

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 337/TT/2022

- Subject : Petition for determination of transmission tariff from COD to 31.3.2024 in respect of transmission asset under “Transmission System for Transfer of Power from generation projects in Sikkim to NR/WR (Part - B1)” in Eastern Region.
- Date of Hearing : **20.8.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Petitioner : Power Grid Corporation of India Limited (PGCIL)
- Respondents : Bihar State Power (Holding) Company Limited (BSPHCL) and 7 Ors.
- Parties Present : Ms. Swapna Seshadri, Advocate, PGCIL
Shri Utkarsh Singh, Advocate, PGCIL
Ms. Sneha, Advocate, PGCIL
Shri Kuber Boddh, Advocate, BSPHCL
Ms. Prachi Mishra, Advocate, BSPHCL
Ms. Nisha Kant Pandey, Advocate, BSPHCL
Ms. Vanshika, Advocate, BSPHCL
Shri Vidhan Vyas, Advocate, TUL
Shri Mayur Punjabi, Advocate, TUL
Shri Mohd. Mohsin, PGCIL
Shri Zafrul Hasan, PGCIL
Shri Arjun Malhotra, PGCIL

Record of Proceedings

At the outset, the learned counsel for the Petitioner submitted that the information called for by the Commission vide Record of Proceedings for the hearing dated 24.7.2024 has been filed vide affidavit dated 30.7.2024. She further submitted that the Petitioner was ready with both the Loop-In and Loop-Out portions of the LILO, but the CEA Certificate erroneously recorded that only the Loop-In portion was ready.

2. The learned counsel for Bihar State Power (Holding) Company Limited (BSPHCL) has mainly submitted as under:

(a) The reasons for the delay in execution of the transmission asset given by the Petitioner were under the category of controllable factors.



(b) The Petitioner is not entitled to the benefit of CEA's clearance letter dated 4.3.2016. The Petitioner initiated for correction/corrigendum in the aforesaid CEA's letter in 2020, and follow-ups were made in 2022 and 2024. It appears that the Petitioner is attempting to gain advantages from its own lapses.

(c) BSPHCL cannot be expected to bear the charges without availing any services of the asset as the asset was not in use.

(d) The amended Petition lacks in merits as the Petitioner has not provided any document to establish that the financial burden was caused to the Petitioner. The documents provided are merely the records of the communication between the stakeholders. Moreover, the Petitioner has not made any effort to deal with ROW issues.

3. The learned counsel for Teesta Urja Limited (TUL) submitted that the CEA, in response to the TUL's RTI, has categorically mentioned that CEA has carried out inspection and approval of only the Loop-In of the aforementioned circuit but has neither inspected nor approved the Loop-Out of the said circuit.

4. *Per contra*, the learned counsel for the Petitioner submitted that the Petitioner had filed a copy of the correspondence made with the CEA vide affidavit 30.7.2024, along with a CEA's letter wherein the CEA has mentioned that no mistake was made on the part of the CEA. She submitted that the subject assets of the Petitioner were ready for commercial operation within a specified time schedule. She further submitted that apart from the CEA Certificate, the Petitioner has also filed an RLDC Certificate, which may be considered for determining the tariff under the provisions of the 'Power to Relax'.

5. The learned counsels for BSPHCL and TUL submitted that the Petitioner had not made any prayer in the present Petition to invoke the Commission's 'Power to Relax.'

6. After hearing the learned counsels for the parties, the Commission directed the Respondents to file their respective replies on an affidavit within two weeks, with a copy to the Petitioner, who may file its rejoinder, if any, within two weeks thereafter.

7. The matter will be listed for the hearing on **14.10.2024**.

By order of the Commission

sd/-

(T. D. Pant)
Joint Chief (Law)

