

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 278/MP/2023

- Subject** : Petition under Section 79 of the Electricity Act, 2003 read with Regulations 111, 112 and 119 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for enforcement/execution of the tariff order dated 31.3.2021 passed by the Commission in Petition No. 104/TT/2020 directing bilateral billing and payment of transmission charges by the Respondent intra-State Transmission Licensee to the Petitioner on account of delay in execution of its downstream transmission network.
- Date of Hearing** : 21.2.2024
- Coram** : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri P. K. Singh, Member
- Petitioner** : Power Grid Corporation of India Limited (PGCIL)
- Respondent** : Power Transmission Corporation of Uttarakhand Limited (PTCUL) and Anr.
- Parties present** : Shri Shubham Arya, Advocate, PGCIL
Shri Devyanshu Sharma, Advocate, PGCIL
Ms. Reeha Singh, Advocate, PGCIL
Shri Karan Arora, Advocate, PTCUL
Shri Abhishek Kumar, Advocate, PTCUL
Shri Nitish Kumar, PGCIL

Record of Proceedings

The instant petition has been filed by Powergrid Corporation of India Limited under Section 79 of the Electricity Act, 2003, read with Regulations 111, 112 and 119 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, for enforcement/ execution of the order dated 31.3.2021 in Petition No. 104/TT/2020.

2. The Petitioner had earlier filed Petition No.104/TT/2020 for truing up of transmission tariff from COD to 31.3.2019 and determination of tariff for the 2019-24 period in respect of its three transmission assets, including Asset-III, i.e. 4 number of 220 kV bays at Dehradun Sub-station.



3. Learned counsel for the Petitioner made the following submissions:
- (i) The Commission, in its order dated 31.3.2021 in Petition No. 104/TT/2020, approved the commercial operation of Asset-III as 4.2.2017 under Regulation 4(3) of the 2014 Tariff Regulations as the associated transmission downstream transmission system under the scope of work of Power Transmission Corporation of Uttarakhand Limited (PTCUL) was not ready. Therefore, the Commission held PTCUL liable for payment of the transmission charges for the period of mismatch, i.e. from the COD of Asset-III on 4.2.2017 to the COD of the downstream assets under the scope of PTCUL.
 - (ii) Aggrieved with the aforesaid order of the Commission dated 31.3.2021, PTCUL filed Review Petition No. 21 of 2021. However, the Commission, vide its order dated 22.5.2022, rejected the Review Petition.
 - (iii) PTCUL thereafter challenged the Commission's order dated 31.3.2021 in Petition No. 104/TT/2020, before the Appellate Tribunal for Electricity (APTEL) in Appeal No. 410 of 2022, along with the application for stay as IA No. 1512 of 2022. The said Appeal is pending before the APTEL, but no interim relief has been granted by APTEL.
 - (iv) In view of the said order of the Commission dated 31.3.2021 in Petition No. 104/TT/2020, PTCUL is liable to pay outstanding dues of approximately ₹30 crore towards transmission charges. PTCUL has failed to pay the said amount against the bilateral bills raised by CTUIL despite repeated requests made by the Petitioner.
4. After the hearing, the Commission admitted the petition and directed the Petitioner to serve a copy of the petition on the Respondents by 14.3.2024, and the Respondents may file their replies by 22.3.2024, with an advance copy to the Petitioner, and the Petitioner, to file its rejoinder if any, by 5.4.2024. The Commission further directed the Petitioner to adhere to the above timelines and observed that no extension of time shall be entertained.
5. The matter will be listed for further hearing on 19.4.2024.

By order of the Commission

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

