

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 685/TT/2020**

- Subject** : Petition for approval under Regulation 86 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 for determination of transmission tariff from anticipated COD to 31.3.2024 for  $\pm$  800 kV 6000 MW Raigarh (HVDC Station)-Pugalur (HVDC Station) HVDC Link along with  $\pm$  800 kV 1500 MW (Pole-I) HVDC terminals each at Raigarh (HVDC Station) & Pugalur (HVDC Station) under “HVDC Bipole link between Western Region (Raigarh, Chattisgarh) and Southern Region (Pugalur, Tamil Nadu)-North Trichur (Kerala)-Scheme 1: Raigarh-Pugalur 6000 MW HVDC System” in Southern Regional Grid.
- Date of Hearing** : **4.10.2023**
- Coram** : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P.K. Singh, Member
- Petitioners** : Powergrid Corporation of India Limited
- Respondents** : Tamil Nadu Generation and Distribution Corporation Limited & Ors.
- Parties Present** : Shri P. Wilson, Senior Advocate, TANGEDCO  
Ms. Swapna Seshadri, Advocate, PGCIL  
Shri Utkarsh Singh, Advocate, PGCIL  
Ms. Suparna Srivastava, Advocate, CTUIL  
Shri Tushar Mathur, Advocate, CTUIL  
Ms. Tejasvita Dhawan, Advocate, CTUIL  
Shri S. Vallinayagam, Advocate, TANGEDCO  
Shri Apoorv Malhotra, Advocate, TANGEDCO  
Shri Aishwarya Raj Mishra, Advocate, TANGEDCO  
Shri Prabhas Bajaj, Advocate, KSEB  
Shri Priyanshu Tyagi, Advocate, KSEB  
Shri Vishrov Mukherjee, Advocate, Sembcorp Energy  
Shri Yashaswi Kant, Advocate, Sembcorp Energy  
Ms. Priyanka Vyas, Advocate, Sembcorp Energy  
Shri Shubham Mudgil, Advocate, UPPCL  
Shri Abhishek Kumar, Advocate, UPPCL  
Shri Sitesh Mukherjee, Advocate, UPPCL  
Shri Anup Jain, Advocate, MSEDCL



Ms. Nishtha Goel, Advocate, MSEDCL  
Shri Shubhranshu Padhi, Advocate, R. No. 12 to 15  
Shri Niroop Sukirthy, Advocate, R. No. 11 to 15  
Shri D. Abhinav Rao, Advocate, R. Nos. 9, 10 and 16  
Shri Rahul Jajoo, Advocate, R. Nos. 9, 10 and 16  
Shri Sidhant Kumar, Advocate, R. Nos. 7 & 8  
Ms. Manyaa Chandok, Advocate, R. Nos. 7 & 8  
Shri Ravin Dubey, Advocate, MPPMCL  
Shri Ravi Sharma, Advocate, CSPDCL  
Shri Raj Kumar Mehta, Advocate, GRIDCO  
Ms. Himanshi Andley, Advocate, GRIDCO  
Shri Manish Kumar Choudhary, Advocate, BSPHCL  
Shri Mukesh Khanna, PGCIL  
Shri Mohd. Mohsin, PGCIL  
Shri Zafrul Hasan, PGCIL  
Shri Angaru Naresh Kumar, PGCIL  
Shri Anil Kumar Meena, CTUIL  
Shri Swapnil Verma, CTUIL  
Shri R. S. Rajput, CTUIL  
Shri V. Srinivas, CTUIL  
Shri M. Sethuraman, TANGEDCO  
Dr. R. Kathiravan, TANGEDCO  
Shri Gajendra Singh, NLDC  
Shri Prabhankar, NLDC  
Shri Debajyoti Majumdar, NLDC

### **Record of Proceedings**

TANGEDCO, Respondent No. 1, Andhra Pradesh Discoms, Respondent Nos. 7 and 8, KSEBL, Respondent No. 3, Karnataka Discoms, Respondent Nos. 11 to 15, MSEDCL, Respondent No. 20, BSPHCL, Respondent No. 41, GRIDCO, Respondent No. 43, Telangana Discoms, Respondent Nos. 9 and 10, CSPDCL, Respondent No. 24, MPPMCL, Respondent No. 19 and CTUIL, Respondent No. 75 made elaborate submissions in the matter. The learned counsel for PGCIL responded to the submissions made by the Respondents.

2. The learned senior counsel for TANGEDCO submitted mainly on the following counts:- (i) the Petitioner has conceded that the RPT HVDC system has to be declared an asset of national and strategic importance and should be included in the 'National Component' for the purpose of sharing transmission charges, (ii) the order dated 29.9.2022 in Petition No. 685/TT/2020 has been set aside in its entirety and, hence, the matter has to be heard afresh. (iii) the Petitioner has not obtained the regulatory approval as required under the Central Electricity Regulatory Commission (Grant of Regulatory Approval for execution of Inter-State Transmission Scheme to Central Transmission Utility) Regulations, 2010 and, hence, the RPT HVDC system does not have any legally sanctity and it should be demolished as an illegal construction. The The learned senior counsel for TANGEDCO submitted that two appeals filed by TANGEDCO against the tariff orders approving the tariff for other elements covered under the instant HVDC system were also remanded by the APTEL to the



Commission, and they may also be taken together with the instant petition. The learned senior counsel for TANGEDCO further submitted that, if required, they would approach the Hon'ble Supreme Court to extend the time given to the Commission for disposal of the instant matter on remand. Learned senior counsel for TANGEDCO requested time to file its response to the reply filed by CTUIL on 3.10.2023.

3. The learned counsel for Andhra Pradesh Discoms submitted that he APTEL has set aside the entire order dated 29.9.2022 in Petition No. 685/TT/2020. He further submitted that, as per the pleadings submitted by the Petitioner and the Commission in the Civil Appeals filed before the Hon'ble Supreme Court, it is clear that it is their understanding that the order dated 29.9.2022 in Petition No. 685/TT/2020 has been set aside by the APTEL in its entirety. He submitted that certain parties were impleaded as Respondents in the matter at the stage of remand, and they did not have the opportunity to make their submission on the tariff that has been approved for the RPT HVDC system. Therefore, the submissions made by the Respondents on the tariff determination have to be considered. He also submitted that the Commission did not take into consideration the actual usage of the Biswanath Chariali-Alipurduar-Agra HVDC transmission line and Mundra-Mohindergarh HVDC transmission line while granting them the status of national and strategic importance. However, in the instant case, the Commission has sought the details of the power flow from WR to SR and from SR to WR from CTUIL, which is not required. He submitted that the asset was put into commercial operation on 6.9.2020, therefore, the 2010 Sharing Regulations are applicable for the instant transmission system. Taking into consideration the recommendations of CTUIL and Grid Controller of India Limited (GCIL), the Commission should declare the RPT HVDC system an asset of national and strategic importance and the treatment given to the Biswanath Chariali-Alipurduar-Agra HVDC transmission line and the Mundra-Mohindergarh HVDC transmission line should be extended to the RPT HVDC system. He requested time to file its written submissions.

4. The learned counsel for KSEBL adopted the submissions made by TANGEDCO and AP Discoms. He submitted that the rationale and logic adopted in declaring the Biswanath Chariali-Alipurduar-Agra HVDC line and Mundra Mohindergarh HVDC transmission line should be adopted in this case as well. Further, the Commission has raised queries about the bi-directional flow of power in the instant case, which were not asked in the case of the other two HVDC systems. As per the APTEL judgement, the Commission should adopt a consistent approach. He submitted that GCIL has stated that the power flow in the reverse direction, i.e. from SR to WR, has been increasing. He requested to consider the MoP's letter and CTUIL's affidavit to declare the RPT HVDC system as the 'National Component'. He requested time to file its written submissions.

5. The learned counsel for Karnataka Discoms submitted that the RPT HVDC system should be considered in the 'National Component' as per the APTEL's judgment, which has also been upheld by the Hon'ble Supreme Court. He further submitted that he adopts the submissions made by the Southern Region beneficiaries. He requested time to file its written submissions.



6. The learned counsel for CTUIL submitted that the Commission, vide RoP dated 27.9.2023 had directed CTUIL to provide the case laws on the scope of remand and also to furnish certain information. She made a detailed submission on the scope of remand and the retrospective/ prospective applicability of the regulations, referring to various judgments of the Hon'ble Supreme Court. She also submitted that the information sought by the Commission has also been filed.

7. The learned counsel for the Respondents, MSEDCL, BSPHCL, GRIDCO, CSPDCL, and MPPMCL, submitted that they are not deriving any benefit from the RPT HVDC system and, hence, the asset may not be considered a 'National Component'. All of them sought time to file the written submission.

8. Shri Shubham Mudgil, Shri Abhishek Kumar, Advocates for UPPCL, and Shri Ravin Dubey, Advocate for MPPMCL, were present during the last hearing on 27.9.2023. However, their presence was inadvertently not marked in the RoP of the hearing dated 27.9.2023.

9. The learned counsel for the Petitioner submitted that the matter is remanded to the Commission on the limited issue of whether the Commission has the jurisdiction to declare the RPT HVDC system an asset of national importance and include it in the 'National Component' for the purpose of sharing its transmission charges. She submitted that TANGEDCO has not raised the issue of "regulatory approval" in Petition No. 685/TT/2020 and it was raised by it in the appeal filed before the APTEL. However, the same was not discussed by the APTEL in its judgment dated 18.7.2023. APTEL, while remanding the matter, directed the Commission to pass an order in the light of the observations made in the judgment. APTEL neither made any observations on the issue of "regulatory approval" nor on the tariff that has been approved by the Commission for the RPT HVDC system in order dated 29.9.2022 in Petition No. 685/TT/2020. She further submitted that the instant HVDC system was made at the behest of Tamil Nadu on compressed time schedule to meet the increasing demand in the SR. TANGEDCO was a party to the discussions from the planning to execution of the instant HVDC system and it was discussed and approved in the various RPCs. She further submitted that the instant HVDC system was approved by the MoP. She also submitted that the RPT HVDC system is being used by Tamil Nadu and other Southern Region beneficiaries for the import and export of power and, hence, TANGEDCO's plea for scrapping the HVDC system should be rejected.

10. The Commission directed the GCIL to submit the following information on an affidavit, as directed in RoP dated 27.9.2023, by 10.10.2023, with a copy to the other parties:

a. How much energy (not power) has been transmitted through the Raigarh-Pugalur HVDC in the forward direction (WR to SR) and how much energy was transmitted in the reverse direction (SR to WR) over the last two financial years?

b. Month-wise data of maximum quantum of power exported (in MW) viz a viz maximum quantum of power imported in any time block in a day from Raigarh-Pugalur HVDC, for the period March 2023 to August 2023.



c. Whether Mundra-Mohindergarh HVDC has been used in the reverse direction (NR to WR)? If yes, month-wise data of maximum quantum of power flow (in MW) in any time block in a day from NR to WR, for the period March 2020 to August 2023.

d. Suggestions regarding the “quantum of bi-directional flow through the concerned HVDC inter-regional link” considering the HVDC inter-regional link(s) under the National component as categorically required under the Ministry of Power’s letter dated 30.5.2022.

e. From the data submitted by GCIL, it is observed that Raigarh-Pugalur carried power from SR to WR even when the Southern region was a net importer of power. NLDC to clarify whether Raigarh-Pugalur was carrying power from SR to WR in such a situation due to RE power in the Southern region or to manage flow in some other AC lines, and the details thereof.

11. On being confirmed by the learned counsel for the Petitioner that CEA has not filed a reply in the matter, the Commission directed the CEA to file its reply on the observations of APTEL and MoP’s letter dated 30.5.2022, specifically on the “quantum of bi-directional flow through the concerned HVDC inter-regional link” for considering the HVDC inter-regional link under ‘National Component’, on an affidavit, by 10.10.2023, with a copy to the other parties. The Commission observed that the APTEL, in its judgement, specifically observed that CEA should be consulted.

12. The Commission granted time till 10.10.2023 to the parties to file their written submissions, not exceeding five pages. The Commission also observed that no further time will be granted and the matter will be disposed of on the basis of the information available on record.

13. Subject to the above, the Commission reserved its order in the matter.

**By order of the Commission**

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

