

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 13/TT/2022**

**Coram:**

**Shri I. S. Jha, Member  
Shri Arun Goyal, Member**

**Date of Order: 09.01.2023**

**In the matter of:**

Approval under Regulation 86 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for determination of transmission tariff from COD to 31.3.2024 under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 for Asset under "POWERGRID works associated with Eastern Region Strengthening Scheme XVIII" in Eastern Region.

**And in the matter of:**

Power Grid Corporation of India Limited,  
"Saudamini", Plot No. 2,  
Sector 29, Gurgaon – 122001 (Haryana).

**.... Petitioner**

**Vs.**

1. Bihar State Power (Holding) Company Limited,  
(Formerly Bihar State Electricity Board-BSEB),  
Vidyut Bhawan, Bailey Road,  
Patna – 800001.
2. West Bengal State Electricity Distribution Company Limited,  
Bidyut Bhawan, Bidhan Nagar,  
Block DJ, Sector-II, Salt Lake City,  
Calcutta – 700091.
3. Grid Corporation of Orissa Limited,  
Shahid Nagar, Bhubaneswar – 751007.
4. Damodar Valley Corporation,  
DVC Tower, Maniktala,  
Civic Centre, VIP Road,  
Calcutta – 700054.
5. Power Department,  
Government of Sikkim,  
Gangtok – 737101.



6. Jharkhand State Electricity Board,  
In Front of Main Secretariat,  
Doranda, Ranchi – 834002.
7. Powergrid Medinipur Jeerat Transmission Limited,  
(PMJTL subsidiary of Powergrid Corporation of Indian Limited),  
Registered office: B-9, Qutab Institutional Area,  
Katwaria Sarai, New Delhi – 110016. ...Respondent(s)

**For Petitioner** : Shri Mukesh Khanna, PGCIL  
Shri B. B. Rath, PGCIL  
Shri Amit Yadav, PGCIL

**For Respondents** : Ms. Poonam Verma, Advocate, ATL  
Ms. Aparajita Upadhyay, Advocate, ATL  
Ms. Gayatri Aryan, Advocate, ATL  
Ms. Priyakshi, Advocate, ATL  
Shri Manish Chaudhary, Advocate, BSPHCL  
Shri Himanshu Thakur, Advocate, BSPHCL  
Shri Yogesh Dalal, ATL  
Shri Amit Kumar, ATL

### **ORDER**

Power Grid Corporation of India Limited, a deemed transmission licensee, has filed the instant petition for determination of transmission tariff for the period from COD to 31.3.2024 under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (hereinafter referred to as “the 2019 Tariff Regulations”) in respect of 02 numbers 765 kV line bays along with 240 MVAR (765 kV, 3x80 MVAR single phase units) switchable line reactor with 750 Ohm NGR (Neutral Grounding Reactor) in each circuit along with associated bays at 765/400 kV Ranchi (New) Sub-station for termination of Ranchi (New)-Medinipur 765 kV D/C line (765 kV D/C Ranchi-Medinipur Transmission Line under TBCB) (hereinafter referred to as the “transmission asset”) under “Eastern Region Strengthening Scheme XVIII” in Eastern Region (hereinafter referred to as “the transmission project”).



2. The Petitioner has made the following prayers in the instant petition:

*“1) Approve the Transmission Tariff for the tariff block 2019-24 block for the assets covered under this petition, as per para –8.3 above.*

*2) Admit the capital cost as claimed in the Petition and approve the Additional Capitalisation incurred / projected to be incurred.*

*3) Approve the DOCO for the subject Asset-I and allow full tariff as claimed under instant petition.*

*4) Approve the initial spares as claimed in the instant asset-I.*

*5) Allow the petitioner to recover the shortfall or refund the excess Annual Fixed Charges, on account of Return on Equity due to change in applicable Minimum Alternate/Corporate Income Tax rate as per the Income Tax Act, 1961 (as amended from time to time) of the respective financial year directly without making any application before the Commission as provided in Tariff Regulation 2019 as per para 8.3 above for respective block.*

*6) Approve the reimbursement of expenditure by the beneficiaries towards petition filing fee, and expenditure on publishing of notices in newspapers in terms of Regulation 70 (1) Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019, and other expenditure (if any) in relation to the filing of petition.*

*7) Allow the petitioner to bill and recover Licensee fee and RLDC fees and charges, separately from the respondents in terms of Regulation 70 (3) and (4) Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019.*

*8) Allow the petitioner to bill and adjust impact on Interest on Loan due to change in Interest rate on account of floating rate of interest applicable during 2019-24 period, if any, from the beneficiaries.*

*9) Allow the Petitioner to bill and recover GST on Transmission Charges separately from the respondents, if GST on transmission is levied at any rate in future. Further, any taxes including GST and duties including cess etc. imposed by any statutory/Govt./municipal authorities shall be allowed to be recovered from the beneficiaries.*

*10) Allow interim tariff in accordance with Regulation 10(3) of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 for purpose of inclusion in the PoC charges.*

*and pass such other relief as Hon’ble Commission deems fit and appropriate under the circumstances of the case and in the interest of justice.”*

## **Background**

3. The brief facts of the case are as follows:



(a) The Investment Approval (IA) of the transmission project was accorded by Board of Directors of the Petitioner's Company in its 353rd meeting held on 1.5.2018, communicated vide Memorandum No. C/CP/PA1819-02-0D-IA004 dated 25.5.2018, at an estimated cost of ₹12536 lakh including IDC of ₹752 lakh at December, 2017 price level.

(b) The transmission project was initially proposed and discussed in the 16<sup>th</sup> Standing Committee Meeting (SCM) held on 2.5.2014 and then approved in the 17<sup>th</sup> SCM dated 25.5.2015. The initial plan was also deliberated in the 30<sup>th</sup> ERPC dated 20.6.2015.

(c) Subsequently, the final project was improvised and its scope of works were deliberated and approved in the 1<sup>st</sup> Eastern Region Standing Committee Meeting on Transmission (ERSCT) held on 16.8.2018. The same was also deliberated and noted in the meeting with constituents of Eastern Region in the 39<sup>th</sup> TCC of ERPC meeting held on 16<sup>th</sup> and 17<sup>th</sup> November, 2018.

(d) The scope of work covered under the transmission project is as follows:

**Sub-station:**

**(i) Extension of 765 kV Ranchi (New) Sub-station**

- **765 kV Line Bay:** 02 numbers 765 kV line bays at Ranchi (New) for termination of Ranchi (New)-Medinipur 765 kV D/C line (**line under TBCB**)
- **765 kV Line reactor:** 240 MVAR (765 kV, 3X80 MVAR single phase units) switchable line reactor with 750 Ohm NGR in each circuit at Ranchi (New) and of Ranchi (New)-Medinipur 765 kV D/C line (**line under TBCB**)

**(ii) Extension of 400 kV Subhashgram Sub-station**

- **400 kV Line Bay:** 02 numbers 400 kV line bays at Subhashgram for termination of Jeerat (New)-Subhashgram 400 kV D/C (ACSR Quad Moose) line (**line under TBCB**)

(e) The Petitioner has submitted that the entire scope of the transmission project has been covered under the following petitions:



Sl. No.	Name of Asset	COD	Remarks
1	2 numbers 765 kV line bays along with 240 MVAR (765 kV, 3x80 MVAR single phase units) switchable line reactor with 750 Ohm NGR (Neutral Grounding Reactor) in each circuit along with associated bays at 765/400 kV Ranchi (New) Sub-station for termination of Ranchi (New)-Medinipur 765 kV D/C line (765 kV D/C Ranchi-Medinipur Transmission Line under TBCB)	9.2.2021 (actual)	Covered under instant petition
<b>Balance Scope</b>			
2	02 numbers 400 kV line bays at Subhashgram Sub-station for termination of 400 kV D/C Jeerat (New)-Subhsagram line (line under TBCB).	Yet to achieve COD	To be filed subsequently

(f) As per IA dated 1.5.2018, the transmission asset was scheduled to be put into commercial operation within 27 months from the date of IA i.e. by 1.8.2020.

(g) The details of transmission asset including scheduled date of commercial operation (SCOD), date of commercial operation (COD) and time over-run are as follows:

SCOD	COD claimed	Time over-run
1.8.2020	9.2.2021	192 days

4. The Respondents are distribution licensees, power departments and transmission licensees, who are procuring transmission services from the Petitioner, mainly beneficiaries of the Eastern Region.

5. The Petitioner has served the petition on the Respondents and notice regarding filing of this petition has also been published in the newspapers in accordance with Section 64 of the Electricity Act, 2003. No comments or suggestions have been received from the general public or respondents in response to the aforesaid notices published in the newspapers by the Petitioner. Bihar State Power (Holding) Company Limited (BSPHCL) i.e. Respondent No. 1, has filed its reply vide affidavit dated 16.11.2022 and has raised issues of time over-run, ACE, MAT rates, GST,



change in interest rate due to floating rate of interest and filing fees and expenses. In response, the Petitioner has filed a rejoinder vide affidavit dated 28.11.2022.

6. The hearing in this matter was held on 27.10.2022 and the order was reserved.

7. This order is issued considering the submissions made by the Petitioner in the petition vide affidavit dated 12.8.2021, the Petitioner's affidavit dated 30.3.2022, BSPHCL's reply vide affidavit dated 16.11.2022 and the Petitioner's rejoinder vide affidavit dated 28.11.2022 thereto.

8. Having heard the representatives of the Petitioner and learned counsel of BSPHCL and having perused the material on record, we proceed to dispose of the petition.

9. BSPHCL has raised the issue of grossing up of RoE and MAT rates in this petition and the same issues were raised by BSPHCL in several petitions in the past. The Commission has considered and rejected said submissions in various petitions including in Petition No. 25/TT/2021 and Petition No. 476/TT/2019 and as no appeal has been preferred against the said orders by BSPHCL, the said orders have attained finality. Hence, the issues raised by BSPHCL regarding grossing up of RoE and MAT rates are not being dealt within the instant order. However, issues specific to the present petition have been dealt with in relevant portions of this order.

**DETERMINATION OF ANNUAL FIXED CHARGES FROM COD TO 31.3.2024 OF THE 2019- 24 TARIFF PERIOD**

10. The Annual Fixed Charges (AFC) claimed by the Petitioner in respect of the transmission asset for 2019-24 tariff period are as follows:



(₹ in lakh)

Particulars	2020-21 (Pro-rata for 51 days)	2021-22	2022-23	2023-24
Depreciation	68.30	513.04	542.17	556.93
Interest on Loan	64.12	459.52	447.79	422.29
Return on Equity	71.68	538.20	568.60	584.34
Interest on working capital	3.96	29.30	30.25	30.53
O&M Expenses	26.73	197.85	204.65	211.65
<b>Total</b>	<b>234.79</b>	<b>1737.91</b>	<b>1793.46</b>	<b>1805.74</b>

11. The details of the Interest on Working Capital (IWC) claimed by the Petitioner in respect of the transmission assets are as follows:

(₹ in lakh)

Particulars	2020-21 (Pro-rata for 51 days)	2021-22	2022-23	2023-24
O&M Expenses	15.94	16.49	17.05	17.64
Maintenance Spares	28.70	29.68	30.70	31.75
Receivables	207.17	214.26	221.11	222.02
<b>Total</b>	<b>251.81</b>	<b>260.43</b>	<b>268.86</b>	<b>271.41</b>
Rate of Interest (in %)	11.25	11.25	11.25	11.25
<b>Interest on Working Capital</b>	<b>3.96</b>	<b>29.30</b>	<b>30.25</b>	<b>30.53</b>

#### **Date of Commercial Operation (“COD”)**

12. Regulation 5 of the 2019 Tariff Regulations provides as follows:

**“5. Date of Commercial Operation:** (1) *The date of commercial operation of a generating station or unit thereof or a transmission system or element thereof and associated communication system shall be determined in accordance with the provisions of the Grid Code.*

(2) *In case the transmission system or element thereof executed by a transmission licensee is ready for commercial operation but the interconnected generating station or the transmission system of other transmission licensee as per the agreed project implementation schedule is not ready for commercial operation, the transmission licensee may file petition before the Commission for approval of the date of commercial operation of such transmission system or element thereof:*

*Provided that the transmission licensee seeking the approval of the date of commercial operation under this clause shall give prior notice of at least one month, to the generating company or the other transmission licensee and the long term customers of its transmission system, as the case may be, regarding the date of commercial operation:*

*Provided further that the transmission licensee seeking the approval of the date of commercial operation of the transmission system under this clause shall be required to submit the following documents along with the petition:*



- (a) Energisation certificate issued by the Regional Electrical Inspector under Central Electricity Authority;*
- (b) Trial operation certificate issued by the concerned RLDC for charging element with or without electrical load;*
- (c) Implementation Agreement, if any, executed by the parties;*
- (d) Minutes of the coordination meetings or related correspondences regarding the monitoring of the progress of the generating station and transmission systems;*
- (e) Notice issued by the transmission licensee as per the first proviso under this clause and the response;*
- (f) Certificate of the CEO or MD of the company regarding the completion of the transmission system including associated communication system in all respects.*

*(3) The date of commercial operation in case of integrated mine(s), shall mean the earliest of —*

- a) the first date of the year succeeding the year in which 25% of the Peak Rated Capacity as per the Mining Plan is achieved; or*
- b) the first date of the year succeeding the year in which the value of production estimated in accordance with Regulation 7A of these regulations, exceeds total expenditure in that year; or*
- c) the date of two years from the date of commencement of production:*

*Provided that on earliest occurrence of any of the events under sub-clauses (a) to (c) of Clause (3) of this Regulation, the generating company shall declare the date of commercial operation of the integrated mine(s) under the relevant sub-clause with one week prior intimation to the beneficiaries of the end-use or associated generating station(s);*

*Provided further that in case the integrated mine(s) is ready for commercial operation but is prevented from declaration of the date of commercial operation for reasons not attributable to the generating company or its suppliers or contractors or the Mine Developer and Operator, the Commission, on an application made by the generating company, may approve such other date as the date of commercial operation as may be considered appropriate after considering the relevant reasons that prevented the declaration of the date of commercial operation under any of the sub-clauses of Clause (3) of this Regulation;*

*Provided also that the generating company seeking the approval of the date of commercial operation under the preceding proviso shall give prior notice of one month to the beneficiaries of the end-use or associated generating station(s) of the integrated mine(s) regarding the date of commercial operation.”*

13. The Petitioner has claimed the COD of the transmission asset as 9.2.2021 matching with the 765 kV D/C Ranchi (New)-Medinipur transmission line being implemented by POWERGRID Medinipur Jeerat Transmission Limited (PMJTL).

14. In support of the COD of the transmission asset, the Petitioner has submitted CEA energisation certificate, certificate of completion of trial operation of the





transmission element dated 4.6.2021 certifying that trial operation was completed on 8.2.2021, CMD certificate, notification of COD dated 9.2.2021 and Corrigendum notification of COD dated 24.2.2021 in accordance with Regulation 5(1) of the 2019 Tariff Regulations.

15. Taking into consideration the CEA energisation certificate, certificate of completion of trial operation of transmission element, CMD certificate and notification of COD as required under the Grid Code, COD of the transmission asset is approved as 9.2.2021.

### **Capital Cost**

16. Regulation 19 of the 2019 Tariff Regulations provides as follows:

**“19 Capital Cost:** (1) *The Capital cost of the generating station or the transmission system, as the case may be, as determined by the Commission after prudence check in accordance with these regulations shall form the basis for determination of tariff for existing and new projects.*

(2) *The Capital Cost of a new project shall include the following:*

- (a) The expenditure incurred or projected to be incurred up to the date of commercial operation of the project;*
- (b) Interest during construction and financing charges, on the loans (i) being equal to 70% of the funds deployed, in the event of the actual equity in excess of 30% of the funds deployed, by treating the excess equity as normative loan, or (ii) being equal to the actual amount of loan in the event of the actual equity less than 30% of the funds deployed;*
- (c) Any gain or loss on account of foreign exchange risk variation pertaining to the loan amount availed during the construction period;*
- (d) Interest during construction and incidental expenditure during construction as computed in accordance with these regulations;*
- (e) Capitalised Initial Spares subject to the ceiling rates in accordance with these regulations;*
- (f) Expenditure on account of additional capitalization and de-capitalisation determined in accordance with these regulations;*
- (g) Adjustment of revenue due to sale of infirm power in excess of fuel cost prior to the date of commercial operation as specified under Regulation 7 of these regulations;*
- (h) Adjustment of revenue earned by the transmission licensee by using the Asset-before the date of commercial operation;*
- (i) Capital expenditure on account of ash disposal and utilization including handling and transportation facility;*
- (j) Capital expenditure incurred towards railway infrastructure and its augmentation for transportation of coal upto the receiving end of the*



generating station but does not include the transportation cost and any other appurtenant cost paid to the railway.

(k) Capital expenditure on account of biomass handling equipment and facilities, for co-firing;

(l) Capital expenditure on account of emission control system necessary to meet the revised emission standards and sewage treatment plant;

(m) Expenditure on account of fulfilment of any conditions for obtaining environment clearance for the project;

(n) Expenditure on account of change in law and force majeure events; and

(o) Capital cost incurred or projected to be incurred by a thermal generating station, on account of implementation of the norms under Perform, Achieve and Trade (PAT) scheme of Government of India shall be considered by the Commission subject to sharing of benefits accrued under the PAT scheme with the beneficiaries.

(3) The Capital cost of an existing project shall include the following:

(a) Capital cost admitted by the Commission prior to 1.4.2019 duly trued up by excluding liability, if any, as on 1.4.2019;

(b) Additional capitalization and de-capitalization for the respective year of tariff as determined in accordance with these regulations;

(c) Capital expenditure on account of ash disposal and utilization including handling and transportation facility;

(d) Capital expenditure on account of ash disposal and utilization including handling and transportation facility;

(e) Capital expenditure incurred towards railway infrastructure and its augmentation for transportation of coal up to the receiving end of generating station but does not include the transportation cost and any other appurtenant cost paid to the railway; and

(f) Capital cost incurred or projected to be incurred by a thermal generating station, on account of implementation of the norms under Perform, Achieve and Trade (PAT) scheme of Government of India shall be considered by the Commission subject to sharing of benefits accrued under the PAT scheme with the beneficiaries.”

(4) The capital cost in case of existing or new hydro generating station shall also include:

(a) cost of approved rehabilitation and resettlement (R&R) plan of the project in conformity with National R&R Policy and R&R package as approved; and

(b) cost of the developer's 10% contribution towards Rajiv Gandhi Grameen Vidyutikaran Yojana (RGGVY) and Deendayal Upadhyaya Gram Jyoti Yojana (DDUGJY) project in the affected area.

(5) The following shall be excluded from the capital cost of the existing and new projects:

(a) The Asset-forming part of the project, but not in use, as declared in the tariff petition;

(b) De-capitalised Asset-after the date of commercial operation on account of replacement or removal on account of obsolescence or shifting from one project to another project:

Provided that in case replacement of transmission Asset-is recommended by Regional Power Committee, such Asset-shall be decapitalised only after its redeployment;



*Provided further that unless shifting of an Asset-from one project to another is of permanent nature, there shall be no de-capitalization of the concerned asset.*

*(c) In case of hydro generating stations, any expenditure incurred or committed to be incurred by a project developer for getting the project site allotted by the State Government by following a transparent process;  
(d) Proportionate cost of land of the existing project which is being used for generating power from generating station based on renewable energy; and  
(e) Any grant received from the Central or State Government or any statutory body or authority for the execution of the project which does not carry any liability of repayment.”*

17. The Petitioner vide Auditor’s Certificate dated 12.3.2021 has claimed the following capital cost as on COD and Additional Capital Expenditure (ACE) projected to be incurred, in respect of the transmission asset:

FR apportioned approved cost	Capital cost claimed as on COD	Actual/ Projected ACE				(₹ in lakh)
		2020-21	2021-22	2022-23	2023-24	Total capital cost as on 31.3.2024
11182.42	9221.70	186.31	496.83	372.63	186.32	10463.79

18. The estimated completion cost of the transmission asset based on the Auditor’s certificate works out to ₹10463.79 lakh including IEDC and IDC which is within the FR apportioned approved cost of ₹11182.42 lakh. Therefore, there is no cost over-run.

### **Time over-run**

19. As per I.A. the transmission asset was scheduled to be put into commercial operation on 1.8.2020, against which the transmission asset was put into commercial operation on 9.2.2021. Therefore, there is time over-run of 192 days in case of the transmission asset.

20. The Petitioner has submitted that the Ministry of Power (MoP) vide letter dated 27.7.2020 has extended the SCOD of the inter-State transmission project by 5



months. Accordingly, the revised SCOD of the transmission is as follows:

Sl. No.	Asset	SCOD as per I.A.	Extended SCOD as per MoP letter dated 27.7.2020	COD	Delay
1	02 numbers 765 kV line bays along with 240 MVAR (765 kV, 3x80 MVAR single phase units) switchable line reactor with 750 Ohm NGR (Neutral Grounding Reactor) in each circuit along with associated bays at 765/400 kV Ranchi (New) Sub-station for termination of Ranchi (New) – Medinipur 765 kV D/C line (765 kV D/C Ranchi – Medinipur Transmission Line under TBCB)	1.8.2020	31.12.2020	9.2.2021 (actual)	40 days

21. The Petitioner has submitted that the COD of the transmission asset has been declared as 9.2.2021 matching with the associated 765 kV D/C Ranchi-Medinipur Transmission Line under TBCB route.

22. The Petitioner vide affidavit dated 30.3.2022 has submitted Form-12. The details of the same are as follows:

Sl. No.	Description	Original Schedule (as planned)		Actual Schedule (as per actual)		Agency responsible and whether such time over-run was beyond the control of transmission licensee	Reason for Delay / Remarks
1	Notification of Investment Approval	1.5.2018	30.5.2018	1.5.2018	25.5.2018		No Delay
2	Land Acquisition	Not Applicable					765/400 kV Ranchi (new) is an existing Sub-station
3	LOA / Award	25.5.2018	25.7.2018	29.5.2018	29.5.2018		No Delay. LOA was to be issued within 1-2 months after Investment Approval. LOA was issued immediately upon IA.
4	Civil works / Foundations etc	1.9.2018	30.10.2019	15.7.2018	31.12.2019	Unforeseen/ Uncontrollable reasons	Civil works or foundation works and site mobilisation works were planned for initiation by September 2018 i.e. within 3 months from LOA (29.5.2018). In actual, these works were initiated in advance w.r.t. schedule by 15.7.2018. However, the completion of civil works was affected by unprecedented and unseasonal rains during the usual lean period of October 2019 to



							December 2019
5	Supplies (Structures, equipment's etc)	20.9.2018	31.3.2019	20.12.2018	5.11.2019	Unforeseen/ Uncontrollable reasons	Supplies receipt started in December 2018 and were completed by November 2019 which was delayed as per target supply of March 2019 due to cascading effect of delay in foundation and erection works. The pace of supplies had to be adjusted to delay in foundation / civil works and erection works.
6	Erection works	10.12.2018	30.11.2019	2.1.2019	10.3.2020	Unforeseen/ Uncontrollable reasons	Erection works were started (January 2019) promptly upon receipt of initial supplies (December 2018). However, the erection had to be halted for 2 months due to unprecedented and unseasonal rains during the usual lean period of Feb 2019 to Mar 2019. The works were then completed by March'2020.
7	Testing and Commissioning	1.1.2020	1.8.2020	11.3.2020	9.2.2021	Unforeseen/ Uncontrollable reasons	After the completion of main erection works, the testing and commissioning works were initiated in early March 2020 (first application to CEA made on 11.3.2020). However, Covid-19 related restriction / nationwide lockdown alongwith unseasonal and unprecedented rains during the non-rainy months of March 2020 to April 2020 led to delay in T&C works. Subsequently, the T&C works resumed after these restrictions were overcome and movement of man and material regained at partial pace. CEA inspection and subsequent compliances were started and after successful trial run operation matching with associated TBCB line, the COD was declared w.e.f. 9.2.2021.

23. BSPHCL has submitted that the Petitioner got the benefit of 5 months extension on account of Covid-19 in view of circular issued in July, 2020 by MoP and despite this there is delay of 40 days in case of the transmission asset. No reason has been assigned for this delay of 40 days by the Petitioner. Therefore, no ground for condonation is made out.

24. In response, the Petitioner has submitted that there is effective time over-run of 40 days was due to mobilization issues of the contractor(s).



25. We have considered the submission of the Petitioner and BSPHCL. The Petitioner has submitted that the time over-run is mainly on account of Covid-19 and on account of matching with the TBCB line.

26. The Ministry of Power (MoP) vide letter dated 27.7.2020 has extended the SCOD in respect of inter-State transmission project by 5 months due to COVID-19 pandemic. The relevant portion of the letter dated 27.7.2020 is as follows:

*“Sub: Extension to TSP/Transmission Licensees for completion of under construction inter-State transmission projects*

*Sir,*

*I am directed to state that transmission utilities have pointed out that construction activities at various transmission project sites have been severely affected by the nationwide lockdown measures announced since 25th March, 2020 to contain outbreak of COVID-19 and have requested for extension of Scheduled Commercial Operation (SCOD) to mitigate the issues of disruption in supply chains and manpower, caused due to outbreak of COVID-19 pandemic.*

*2. It has been, therefore, decided that;*

*i. All inter-state transmission projects, which were under construction as on date of lock-down i.e. 25<sup>th</sup> March 2020, shall get an extension of five months in respect of SCOD*

*ii. This order shall not apply to those projects, whose SCOD date was prior to 25th March 2020*

*iii. Start date of Long Term Access granted to a generator by CTU based on completion of a transmission line, whose SCOD is extended by 5 months due to COVID-19 as mentioned above at point(i), shall also be extended by 5 months.”*

As per I.A. the SCOD of the transmission project is 1.8.2020. In terms of the above letter dated 27.7.2020, the revised SCOD of the transmission asset is considered as 31.12.2020. Hence, there is time over-run of 40 days in declaring the commercial operation of the transmission asset in terms of the revised SCOD.

27. The Petitioner has submitted that the time over-run from revised SCOD i.e. 31.12.2020 to 9.2.2021 is due to the time taken for matching with the associated TBCB line under the control of PMJTL. We are of the view that the time taken by the Petitioner to match with the COD of the associated TBCB does not fall under



“uncontrollable factors” as provided under Regulation 22(2) of the 2019 Tariff Regulations. Therefore, time over-run of 40 days beyond 31.12.2020 is not condoned.

**Interest During Construction (IDC) and Incidental Expenditure During Construction (IEDC)**

28. The Petitioner has claimed IDC in respect of the transmission asset and has submitted the Auditor’s Certificate dated 12.3.2021 in support of the same. The Petitioner has submitted the computation of IDC along with year-wise details of the IDC discharged.

29. The loan amount as on COD has been mentioned in Form-6 and Form-9C. The loan details submitted in Form-9C for 2019-24 tariff period and IDC computation statement have been considered for the purpose of IDC calculation on cash basis and on accrued basis. The un-discharged IDC as on COD has been considered as ACE during the year in which it has been discharged. However, in the statement showing IDC discharged up to COD, the Petitioner has indicated the floating rate of interest of the loans deployed. IDC on cash basis up to COD has been worked out on the basis of loan details given in the statement showing discharge of IDC and Form-9C for the transmission asset. The Petitioner is directed to submit the information on actual interest rates at the time of truing-up.

30. Accordingly, based on the information furnished by the Petitioner, IDC considered, is as follows:



(₹ in lakh)

IDC as per Auditor's Certificate	IDC admissible	IDC disallowed due to computational difference	IDC discharged as on COD	IDC Un-discharged as on COD	IDC discharge during	
					2020-21	2021-22
A	B	C=A-B	D	E=B-D	F	G
592.44	542.01	50.43	379.45	162.56	0.00	162.56

31. The Petitioner has claimed IEDC of ₹1165.30 lakh and has submitted Auditor's Certificate in support of the same. The Petitioner has also submitted that the entire IEDC has been discharged as on COD in respect of the transmission asset. Accordingly, IEDC allowed is as follows:

(₹ in lakh)

IEDC claimed	IEDC disallowed due to time over-run	IEDC allowed
1165.30	45.92	1119.38

### Initial Spares

32. Regulation 23(d) of the 2019 Tariff Regulations provides the following ceiling norms:

*"23 (d) Transmission System*

- (i) Transmission line - 1.00%
- (ii) Transmission Sub-station  
-Green Field - 4.00%  
-Brown Field - 6.00%
- (iii) Series Compensation devices and HVDC Station - 4%
- (iv) Gas Insulated Sub-station (GIS)  
-Green Field - 5.00%  
-Brown Field - 7.00%
- (v) Communication system - 3.50%
- (vi) Static Synchronous Compensator - 6%"

33. The Petitioner has claimed the following Initial Spares:

Particulars	Plant & Machinery Cost up to cut-off date (₹ in lakh) (excluding IDC and IEDC)	Initial Spares Claimed (₹ in lakh)	Ceiling (in %)
Sub-station	8157.76	203.52	6.00

34. We have considered the submissions of the Petitioner. The Initial Spares





claimed by the Petitioner is within ceiling limit of 6.00%. Initial Spares allowed are as follows:

Particulars	Plant & Machinery Cost up to cut-off date (₹ in lakh) (excluding IDC and IEDC)	Initial spares claimed (₹ in lakh)	Allowable initial spares (₹ in lakh)	Ceiling (in %)	Initial spares allowed (₹ in lakh)
Sub-station	8157.76	203.52	507.72	6	203.52

### **Capital Cost allowed as on COD**

35. Accordingly, capital cost allowed in respect of the transmission asset as on COD is as follows:

(₹ in lakh)				
Capital cost claimed in Auditor's Certificate as on COD (A)	Less: IDC disallowed due to time over-run disallowed (B)	Less: Un-discharged IDC as on COD (C)	Less: IEDC disallowed due to time over-run (D)	Capital Cost as on COD (E) = (A-B-C-D)
9221.70	50.43	162.56	45.92	8962.79

### **Additional Capital Expenditure ("ACE")**

36. Regulation 24 and Regulation 25 of the 2019 Tariff Regulations provide as follows:

***"24. Additional Capitalization within the original scope and up to the cut-off date:***

*(1) The Additional Capital Expenditure in respect of a new project or an existing project incurred or projected to be incurred, on the following counts within the original scope of work, after the date of commercial operation and up to the cut-off date may be admitted by the Commission, subject to prudence check:*

*(a) Undischarged liabilities recognized to be payable at a future date;*

*(b) Works deferred for execution;*

*(c) Procurement of initial capital spares within the original scope of work, in accordance with the provisions of Regulation 23 of these regulations;*

*(d) Liabilities to meet award of arbitration or for compliance of the directions or order of any statutory authority or order or decree of any court of law;*

*(e) Change in law or compliance of any existing law; and*

*(f) Force Majeure events:*



*Provided that in case of any replacement of the assets, the additional capitalization shall be worked out after adjusting the gross fixed assets and cumulative depreciation of the assets replaced on account of de-capitalization.*

*(2) The generating company or the transmission licensee, as the case may be shall submit the details of works asset wise/work wise included in the original scope of work along with estimates of expenditure, liabilities recognized to be payable at a future date and the works deferred for execution.”*

**“25. Additional Capitalisation within the original scope and after the cut-off date:**

*(1) The ACE incurred or projected to be incurred in respect of an existing project or a new project on the following counts within the original scope of work and after the cut-off date may be admitted by the Commission, subject to prudence check:*

- a) Liabilities to meet award of arbitration or for compliance of the directions or order of any statutory authority, or order or decree of any court of law;*
- b) Change in law or compliance of any existing law;*
- c) Deferred works relating to ash pond or ash handling system in the original scope of work;*
- d) Liability for works executed prior to the cut-off date;*
- e) Force Majeure events;*
- f) Liability for works admitted by the Commission after the cut-off date to the extent of discharge of such liabilities by actual payments; and g) Raising of ash dyke as a part of ash disposal system.*

*(2) In case of replacement of assets deployed under the original scope of the existing project after cut-off date, the additional capitalization may be admitted by the Commission, after making necessary adjustments in the gross fixed assets and the cumulative depreciation, subject to prudence check on the following grounds:*

*(a) The useful life of the assets is not commensurate with the useful life of the project and such assets have been fully depreciated in accordance with the provisions of these regulations.*

*(b) The replacement of the asset or equipment is necessary on account of change in law or Force Majeure conditions;*

*(c) The replacement of such asset or equipment is necessary on account of obsolescence of technology; and*

*(d) The replacement of such asset or equipment has otherwise been allowed by the Commission.”*

37. The Petitioner has claimed actual / projected ACE for 2019-24 tariff period on account of balance and retention payments under Regulation 24(1)(a) and 24(1)(b) for works executed within the cut-off date (31.3.2024). The details are as follows:



(₹ in lakh)

Actual/ Projected ACE			
2020-21	2021-22	2022-23	2023-24
186.31	496.83	372.63	186.32

38. Further, the Petitioner vide affidavit dated 30.3.2022 has submitted the liability flow statement. The details are as follows:

(₹ in lakh)

Vendor Name	Discharge			
	2020-21	2021-22	2022-23	2023-24
Mc Nally Bharat Engineering Company Advance Steel Tubes Ltd. TBEA Energy (India) Pvt. Ltd. Insulators & Electricals Company, Siemens Ltd. and Others	186.31	37.55	69.23	186.32
	Additional Liability Recognized			
	2020-21	2021-22	2022-23	2023-24
Mc Nally Bharat Engineering Company Advance Steel Tubes Ltd. TBEA Energy (India) Pvt. Ltd. Insulators & Electricals Company, Siemens Ltd. and Others	0.00	459.28	303.40	0.00
<b>Total ACE</b>	<b>186.31</b>	<b>496.83</b>	<b>372.63</b>	<b>186.32</b>

39. BSPHCL has submitted that the present petition covers approval based on actual expenditure incurred up to the COD and ACE projected to be incurred from COD to 31.3.2024 with underlying assumption for ACE relying upon Regulation 24 which deals with the original scope and up to the cut-off date. ACE incurred is mainly on account of balance payment covered under Regulation 24(1)(a) and Regulation 24(1)(b) of the 2019 Tariff Regulations but Form-7 gives details only under Regulation 24(1)(a) and not Regulation 24(1)(b) of the Tariff Regulations. Hence, no details of works deferred for execution, as contemplated and specifically relied, has been provided.

40. In response, the Petitioner has submitted that for the admissibility of the actual/proposed ACE for 2019-24 period, the Petitioner has invoked the relevant regulations. The same has already been mentioned in the instant petition. Further, it



has also been mentioned that the ACE (estimated to be) incurred till cut-off date for 2019-24 period will be governed by Regulation 24(1)(a) and Regulation 24(1)(b) of the 2019 Tariff Regulations. The Petitioner has further submitted that Form-7 submitted in the instant petition has also depicted the ACE claimed under Regulation 24(1)(b) of the 2019 Tariff Regulations in addition to ACE claimed under Regulation 24(1)(a) of the 2019 Tariff Regulations. The second column of Form-7 namely “addition into gross block as per books of accounts” depicts the ACE claimed under Regulation 24(1)(b) of the 2019 Tariff Regulations. Therefore, contention of BSPHCL is misplaced regarding non-submission of ACE claimed under Regulation 24(1)(b) of the 2019 Tariff Regulations and the Petitioner has requested to consider the same and allow the ACE as claimed.

41. We have considered the submissions of the Petitioner and BSPHCL. ACE claimed is on account of balance and retention payments is allowed under Regulation 24(1)(a) and Regulation 24(1)(b) of the 2019 Tariff Regulations. The actual / projected ACE allowed is subject to truing up in respect of the transmission asset and the same is as follows:

(₹ in lakh)

Particulars	Actual / Proposed ACE			
	2020-21	2021-22	2022-23	2023-24
Proposed ACE allowed under Regulations 24(1)(a) and 24(1)(b) of the 2019 Tariff Regulations	186.31	496.83	372.63	186.32
Add: IDC discharge	0.00	162.56	0.00	0.00
<b>Total</b>	<b>186.31</b>	<b>659.39</b>	<b>372.63</b>	<b>186.32</b>

**Capital Cost as on 31.3.2024**

42. Accordingly, capital cost allowed in respect of the transmission asset as on 31.3.2024 is as follows:



Capital cost claimed as on COD	Actual / Projected ACE				Total capital cost as on 31.3 2024
	2020-21	2021-22	2022-23	2023-24	
8962.79	186.31	659.39	372.63	186.32	10367.44

(₹ in lakh)

### **Debt-Equity Ratio**

43. Regulations 18 of the 2019 Tariff Regulations provides as follows:

**“18. Debt-Equity Ratio:** (1) For new projects, the debt-equity ratio of 70:30 as on date of commercial operation shall be considered. If the equity actually deployed is more than 30% of the capital cost, equity in excess of 30% shall be treated as normative loan:

*Provided that:*

- i. where equity actually deployed is less than 30% of the capital cost, actual equity shall be considered for determination of tariff:
- ii. the equity invested in foreign currency shall be designated in Indian rupees on the date of each investment:
- iii. any grant obtained for the execution of the project shall not be considered as a part of capital structure for the purpose of debt: equity ratio.

**Explanation.-**The premium, if any, raised by the generating company or the transmission licensee, as the case may be, while issuing share capital and investment of internal resources created out of its free reserve, for the funding of the project, shall be reckoned as paid up capital for the purpose of computing return on equity, only if such premium amount and internal resources are actually utilised for meeting the capital expenditure of the generating station or the transmission system.

(2) The generating company or the transmission licensee, as the case may be, shall submit the resolution of the Board of the company or approval of the competent authority in other cases regarding infusion of funds from internal resources in support of the utilization made or proposed to be made to meet the capital expenditure of the generating station or the transmission system including communication system, as the case may be.

(3) In case of the generating station and the transmission system including communication system declared under commercial operation prior to 1.4.2019, debt: equity ratio allowed by the Commission for determination of tariff for the period ending 31.3.2019 shall be considered:

*Provided that in case of a generating station or a transmission system including communication system which has completed its useful life as on or after 1.4.2019, if the equity actually deployed as on 1.4.2019 is more than 30% of the capital cost, equity in excess of 30% shall not be taken into account for tariff computation;*

*Provided further that in case of projects owned by Damodar Valley Corporation, the debt: equity ratio shall be governed as per sub-clause (ii) of clause (2) of Regulation 72 of these regulations.*



(4) In case of the generating station and the transmission system including communication system declared under commercial operation prior to 1.4.2019, but where debt: equity ratio has not been determined by the Commission for determination of tariff for the period ending 31.3.2019, the Commission shall approve the debt: equity ratio in accordance with clause (1) of this Regulation.

(5) Any expenditure incurred or projected to be incurred on or after 1.4.2019 as may be admitted by the Commission as additional capital expenditure for determination of tariff, and renovation and modernisation expenditure for life extension shall be serviced in the manner specified in clause (1) of this Regulation.

(6) Any expenditure incurred for the emission control system during the tariff period as may be admitted by the Commission as additional capital expenditure for determination of supplementary tariff, shall be serviced in the manner specified in clause (1) of this Regulation.”

44. The details of debt-equity ratio considered for the purpose of computation of tariff for 2019-24 period in respect of the transmission asset is as follows:

Particulars	Capital cost as on COD (₹ in lakh)	(in %)	Total Capital cost as on 31.3.2024 (₹ in lakh)	(in %)
Debt	6273.95	70.00	7257.21	70.00
Equity	2688.84	30.00	3110.23	30.00
<b>Total</b>	<b>8962.79</b>	<b>100.00</b>	<b>10367.44</b>	<b>100.00</b>

### **Depreciation**

45. Regulation 33 of the 2019 Tariff Regulations provides as follows:

**“33. Depreciation:** (1) Depreciation shall be computed from the date of commercial operation of a generating station or unit thereof or a transmission system or element thereof including communication system. In case of the tariff of all the units of a generating station or all elements of a transmission system including communication system for which a single tariff needs to be determined, the depreciation shall be computed from the effective date of commercial operation of the generating station or the transmission system taking into consideration the depreciation of individual units:

Provided that effective date of commercial operation shall be worked out by considering the actual date of commercial operation and installed capacity of all the units of the generating station or capital cost of all elements of the transmission system, for which single tariff needs to be determined.

(2) The value base for the purpose of depreciation shall be the capital cost of the Asset-admitted by the Commission. In case of multiple units of a generating station or multiple elements of a transmission system, weighted average life for the generating station of the transmission system shall be applied. Depreciation shall be chargeable from the first year of commercial operation. In case of commercial operation of the Asset-for part of the year, depreciation shall be charged on pro rata basis.”

(3) The salvage value of the asset shall be considered as 10% and depreciation shall be allowed up to maximum of 90% of the capital cost of the asset:



*Provided that the salvage value for IT equipment and software shall be considered as NIL and 100% value of the assets shall be considered depreciable;*

*Provided further that in case of hydro generating stations, the salvage value shall be as provided in the agreement, if any, signed by the developers with the State Government for development of the generating station*

*Provided also that the capital cost of the assets of the hydro generating station for the purpose of computation of depreciated value shall correspond to the percentage of sale of electricity under long-term power purchase agreement at regulated tariff:*

*Provided also that any depreciation disallowed on account of lower availability of the generating station or unit or transmission system as the case may be, shall not be allowed to be recovered at a later stage during the useful life or the extended life.*

*(4) Land other than the land held under lease and the land for reservoir in case of hydro generating station shall not be a depreciable asset and its cost shall be excluded from the capital cost while computing depreciable value of the asset.*

*(5) Depreciation shall be calculated annually based on Straight Line Method and at rates specified in Appendix-I to these regulations for the Asset-of the generating station and transmission system:*

*Provided that the remaining depreciable value as on 31st March of the year closing after a period of 12 years from the effective date of commercial operation of the station shall be spread over the balance useful life of the asset*

*(6) In case of the existing projects, the balance depreciable value as on 1.4.2019 shall be worked out by deducting the cumulative depreciation as admitted by the Commission upto 31.3.2019 from the gross depreciable value of the assets.*

*(7) The generating company or the transmission licensee, as the case may be, shall submit the details of proposed capital expenditure five years before the completion of useful life of the project along with justification and proposed life extension. The Commission based on prudence check of such submissions shall approve the depreciation on capital expenditure.*

*(8) In case of de-capitalization of assets in respect of generating station or unit thereof or transmission system or element thereof, the cumulative depreciation shall be adjusted by taking into account the depreciation recovered in tariff by the de-capitalized asset during its useful services.*

*(9) Where the emission control system is implemented within the original scope of the generating station and the date of commercial operation of the generating station or unit thereof and the date of operation of the emission control system are the same, depreciation of the generating station or unit thereof including the emission control system shall be computed in accordance with Clauses (1) to (8) of this Regulation.*

*(10) Depreciation of the emission control system of an existing or a new generating station or unit thereof where the date of operation of the emission control system is subsequent to the date of commercial operation of the generating station or unit thereof, shall be computed annually from the date of operation of such emission*



control system based on straight line method, with salvage value of 10%, over a period of

a) twenty-five years, in case the generating station or unit thereof is in operation for fifteen years or less as on the date of operation of the emission control system; or

b) balance useful life of the generating station or unit thereof plus fifteen years, in case the generating station or unit thereof is in operation for more than fifteen years as on the date of operation of the emission control system; or

c) ten years or a period mutually agreed by the generating company and the beneficiaries, whichever is higher, in case the generating station or unit thereof has completed its useful life.”

46. We have considered the submissions of the Petitioner. The IT equipment has been considered as part of the Gross Block and depreciated using Weighted Average Rate of Depreciation (WAROD). WAROD has been worked out and placed as Annexure after considering the depreciation rates of IT and non-IT assets as prescribed in the 2019 Tariff Regulations. The salvage value of IT equipment has been considered nil, i.e. IT asset has been considered as 100% depreciable. Depreciation allowed in respect of the transmission assets for 2019-24 tariff period is as follows:

(₹ in lakh)

	Particulars	2020-21 (Pro-rata for 51 days)	2021-22	2022-23	2023-24
A	Opening Gross Block	8962.79	9149.10	9808.49	10181.12
B	Addition during the year 2019-24 due to projected ACE	186.31	659.39	372.63	186.32
C	Closing Gross Block (A+B)	9149.10	9808.49	10181.12	10367.44
D	Average Gross Block (A+C)/2	9055.94	9478.79	9994.80	10274.28
E	Average Gross Block (90% depreciable assets)	8996.27	9414.44	9925.78	10205.25
F	Average Gross Block (100% depreciable assets)	59.68	64.35	69.03	69.03
G	Depreciable value (excluding IT equipment and software) (E*90%)	8096.64	8473.00	8933.20	9184.73
H	Depreciable value of IT equipment and software (F*100%)	59.68	64.35	69.03	69.03
I	Total Depreciable Value (G+H)	8156.32	8537.35	9002.23	9253.75
J	Weighted average rate of Depreciation (WAROD) (in %)	5.37	5.37	5.37	5.37
K	Elapsed useful life at the beginning of the year (Year)	0.00	0.00	1.00	2.00





	Particulars	2020-21 (Pro-rata for 51 days)	2021-22	2022-23	2023-24
L	Balance useful life at the beginning of the year (Year)	25.00	25.00	24.00	23.00
<b>M</b>	<b>Depreciation during the year (D*J)</b>	<b>67.93</b>	<b>509.13</b>	<b>537.00</b>	<b>551.76</b>
N	Cumulative Depreciation at the end of the year	67.93	577.06	1114.06	1665.82
O	Remaining Aggregate Depreciable Value at the end of the year	8088.38	7960.29	7888.17	7587.94

### **Interest on Loan (“IoL”)**

47. Regulation 32 of the 2019 Tariff Regulations provides as follows:

**“32. Interest on loan capital:** (1) *The loans arrived at in the manner indicated in Regulation 18 of these regulations shall be considered as gross normative loan for calculation of interest on loan.*

(2) *The normative loan outstanding as on 1.4.2019 shall be worked out by deducting the cumulative repayment as admitted by the Commission up to 31.3.2019 from the gross normative loan.*

(3) *The repayment for each of the year of the tariff period 2019-24 shall be deemed to be equal to the depreciation allowed for the corresponding year/period. In case of de-capitalization of asset, the repayment shall be adjusted by taking into account cumulative repayment on a pro rata basis and the adjustment should not exceed cumulative depreciation recovered upto the date of de-capitalisation of such asset.*

(4) *Notwithstanding any moratorium period availed by the generating company or the transmission licensee, as the case may be, the repayment of loan shall be considered from the first year of commercial operation of the project and shall be equal to the depreciation allowed for the year or part of the year.*

(5) *The rate of interest shall be the weighted average rate of interest calculated on the basis of the actual loan portfolio after providing appropriate accounting adjustment for interest capitalized:*

*Provided that if there is no actual loan for a particular year but normative loan is still outstanding, the last available weighted average rate of interest shall be considered;*

*Provided further that if the generating station or the transmission system, as the case may be, does not have actual loan, then the weighted average rate of interest of the generating company or the transmission licensee as a whole shall be considered.*

(5a) *The rate of interest on loan for installation of emission control system shall be the weighted average rate of interest of actual loan portfolio of the emission control system or in the absence of actual loan portfolio, the weighted average rate of interest of the generating company as a whole shall be considered.*



(6) The interest on loan shall be calculated on the normative average loan of the year by applying the weighted average rate of interest.

(7) The changes to the terms and conditions of the loans shall be reflected from the date of such re-financing”.

48. The weighted average rate of interest of IoL has been considered on the basis of the rates prevailing as on COD for respective loans. The Petitioner has prayed that the change in interest rate due to floating rate of interest applicable, if any, during 2019-24 tariff period will be adjusted at the time of true-up.

49. BSPHCL has submitted that the 2019 Tariff Regulations do not permit change in interest rate due to floating rate of interest.

50. In response, the Petitioner has submitted that in the tariff calculation for 2019-24 period, IoL has been calculated on the basis of interest rates prevailing as on 1.4.2019/ COD for respective loans. The change in interest rate due to floating rate of interest applicable, if any, for the project needs to be claimed / adjusted over the tariff block of five years directly from / with the beneficiaries at the time of truing up.

51. We have considered the submissions of the Petitioner and BSPHCL. In view of above, IoL has been worked out in accordance with Regulation 32 of the 2019 Tariff Regulations. The change in interest rate due to floating rate of interest applicable, if any, shall be considered at the time of truing up of 2019-24 tariff period.

IoL allowed in respect of the transmission asset is as follows:

(₹ in lakh)					
	Particulars	2020-21 (Pro-rata for 51 days)	2021-22	2022-23	2023-24
A	Gross Normative Loan	6273.95	6404.37	6865.94	7126.78
B	Cumulative Repayments up to Previous Year	0.00	67.93	577.06	1114.06
C	Net Loan-Opening (A-B)	6273.95	6336.44	6288.88	6012.72
D	Addition due to ACE	130.42	461.57	260.84	130.42
E	Repayment during the year	67.93	509.13	537.00	551.76



F	Net Loan-Closing (C+D-E)	6336.44	6288.88	6012.72	5591.39
G	Average Loan (C+F)/2	6305.19	6312.66	6150.80	5802.06
H	Weighted Average Rate of Interest on Loan (in %)	7.24	7.22	7.21	7.21
I	<b>Interest on Loan (G*H)</b>	<b>63.77</b>	<b>456.00</b>	<b>443.42</b>	<b>418.29</b>

### Return on Equity (“RoE”)

52. Regulation 30 and Regulation 31 of the 2019 Tariff Regulations provide as follows:

**“30. Return on Equity:** (1) *Return on equity shall be computed in rupee terms, on the equity base determined in accordance with Regulation 18 of these regulations.*

(2) *Return on equity shall be computed at the base rate of 15.50% for thermal generating station, transmission system including communication system and run-of-river hydro generating station, and at the base rate of 16.50% for the storage type hydro generating stations including pumped storage hydro generating stations and run-of-river generating station with pondage:*

*Provided that return on equity in respect of Additional Capitalization after cut-off date beyond the original scope excluding Additional Capitalization due to Change in Law, shall be computed at the weighted average rate of interest on actual loan portfolio of the generating station or the transmission system or in the absence of actual loan portfolio of the generating station or the transmission system, the weighted average rate of interest of the generating company or the transmission licensee, as the case may be, as a whole shall be considered, subject to ceiling of 14%.*

*Provided further that:*

- i. In case of a new project, the rate of return on equity shall be reduced by 1.00% for such period as may be decided by the Commission, if the generating station or transmission system is found to be declared under commercial operation without commissioning of any of the Restricted Governor Mode Operation (RGMO) or Free Governor Mode Operation (FGMO), data telemetry, communication system up to load dispatch centre or protection system based on the report submitted by the respective RLDC;*
- ii. in case of existing generating station, as and when any of the requirements under (i) above of this Regulation are found lacking based on the report submitted by the concerned RLDC, rate of return on equity shall be reduced by 1.00% for the period for which the deficiency continues;*
- iii. in case of a thermal generating station, with effect from 1.4.2020:*
  - a) rate of return on equity shall be reduced by 0.25% in case of failure to achieve the ramp rate of 1% per minute;*
  - b) an additional rate of return on equity of 0.25% shall be allowed for every incremental ramp rate of 1% per minute achieved over and above the ramp rate of 1% per minute, subject to ceiling of additional rate of return on equity of 1.00%:*



Provided that the detailed guidelines in this regard shall be issued by National Load Dispatch Centre by 30.6.2019.

(3) The return on equity in respect of additional capitalization on account of emission control system shall be computed at the base rate of one year marginal cost of lending rate (MCLR) of the State Bank of India as on 1st April of the year in which the date of operation (ODe) occurs plus 350 basis point, subject to ceiling of 14%;

**31. Tax on Return on Equity:**(1) The base rate of return on equity as allowed by the Commission under Regulation 30 of these regulations shall be grossed up with the effective tax rate of the respective financial year. For this purpose, the effective tax rate shall be considered on the basis of actual tax paid in respect of the financial year in line with the provisions of the relevant Finance Acts by the concerned generating company or the transmission licensee, as the case may be. The actual tax paid on income from other businesses including deferred tax liability (i.e. income from business other than business of generation or transmission, as the case may be) shall be excluded for the calculation of effective tax rate.

(2) Rate of return on equity shall be rounded off to three decimal places and shall be computed as per the formula given below:

Rate of pre-tax return on equity = Base rate / (1-t)

Where "t" is the effective tax rate in accordance with clause (1) of this Regulation and shall be calculated at the beginning of every financial year based on the estimated profit and tax to be paid estimated in line with the provisions of the relevant Finance Act applicable for that financial year to the company on pro-rata basis by excluding the income of non-generation or non-transmission business, as the case may be, and the corresponding tax thereon. In case of generating company or transmission licensee paying Minimum Alternate Tax (MAT), "t" shall be considered as MAT rate including surcharge and cess.

#### **Illustration-**

(i) In case of a generating company or a transmission licensee paying Minimum Alternate Tax (MAT) @ 21.55% including surcharge and cess:

Rate of return on equity =  $15.50/(1-0.2155) = 19.758\%$

(ii) In case of a generating company or a transmission licensee paying normal corporate tax including surcharge and cess:

- (a) Estimated Gross Income from generation or transmission business for FY 2019-20 is Rs 1,000 crore;
- (b) Estimated Advance Tax for the year on above is Rs 240 crore;
- (c) Effective Tax Rate for the year 2019-20 = Rs 240 Crore/Rs 1000 Crore = 24%;
- (d) Rate of return on equity =  $15.50/(1-0.24) = 20.395\%$ .

(3) The generating company or the transmission licensee, as the case may be, shall true up the grossed up rate of return on equity at the end of every financial year based on actual tax paid together with any additional tax demand including interest thereon, duly adjusted for any refund of tax including interest received from the income tax authorities pertaining to the tariff period 2019-24 on actual gross



income of any financial year. However, penalty, if any, arising on account of delay in deposit or short deposit of tax amount shall not be claimed by the generating company or the transmission licensee, as the case may be. Any under-recovery or over-recovery of grossed up rate on return on equity after truing up, shall be recovered or refunded to beneficiaries or the long term customers, as the case may be, on year to year basis.”

53. The Petitioner has submitted that MAT rate is applicable to it. MAT rate applicable in the year 2019-20 has been considered for the purpose of RoE which shall be trued up with actual tax rate in accordance with Regulation 31(3) of the 2019 Tariff Regulations. RoE allowed in respect of the transmission asset is as follows:

(₹ in lakh)					
	Particulars	2020-21 (Pro-rata for 51 days)	2021-22	2022-23	2023-24
A	Opening Equity	2688.84	2744.73	2942.55	3054.34
B	Addition due to ACE	55.89	197.82	111.79	55.90
C	Closing Equity (A+B)	2744.73	2942.55	3054.34	3110.23
D	Average Equity (A+C)/2	2716.78	2843.64	2998.44	3082.28
E	Return on Equity (Base Rate) (in %)	15.500	15.500	15.500	15.500
F	Tax Rate applicable (in %)	17.472	17.472	17.472	17.472
G	Rate of Return on Equity (Pre-tax)	18.782	18.782	18.782	18.782
H	<b>Return on Equity (Pre-tax) (D*G)</b>	<b>71.30</b>	<b>534.09</b>	<b>563.17</b>	<b>578.91</b>

### **Operation & Maintenance Expenses (“O&M Expenses”)**

54. Regulation 35(3)(a) and Regulation 35(4) of the 2019 Tariff Regulations provide as follows:

**“35 (3) Transmission system:** (a) The following normative operation and maintenance expenses shall be admissible for the combined transmission system:

Particulars	2019-20	2020-21	2021-22	2022-23	2023-24
<b>Norms for sub-station Bays (₹ Lakh per bay)</b>					
765 kV	45.01	46.60	48.23	49.93	51.68
400 kV	32.15	33.28	34.45	35.66	36.91
220 kV	22.51	23.30	24.12	24.96	25.84
132 kV and below	16.08	16.64	17.23	17.83	18.46
<b>Norms for Transformers (₹ Lakh per MVA)</b>					
765 kV	0.491	0.508	0.526	0.545	0.564
400 kV	0.358	0.371	0.384	0.398	0.411
220 kV	0.245	0.254	0.263	0.272	0.282
132 kV and below	0.245	0.254	0.263	0.272	0.282
<b>Norms for AC and HVDC lines (₹ Lakh per km)</b>					



<b>Particulars</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>
Single Circuit (Bundled Conductor with six or more sub-conductors)	0.881	0.912	0.944	0.977	1.011
Single Circuit (Bundled conductor with four sub-conductors)	0.755	0.781	0.809	0.837	0.867
Single Circuit (Twin & Triple Conductor)	0.503	0.521	0.539	0.558	0.578
Single Circuit (Single Conductor)	0.252	0.260	0.270	0.279	0.289
Double Circuit (Bundled conductor with four or more sub-conductors)	1.322	1.368	1.416	1.466	1.517
Double Circuit (Twin & Triple Conductor)	0.881	0.912	0.944	0.977	1.011
Double Circuit (Single Conductor)	0.377	0.391	0.404	0.419	0.433
Multi Circuit (Bundled Conductor with four or more sub-conductor)	2.319	2.401	2.485	2.572	2.662
Multi Circuit (Twin & Triple Conductor)	1.544	1.598	1.654	1.713	1.773
<b>Norms for HVDC stations</b>					
HVDC Back-to-Back stations (Rs Lakh per 500 MW) (Except Gazuwaka BTB)	834	864	894	925	958
Gazuwaka HVDC Back-to-Back station (₹ Lakh per 500 MW)	1,666	1,725	1,785	1,848	1,913
500 kV Rihand-Dadri HVDC bipole scheme (Rs Lakh) (1500 MW)	2,252	2,331	2,413	2,498	2,586
±500 kV Talcher- Kolar HVDC bipole scheme (Rs Lakh) (2000 MW)	2,468	2,555	2,645	2,738	2,834
±500 kV Bhiwadi-Balia HVDC bipole scheme (Rs Lakh) (2500 MW)	1,696	1,756	1,817	1,881	1,947
±800 kV, Bishwanath-Agra HVDC bipole scheme (Rs Lakh) (3000 MW)	2,563	2,653	2,746	2,842	2,942

*Provided that the O&M expenses for the GIS bays shall be allowed as worked out by multiplying 0.70 of the O&M expenses of the normative O&M expenses for bays;*

*Provided further that:*

- i. the operation and maintenance expenses for new HVDC bi-pole schemes commissioned after 1.4.2019 for a particular year shall be allowed pro-rata on the basis of normative rate of operation and maintenance expenses of similar HVDC bi-pole scheme for the corresponding year of the tariff period;*



- ii. the O&M expenses norms for HVDC bi-pole line shall be considered as Double Circuit quad AC line;
- iii. the O&M expenses of  $\pm 500$  kV Mundra-Mohindergarh HVDC bipole scheme (2000 MW) shall be allowed as worked out by multiplying 0.80 of the normative O&M expenses for  $\pm 500$  kV Talchar-Kolar HVDC bi-pole scheme (2000 MW);
- iv. the O&M expenses of  $\pm 800$  kV Champa-Kurukshetra HVDC bi-pole scheme (3000 MW) shall be on the basis of the normative O&M expenses for  $\pm 800$  kV, Bishwanath-Agra HVDC bi-pole scheme;
- v. the O&M expenses of  $\pm 800$  kV, Alipurduar-Agra HVDC bi-pole scheme (3000 MW) shall be allowed as worked out by multiplying 0.80 of the normative O&M expenses for  $\pm 800$  kV, Bishwanath-Agra HVDC bi-pole scheme; and
- vi. the O&M expenses of Static Synchronous Compensator and Static Var Compensator shall be worked at 1.5% of original project cost as on commercial operation which shall be escalated at the rate of 3.51% to work out the O&M expenses during the tariff period. The O&M expenses of Static Synchronous Compensator and Static Var Compensator, if required, may be reviewed after three years.

(b) The total allowable operation and maintenance expenses for the transmission system shall be calculated by multiplying the number of sub-station bays, transformer capacity of the transformer (in MVA) and km of line length with the applicable norms for the operation and maintenance expenses per bay, per MVA and per km respectively.

(c) The Security Expenses and Capital Spares for transmission system shall be allowed separately after prudence check:

Provided that the transmission licensee shall submit the assessment of the security requirement and estimated security expenses, the details of year-wise actual capital spares consumed at the time of truing up with appropriate justification.

**(4) Communication system:** The operation and maintenance expenses for the communication system shall be worked out at 2.0% of the original project cost related to such communication system. The transmission licensee shall submit the actual operation and maintenance expenses for truing up.”

55. O&M Expenses claimed by the Petitioner are as follows:

Particulars	2020-21 (Pro-rata for 51 days)	2021-22	2022-23	2023-24
<b>Sub-station Bays (Number)</b>				
765 kV: New Ranchi:02 Numbers 765 kV Line Bays TBCB Line 765 kV D/C Ranchi - Medinipur	2	2	2	2
765 kV: New Ranchi:02 Numbers 765 kV Bays for 02X240 MVAR SLRS for TBCB Line 765 kV D/C Ranchi - Medinipur	2	2	2	2
<b>Total</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>
<b>Norm (₹ lakh/bay)</b>				



765 kV AIS	46.60	48.23	49.93	51.68
<b>Total Sub-station Bays (A)</b>	<b>186.40</b>	<b>192.92</b>	<b>199.72</b>	<b>206.72</b>
<b>Communication System</b>				
PLCC	246.67	246.67	246.67	246.67
<b>Norms (in %)</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>
<b>Total Communication System (B)</b>	<b>4.93</b>	<b>4.93</b>	<b>4.93</b>	<b>4.93</b>
<b>Total O&amp;M Expenses (A+B) (₹ in lakh)</b>	<b>26.73</b>	<b>197.85</b>	<b>204.65</b>	<b>211.65</b>

56. The Petitioner has claimed O&M Expenses separately for the PLCC under Regulation 35(4) of the 2019 @ 2% of its original project cost in the instant petition and the Petitioner has made similar claim in other petitions as well. Though PLCC is a communication system, it has been considered as part of the Sub-station in the 2014 and 2019 Tariff Regulations and the norms for Sub-station has been specified accordingly. Therefore, the Commission vide order dated 24.1.2021 in Petition No. 126/TT/2020 has already concluded that no separate O&M Expenses can be allowed for PLCC under Regulation 35(4) of the 2019 Tariff Regulations even though PLCC is a communication system. Therefore, the Petitioner's claim for separate O&M Expenses for PLCC @ 2% is not allowed.

57. O&M Expenses allowed for the transmission asset are as follows:

Particulars	2020-21 (Pro-rata for 51 days)	2021-22	2022-23	2023-24
<b>Sub-station Bays (Number)</b>				
765 kV: New Ranchi:02 Numbers 765 kV Line Bays TBCB Line 765 kV D/C Ranchi - Medinipur	2	2	2	2
765 kV: New Ranchi:02 Numbers 765 kV Bays for 02X240 MVAR SLRS for TBCB Line 765 kV D/C Ranchi - Medinipur	2	2	2	2
<b>Total</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>
<b>Norm (₹ lakh/bay)</b>				
765 kV AIS	46.60	48.23	49.93	51.68
<b>Total Sub-station Bays</b>	<b>186.40</b>	<b>192.92</b>	<b>199.72</b>	<b>206.72</b>
<b>Total O&amp;M Expenses (₹ in lakh)</b>	<b>26.04</b>	<b>192.92</b>	<b>199.72</b>	<b>206.72</b>





## **Interest on Working Capital (“IWC”)**

58. Regulations 34(1)(c), Regulation 34(3) and Regulation 34(4) and Regulation 3(7) of the 2019 Tariff Regulations provide as follows:

**“34. Interest on Working Capital:** (1) *The working capital shall cover:*

.....

**(c) For Hydro Generating Station (including Pumped Storage Hydro Generating Station) and Transmission System:**

*(i) Receivables equivalent to 45 days of annual fixed cost;*

*(ii) Maintenance spares @ 15% of operation and maintenance expenses including security expenses; and*

*(iii) Operation and maintenance expenses, including security expenses for one month.”*

*“(3) Rate of interest on working capital shall be on normative basis and shall be considered as the bank rate as on 1.4.2019 or as on 1st April of the year during the tariff period 2019-24 in which the generating station or a unit thereof or the transmission system including communication system or element thereof, as the case may be, is declared under commercial operation, whichever is later:*

*Provided that in case of truing-up, the rate of interest on working capital shall be considered at bank rate as on 1st April of each of the financial year during the tariff period 2019-24.*

*(4) Interest on working capital shall be payable on normative basis notwithstanding that the generating company or the transmission licensee has not taken loan for working capital from any outside agency.”*

**“3. Definition** - *In these regulations, unless the context otherwise requires:-*

*(7) ‘Bank Rate’ means the one year marginal cost of lending rate (MCLR) of the State Bank of India issued from time to time plus 350 basis points;”*

59. The Petitioner has submitted that it has computed IWC for 2019-24 period considering the SBI Base Rate plus 350 basis points as on 1.4.2020. The Petitioner has considered the rate of IWC as 11.25%. IWC is worked out in accordance with Regulation 34 of the 2019 Tariff Regulations. The rate of IWC considered is 11.25% (SBI 1year MCLR applicable as on 1.4.2020 of 7.75% plus 350 basis points) for 2020-21 and 10.50% (SBI 1 year MCLR applicable as on 1.4.2021 of 7.00% plus



350 basis points) for 2021-24. The components of the working capital and interest allowed thereon is as follows:

(₹ in lakh)				
Particulars	2020-21 (Pro-rata for 51 days)	2021-22	2022-23	2023-24
Working Capital for O&M Expenses (O&M expenses for one month)	15.53	16.08	16.64	17.23
Working Capital for Maintenance Spares (15% of O&M expenses)	27.96	28.94	29.96	31.01
Working Capital for Receivables (Equivalent to 45 days of annual fixed cost /annual transmission charges)	205.55	211.95	218.36	219.32
<b>Total Working Capital</b>	<b>249.05</b>	<b>256.96</b>	<b>264.96</b>	<b>267.55</b>
Rate of Interest for working capital (in %)	11.25	10.50	10.50	10.50
<b>Interest of working capital</b>	<b>3.91</b>	<b>26.98</b>	<b>27.82</b>	<b>28.09</b>

### **Annual Fixed Charges for 2019-24 Tariff Period**

60. The transmission charges allowed in respect of the transmission asset for 2019-24 tariff period are as follows:

(₹ in lakh)				
Particulars	2020-21 (Pro-rata for 51 days)	2021-22	2022-23	2023-24
Depreciation	67.93	509.13	537.00	551.76
Interest on Loan	63.77	456.00	443.42	418.29
Return on Equity	71.30	534.09	563.17	578.91
O&M Expenses	26.04	192.92	199.72	206.72
Interest on Working Capital	3.91	26.98	27.82	28.09
<b>Total</b>	<b>232.95</b>	<b>1719.12</b>	<b>1771.13</b>	<b>1783.77</b>

### **Filing Fee and Publication Expenses**

61. The Petitioner has sought reimbursement of fee paid by it for filing the petition and publication expenses. BSPHCL has submitted that grant of filing fee and expenses incurred is strictly at the discretion of the Commission and the said discretion must be exercised looking at the facts and circumstances of each case and need not necessarily be allowed in all cases. In response, the Petitioner, has submitted that the Commission vide order dated 28.3.2016 in Petition No. 137/TT/2015 has allowed the recovery of petition filing fee and publication of notices



from the beneficiaries on pro-rata basis.

62. We have considered the submissions of the Petitioner and BSPHCL. The Petitioner shall be entitled for reimbursement of the filing fees and publication expenses in connection with the present petition, directly from the beneficiaries on pro-rata basis in accordance with Regulation 70(1) of the 2019 Tariff Regulations.

### **Licence Fee and RLDC Fees and Charges**

63. The Petitioner shall be entitled for reimbursement of licence fee in accordance with Regulation 70(4) of the 2019 Tariff Regulations for 2019-24 tariff period. The Petitioner shall also be entitled for recovery of RLDC fee and charges in accordance with Regulations 70(3) of the 2019 Tariff Regulations for 2019-24 tariff period.

### **Goods and Services Tax**

64. The Petitioner has submitted that if GST is levied at any rate and at any point of time in future on charges of transmission of electricity, the same shall be borne and additionally paid by the Respondent(s) to the Petitioner and the same shall be charged and billed separately by the Petitioner. Further additional taxes, if any, are to be paid by the Petitioner on account of demand from Government/ Statutory Authorities, the same may be allowed to be recovered from the beneficiaries.

65. BSPHCL has submitted that the claim of GST is premature and deserves to be rejected. In response, the Petitioner has reiterated its submissions.

66. We have considered the submissions of the Petitioner and BSPHCL. Since GST is not levied on transmission service at present, we are of the view that Petitioner's prayer is pre-mature.



### **Sharing of Transmission Charges**

67. The Billing, collection, and disbursement of transmission charges approved in this order shall be recovered in terms of provisions of the 2020 Sharing Regulations as provided in Regulation 57 of the 2019 Tariff Regulations.

68. To summarise,

(a) AFC allowed in respect of the transmission asset for 2019-24 tariff period in the instant order are as follows:

(₹ in lakh)			
2020-21 (Pro-rata for 51 days)	2021-22	2022-23	2023-24
232.95	1719.12	1771.13	1783.77

69. Annexure given hereinafter form part of the order.

70. This order disposes of Petition No. 13/TT/2022 in terms of the above discussions and findings.

**sd/-**  
**(Arun Goyal)**  
**Member**

**sd/-**  
**(I. S. Jha)**  
**Member**



## Annexure

2019-24 Capital Expenditure as on COD	Admitted Capital Cost as on COD (₹ in lakh)	ACE				Admitted Capital Cost as on 31.3.2024 (₹ in lakh)	Rate of Depreciation (in %)	Annual Depreciation as per Regulations			
		2020-21 (₹ in lakh)	2021-22 (₹ in lakh)	2022-23 (₹ in lakh)	2023-24 (₹ in lakh)			2020-21 (₹ in lakh)	2021-22 (₹ in lakh)	2022-23 (₹ in lakh)	2023-24 (₹ in lakh)
Sub-Station	8691.83	186.31	616.93	372.63	186.32	10054.02	5.28	463.85	485.05	511.18	525.93
PLCC	211.28	0.00	33.11	0.00	0.00	244.39	6.33	13.37	14.42	15.47	15.47
IT Equipment and software	59.68	0.00	9.35	0.00	0.00	69.03	15.00	8.95	9.65	10.35	10.35
<b>Total</b>	<b>8962.79</b>	<b>186.31</b>	<b>659.39</b>	<b>372.63</b>	<b>186.32</b>	<b>10367.44</b>		<b>486.17</b>	<b>509.13</b>	<b>537.00</b>	<b>551.76</b>
<b>Average Gross Block (₹ in lakh)</b>								9055.94	9478.79	9994.80	10274.28
<b>Weighted Average Rate of Depreciation (in %)</b>								5.37	5.37	5.37	5.37

