

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 209/MP/2017

Subject : Petition for approval of transmission charges and losses as well as other conditions for use of 176.5 km long 220 kV Double Circuit Dedicated Transmission Line of Allain Duhangan Hydro Project Limited (ADHPL) from Prini (Generating station of ADHPL) to Nalagarh (Sub-station of CTU).

Date of Hearing : **5.6.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri Ramesh Babu V., Member

Petitioner : AD Hydro Power Limited (ADHPL)

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

Parties present : Ms. Dr. Seema Jain, Advocate, ADHPL
Shri Dushant Mahant, Advocate, ADHPL
Shri Vimlesh Kumar, Advocate, ADHPL
Shri Sumit Garg, ADHPL
Shri Sanjay Jana, ADHPL
Ms. Suparna Srivastava, Advocate, CTUIL
Ms. Divya Sharma, Advocate, CTUIL
Shri Siddharth Sharma, CTUIL
Ms. Kavya Bhardwaj, CTUIL
Shri Hemant Singh, Advocate, KPCL
Shri Lakshyajit Singh Bagdwal, Advocate, KPCL
Ms. Harshi Singh, Advocate, KPCL

Record of Proceedings

At the outset, the representative of the Petitioner made the following submissions:

(a) The Petitioner had filed a Petition No. 209/MP/2017 in respect of 220 kV D/C ADHEP Nalagarh Transmission Line for the determination of transmission charges, losses and other related issues. The Commission, after considering the submissions of the parties, vide order dated 17.10.2019, determined the tariff of 220 kV Allain Duhangan- Nalagarh Transmission line and decided on the other issues.



(b) Being aggrieved by the aforesaid decision of the Commission with regard to the non-inclusion of the transmission charges and losses in the PoC pool under Sharing Regulations, Kanchanjunga Power Company Limited, which was not a Respondent in Petition No.209/MP/2017, filed Appeal No. 450 of 2019 and IA No. 2146 of 2019 and IA No.14 of 2020 before the APTEL for inclusion of the transmission charges and losses of the 220 kV Allan Duhangan -Nalagarh Transmission line in the PoC pool as per the Sharing Regulations. The Petitioner also filed Appeal No.410 of 2019 against the said order dated 17.10.2019 in Petition No.209/MP/2017 challenging the directions of the Commission with regard to the determination of capital cost of the transmission line, and various elements of tariff, priority of usage of the transmission line, etc.

(c) The instant matter has come up before the Commission on remand in terms of the APTEL judgment dated 31.8.2023 in Appeal No. 410 of 2019, wherein the APTEL had set aside the transmission tariff approved by the Commission vide order dated 17.10.2019.

(d) The Commission vide order dated 5.2.2024 in IA No. 8/IA/2024 in Petition No. 209/MP/2017 allowed the interim tariff from January 2024 to March,2024 (80% of the capital cost claimed as on 31.3.2014). However, the Petitioner is not getting the tariff after March 2024.

(e) Considering 80% of the total capital cost as allowed by the Commission, the interim tariff for the period 2023-24 comes to approximately Rs. 42 crore against which the Petitioner has received only Rs. 24 crore.

(f) The Petitioner may be granted tariff for the period from September 2023 to December 2023 and extend the interim tariff granted vide order dated 5.2.2024 beyond 31.3.2024 till the grant of the final tariff.

(g) Consider determining the retrospective tariff from the date when the transmission line was declared as an ISTS line so that past adjustments can be made .

(h) The Petitioner has deposited the requisite fees as per the Commission's direction vide order dated 19.1.2024 and has requested that the portal be opened to file the compliance affidavit in this regard.

(i) After segregating the capital cost of the generation and transmission, all the requisite information has been furnished in the tariff Forms for the 2009-14 and 2014-19 tariff periods, except for the contract and land details.

(j) Additional time be granted to file a short-written submission covering all the issues raised in the petition that require adjudication.



2. Learned counsel for the CTUIL submitted that since NLDC did not compute the transmission charges, CTUIL was unable to raise the bills. After the Commission's direction, NLDC computed the transmission charges, and CTUIL raised the bills in the month of May, 2024 up to March, 2024.

3. Learned counsel for KPCPL submitted that the Commission vide its order dated 19.1.2024, in the instant petition, has declared the instant transmission line as an ISTS line and has also decided the modus operandi how the transmission charges may be adjusted/refunded in the PoC pool and this exercise was to be completed by NLDC/CTUIL within a period of three months from the date of the said order. However, no such exercise has till date been undertaken by NLDC/CTUIL.

4. In response, the learned counsel for CTUIL submitted that CTUIL would verify the same.

5. After hearing the representative of the Petitioner and the learned counsel for the parties, the Commission directed the Petitioner to submit the following information on an affidavit within a week's time with a copy to the Respondents and the Respondents to file a reply to their response, if any, within a week thereafter:

- a) IDC and IEDC as per Annexures-1 and 2 annexed with this ROP, and
- b) A copy of Loan Agreements indicating the rate of interest for the applicable period for IDC and IOL.

6. The Commission further directed NLDC to compute the transmission charges of the instant transmission line for the months of September 2023 to December 2023, based on the interim tariff granted by the Commission vide order dated 5.2.2024 in IA No.8 of 2024. The Commission directed the CTUIL to continue the interim tariff granted vide order dated 5.2.2024 till 30.9.2024 or issuance of the final order. The Commission directed CTUIL to raise the bills based on the computation of NLDC.

7. The Commission acceded to the request of the Petitioner and allowed it to file a compliance affidavit and short written submissions within a week's time with a copy to the Respondents who may file its file reply, if any, within a week thereafter.

8. Subject to the above, the Commission reserved an order in the matter.

By order of the Commission
Sd/-
(T. D. Pant)
Joint Chief (Law)



Annexure-1

Draw Down Schedule for Calculation of IDC & Financing Charges

Name of the Petitioner:

Name of the Region:

Name of the Project:

Name of the

Transmission

Element or

Communication

system

Sl. No.	Draw Down Particulars	Quarter 1			Quarter 2			Quarter n (COD)		
		Quantum in Foreign currency	Exchange Rate on draw down date	Amount in Indian Rupee (Rs. Lakh)	Quantum in Foreign currency	Exchange Rate on draw down date	Amount in Indian Rupee (Rs. Lakh)	Quantum in Foreign currency	Exchange Rate on draw down date	Amount in Indian Rupee (Rs. Lakh)
	Loans									
1	Indian/ Foreign Loan									
	Draw down Amount									
	IDC									
	Financing charges									
	Foreign Exchange Rate Variation (if Foreign Loan)									
	Hedging Cost (if Foreign Loan)									
2	Indian/ Foreign Loan									
	Draw down Amount									
	IDC									
	Financing charges									



Foreign Exchange Rate Variation (if Foreign Loan)										
Hedging Cost (if Foreign Loan)										

Note:

1. Drawl of debt and equity shall be on *pari-passu* basis quarter wise to meet the commissioning schedule. Drawl of higher equity in the beginning is permissible
2. Applicable interest rates including reset dates used for above computation may be furnished separately.
3. In case of multi element project details of capitalization ratio used to be furnished.

(Petitioner)



Incidental Expenditure during Construction

Name of the Petitioner:

Name of the Region:

Name of the Project:

Name of the Transmission Element or Construction system:

Date of Commercial Operation:

Sl. No.	Parameters	Year -1	Year-2	Year 3	Year-4	Year-5
A	Expenses:					
1	Employees' Remuneration & Benefits					
2	Finance Costs					
3	Water Charges					
4	Communication Expenses					
5	Power Charges					
6	Other Office and Administrative Expenses					
7	Others (Please Specify Details)					
8	Other pre-Operating Expenses					
					
B	Total Expenses					
	Less: Income from sale of tenders					
	Less: Income from guest house					
	Less: Income recovered from Contractors					
	Less: Interest on Deposits					
					

Note: IEDC should be duly reconciled with the corresponding figures of Auditor's Certificate.

(Petitioner)

