

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
New Delhi**

**Petition No. 25/RP/2023 in  
Petition No. 296/TT/2022**

- Subject** : Petition for review and modification of the order dated 28.4.2023 passed by the Commission in Petition No. 296/TT/2022.
- Petitioner** : Goa Tamnar Transmission Project Limited
- Respondents** : Power Grid Corporation of India Limited & Others
- Date of Hearing** : 4.4.2024
- Coram** : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Parties Present** : Shri Deep Rao, Advocate, GTTPL  
Ms. Swapna Seshadri, Advocate, PGCIL  
Shri Utkarsh Singh, Advocate, PGCIL  
Ms. Sneha Singh, Advocate, PGCIL  
Shri G Vijay, Advocate, Advocate, PGCIL  
Ms. Tanushree Rao, Advocate, PGCIL  
Shri Deepak Kumar, PFCL

**Record of Proceedings**

The present review petition is filed by Goa Tamnar Transmission Project Limited (GTTPL) against the Commission's order dated 28.4.2023 in Petition No. 296/TT/2022, wherein it was held that the transmission tariff of the 2 Nos. 765 kV Line Bays each at Raigarh and Dharamjaygarh Pooling Station of PGCIL, for termination of Dharamjaygarh Pooling Station Section B-Raigarh (Tamnar) Pooling Station 765 kV D/C Line ("DT Line") of GTTPL, from their COD to the COD of the transmission line of GTTPL would be borne by GTTPL under Regulation 5(2) of the 2019 Tariff Regulations.

2. The learned counsel for the Petitioner submitted as follows:
- a) The Commission, in its order dated 24.8.2023, held that GTTPL is liable to pay transmission charges from the date of commercial operation of the PGCIL assets (i.e., 20.5.2021 - which was prior to the DT line's SCOD) till the COD of the DT line (i.e., 27.6.2022). The imposition of transmission charges on GTTPL prior to the SCOD of the DT Line (i.e. 14.7.2021) is in violation of Regulation 6(2) of the 2019 Tariff Regulations, which clearly stipulates that no liability can be imposed on the defaulting transmission licensee before the SCOD of its



transmission system. The SOR on the 2019 Tariff Regulations also states the same.

- b) The Commission has mistakenly approved the COD of PGCIL assets as 20.5.2021 under Regulation 5(2) of the 2019 Tariff Regulations, which stipulates that the COD of the non-defaulting transmission licensee cannot be before the SCOD of the delaying licensee.

3. In response to a query of the Commission, learned counsel of the Petitioner submitted that it is seeking relief in the present case by relying on the harmonious reading of the Regulations 5(2) and 6(2) under the 2019 Tariff Regulations.

4. Learned counsel for PGCIL, *inter alia*, submitted as follows:

- a) The Review Petitioner never raised this contention that the SCOD of its transmission asset is 14.7.2021.
- b) During the period of mismatch (i.e. 20.5.2021 and 14.7.2021) PGCIL assets could not be utilized despite its achieving COD on time due to delay in the completion/ commercial operation of DT line under the scope of the Review Petitioner. Considering all these aspects, the Commission imposed the liability on the Review Petitioner as per the regulations since the COD in respect of the PGCIL assets could not have been changed.
- c) The Commission has to decide on the matter related to the recovery of the transmission charges during the period of mismatch since the same cannot be fastened upon the beneficiaries in terms of the principle set by the APTEL in the Fatehgarh-Bhadla case.

5. In response to the submissions of PGCIL, the learned counsel for the Review Petitioner submitted that GTTPL had clearly submitted in its reply dated 3.2.2023 and in its written submissions dated 24.3.2023 in the main petition that the SCOD of the DT Line was 14.7.2021, which was after the claimed COD of the PGCIL assets i.e., 20.5.2021.

6. After hearing the learned counsels of the parties, the Commission reserved the order in the matter.

**By order of the Commission**

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(V. Sreenivas)  
Joint Chief (Law)

