

**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 220 kV Double Circuit Dedicated Transmission Line of the Petitioner {Allain Duhangan Hydro Project Limited (ADHPL)} from Prini (Generating station of ADHPL) to Nalagarh (Sub-station of CTU).

**Date of Hearing** : 8.12.2023

**Coram** : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member

**Petitioner** : AD Hydro Power Limited (ADHPL)

**Respondent** : Everest Power Private Ltd. (EPPL) and Ors.

**Parties present** : Shri Sumit Garg, ADHPL  
Shri Lakshyajit Singh Bagdwal, Advocate, KPCPL  
Shri Ranjeet Singh Rajput, CTUIL  
Ms. Pryansi Jadiya, CTUIL  
Ms. Kavya Bhardwaj, CTUIL  
Shri Ishrat Ali, CTUIL

**Record of Proceedings**

The instant matter was remanded by APTEL vide order dated 31.8.2023 in Appeal No. 410 of 2019, filed by ADHPL with a direction to examine the matter afresh. Accordingly, the matter was taken up.

2. The representative of the Petitioner submitted that the tariff for its 176.50 km D/C 220 kV Transmission Line of ADHPL from Prini (generating station of ADHPL) to Nalagarh Sub-station of PGCIL was approved by the Commission vide order dated 17.10.2019 in Petition No. 209/MP/2017. In an order dated 17.10.2019, the Commission restricted the capital cost of the transmission line and held that the transmission line is a dedicated transmission line and the same can be used by others on certain terms and conditions.

3. The representative of the Petitioner submitted that Kanchanjunga Power Company Private Limited (KPCPL), one of the users of the Petitioner's transmission line, filed Appeal No. 450 of 2019 before the APTEL against the Commission's finding that the



transmission line is a dedicated transmission line. APTEL vide judgement dated 31.10.2022 in Appeal No.450 of 2019 held that the transmission line is an ISTS line and not a dedicated transmission line and the charges for the transmission line should be charged as per the PoC mechanism and remanded the matter to the Commission with a direction to pass consequential order. The arguments are heard on remand and the order is reserved in the matter.

4. The representative of the Petitioner submitted that the Petitioner filed Appeal No. 410 of 2019 before the APTEL with respect to the restriction of capital cost of the transmission line. He submitted that APTEL vide judgment dated 31.8.2023, remanded the Petitioner's Appeal No. 410 of 2019 for fresh examination of the Petitioner's claim of capital cost, additional capital expenditure and initial spares in terms of Regulations 7, 8 and 9 of the 2009 Tariff Regulations.

5. Learned counsel for KPCPL submitted that APTEL has held that the instant transmission line is an ISTS, and hence the transmission charges should be dealt with as per the PoC mechanism and accordingly directed the Commission to pass the consequential order. He submitted that as the arguments have already been heard by the Commission on this issue and the order is reserved, he requested to issue the order without clubbing the same with the APTEL's directions regarding the capital cost in an order dated 31.8.2023. He also submitted that the issues raised by it in the Appeal No. 450 of 2019 and by the Petitioner in Appeal No.410 of 2019 are different and, therefore, the issues are to be dealt with separately and may not be clubbed. He further submitted that transmission charges were recovered from KPCPL considering the transmission line as a dedicated transmission line and the same has to be refunded to KPCPL in terms of APTEL's judgement. He also requested a refund of the transmission charges recovered from it and not to adjust the same.

6. The representative of the Petitioner also submitted that the issues involved in the Appeals are on different issues. Therefore, both issues cannot be clubbed, and separate orders may be passed. He further requested to take up the matter in January, 2024 as the Petitioner's counsel is not available.

7. In response to the Commission's query, the representative of the Petitioner submitted that KPCPL started using the Petitioner's line in June, 2016. He submitted that KPCPL is connected to the Petitioner's line through HPPTCL's sub-station. Therefore, the Petitioner is not raising any bill directly on KPCPL and KPCPL has paid the transmission charges through HPPTCL.

8. The Commission directed the Petitioner to file the following information on an affidavit by 2.1.2024 with an advance copy to the Respondents:

- a. Investment amount and approval accorded by the competent authority.
- b. SCOD of the transmission asset
- c. Justification of time and cost overrun, if any, together with supporting documents.



- d. All the tariff forms as per 2009-14 and 2014-19 Tariff Regulations, especially, Form-5.
- e. Auditor's Certificate clearly indicating Hard Cost, IDC and IEDC as well as element wise (i.e. land, building, transmission line, Sub-station, communication system) capital cost as on COD.
- f. Reason for huge variation in capital cost claimed vis-à-vis indicative cost of CTUIL of similar voltage levels.
- g. The impact of IDC/ IEDC due to delay in commissioning of the transmission asset.
- h. Reasons for claiming ACE during the 2009-14 tariff period along with the relevant provision of the Tariff Regulations.
- i. Whether the switchyard @ Prini is part of the generating station or part of the transmission system? Clarify the same.

9. The Commission directed the Respondents to file their reply by 18.1.2024 on the issue of capital cost with an advance copy to the Petitioner and the Petitioner to file its rejoinder, if any, on an affidavit by 30.1.2024. The Commission further directed the parties to strictly comply with the above direction within the specified timeline and observed that no extension of time would be granted.

10. The matter will be listed for final hearing on 14.2.2024.

**By order of the Commission**

sd/-  
(V. Sreenivas)  
Joint Chief (Law)

