

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 363/MP/2022

- Subject** : Petition under Section 79 of the Electricity Act, 2003 read with Regulations 111, 112 and 119 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for enforcement/ execution of the tariff order dated 28.11.2019 passed by the Commission in Petition No. 137/TT/2018 directing bilateral billing and payment of transmission charges by Respondent No. 1 to the Petitioner on account of delay in commissioning of its downstream transmission networks.
- Date of Hearing** : 2.5.2023
- Coram** : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner** : Power Grid Corporation of India Limited (PGCIL)
- Respondent** : Jharkhand Urja Sancharan Nigam Limited (JUSNL) and Anr.
- Parties present** : Shri Shubham Arya, Advocate, PGCIL
Ms. Reeha Singh, Advocate, PGCIL
Ms. Sikha Sood, Advocate, PGCIL
Shri Md. Mohsin, PGCIL
Shri Arjun Malhotra, PGCIL

Record of Proceedings

Learned counsel for the Petitioner submitted as follows:

- (a) The Commission vide order dated 28.11.2019 in Petition No. 137/TT/2018 (for determination of tariff for the period from COD to 31.3.2019) approved the COD of 02 Numbers of 132 kV line bays at Daltonganj Sub-station (Asset-II in the said petition) as 2.9.2018 under proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations, due to the non-execution of the downstream assets under the scope of JUSNL, Respondent No. 1 and directed JUSNL to bear the transmission charges from the COD of Asset-II i.e. 2.9.2018 till COD of associated downstream transmission line under its scope. The Commission



vide order dated 14.1.2021 in Petition No. 306/TT/2020 (trued up the tariff of the 2014-19 tariff period and determined the tariff for the 2019-24 tariff period) has reiterated its findings as in Petition No. 137/TT/2018.

- (b) JUSNL filed Appeal No. 102 of 2023 and Appeal No.313 of 2021 before APTEL against the Commission's order dated 28.11.2019 in Petition No. 137/TT/2018 and order dated 14.1.2021 in Petition No. 306/TT/2020, respectively. The same are pending adjudication before the APTEL. JUSNL also filed IA No. 1557 of 2021 in Appeal No. 313 of 2021 for the stay of the order dated 14.1.2021. However, JUSNL did not press the IA during the hearing on 9.2.2023 and requested to list the same alongwith the main Appeal No. 102 of 2023. Hence, no interim directions for stay of the Commission's order was granted by the APTEL.
- (c) The bilateral bills have been raised on JUSNL by CTUIL as per the directions of the Commission. However, JUSNL has failed to pay the amount raised in the invoices even after repeated requests and reminders from CTUIL.
- (d) The Petitioner has requested for enforcement of the Commission's order in favour of the Petitioner.

2. In response to the Commission's query, the learned counsel for the Petitioner submitted that the downstream assets of the 2 line bays at Daltonganj Sub-station, under the scope of JUSNL, are yet not ready.

3. The Commission admitted the petition and directed to issue notice to the Respondents.

4. The Commission further directed the Respondents to file their reply on an affidavit by 5.6.2023 with an advance copy to the Petitioner and the Petitioner to file its rejoinder, if any, by 30.6.2023. The Commission further observed that no request for extension of time will be entertained and directed the parties to strictly comply with the above directions within the specified timeline.

5. The Petition shall be listed for further hearing on 21.7.2023.

By order of the Commission

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

