, has stayed the ratio of the impugned judgement of the APTEL as precedence. It is further clarified that it will be open to the authorities to duly consider all reasons and contentions and pass order/judgment without relying upon the impugned judgment.



7. After hearing the learned counsel for the Review Petitioner, the Commission reserved the order on admissibility.

**By order of the Commission**

sd/-  
(Kamal Kishor)  
Asth. Chief (Law)

