

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 209/MP/2017

Subject : Petition for approval of Transmission Charges, Transmission Losses and other Conditions for use of the 176.5 km long 220KV Double Circuit Dedicated Transmission Line of Allain Duhangan Hydro Project- In Remand of proceedings arising out of Petition No. 259/MP/2010 by Hon'ble Supreme Court of India.

Date of hearing : 16.2.2023

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

Petitioner : A.D. Hydro Power Limited (ADHPL)

Respondents : Everest Power Private Limited (EPPL) and Ors.

Parties present : Dr. Seema Jain, Advocate, ADHPL
Shri. Neeraj Kumar, NLDC
Shri. Sunny Machal, NLDC
Shri. Alok Mishra, NLDC
Shri. Sunil Kumar, NRLDC

Learned counsel for the Petitioner submitted that the Appellate Tribunal for Electricity (APTEL) vide judgment dated 31.10.2022 in Appeal No. 450 of 2019 filed by Kanchenjunga Power Company Pvt. Ltd. (KPCPL) has *set aside* the Commission's order dated 17.10.2019 to the extent as challenged in the appeal and has directed the Commission to pass necessary consequential orders in light of the observations and conclusions recorded by APTEL. Learned counsel further submitted that the Petitioner has submitted the information called for vide Record of Proceedings for the hearing dated 24.1.2023.

2. The Representative of NLDC submitted that as per the direction of the Commission dated 24.1.2023, NLDC had convened a meeting with the parties including CTUIL on 5.2.2023. However, no consensus could be reached between the parties. He further added that NLDC is required to analyse all the facts as per the judgment of APTEL and sought ten days' time to place on record the affidavit in this regard.

3. In response to the query of the Commission regarding deemed licensee, learned counsel for the Petitioner submitted that APTEL in para 113 of its judgments dated 31.10.2022 has already dealt with the issue of deemed licensee and has held



that ADHPL being the owner of deemed ISTS, becomes a deemed ISTS licensee within the meaning of yearly transmission charges.

4. After hearing the submissions of the learned counsel for the Petitioner, the Commission ordered the following:

(a) NLDC to convene a meeting again within two days, if required with the concerned parties as directed during ROP for hearing dated 24.1.2023 and file the minutes of meeting and NLDC's recommendations within 10 days; and

(b) The Petitioner to submit the comparative statement of the transmission charges due as well as recovered from start to till date from the entities connected to the Petitioner's line, in terms of the Commission order dated 17.10.2019 as per the following table.

Sl. No.	Generating Station/ Discom/ any other entity	Capacity (in MW)	Financial year	Charges due in terms of order dated 17.10.2019	Total charges recovered

5. The Petition shall be listed for hearing on 21.3.2023.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**