

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
New Delhi**

**Petition No. 52/TT/2023**

- Subject** : Petition for determination of transmission tariff from COD to 31.3.2024 in respect of the transmission assets under Northern Region System Strengthening-XL(NRSS-XL) in the Northern Region.
- Date of Hearing** : 27.2.2024
- Coram** : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member
- Petitioner** : Power Grid Corporation of India Limited
- Respondents** : Ajmer Vidyut Vitran Nigam Limited and 20 others
- Parties Present** : Shri Shri Venkatesh, Advocate, PGCIL  
Ms. Himangi Kapoor, Advocate, PGCIL  
Shri Bharath Gangadharan, Advocate, PGCIL  
Shri Karan Arora, Advocate, PTCUL  
Shri Buddy Ranganadhan, Advocate, PTCUL  
Shri Abhishek Kumar, Advocate, PTCUL  
Shri Mohit K. Mudgal, Advocate, UPPTCL  
Shri Raheel Kohli, Advocate, HVPNL  
Shri Amit Yadav, PGCIL  
Ms. Ashita Chauhan, PGCIL  
Shri Vivek Kumar Singh, PGCIL

**Record of Proceedings**

PGCIL has filed the instant petition for determination of the transmission tariff in respect of 29 number of the transmission assets under the “Northern Region System Strengthening-XL (NRSS-XL) in the Northern Region.

2. Learned counsel for Power Transmission Corporation of Uttarakhand Limited (PTCUL) made the following submissions:
- a. The associated downstream system for Asset-11 is under the scope of work of PTCUL, whose COD is claimed by the Petitioner under Regulation 5(2) of the 2019 Tariff Regulations.
  - b. In the facts and circumstances of the present case, the Commission has to see whether there is any agreed implementation schedule between the Petitioner and PTCUL with respect to Asset-11. The COD of Asset-11 cannot merely be considered as per Regulations 5(2) of the 2019 Tariff Regulations.



- c. In the 39<sup>th</sup> meeting of the Standing Committee on Power System planning of NR held on 29-30<sup>th</sup> May 2017, PTCUL agreed to one additional 220 kV bay at Roorkee (for Asset-11) from 2016 onwards; PTCUL informed PGCIL about its plan to construct D/C Puhana-Pirankaliyar line instead of S/C line for which the 5th and 6th bays were required. However, due to lack of planning and delay in implementation of 5th and 6th bays by the PGCIL, PTCUL was constrained to terminate the 220 kV D/C Puhana-Pirankaliyar line on the available 2 no. 220 kV bays (3<sup>rd</sup> and 4th bays) which were originally envisaged to be terminated on 5th bay and 6th bay/Asset 11.
- d. The Petitioner has submitted that the time over-run was due to Covid-19 and has sought extension of SCOD by eight months as per the Ministry of Power letters dated 27.7.2020 and 12.6.2021. The letter dated 12.6.2021 is not relevant as it provides extension of 3 months to inter-State transmission projects whose SCOD is after 1.4.2021 whereas SCOD in the instant matter is 15.12.2020. The letter dated 27.7.2020 provides extension of five months to under construction projects as on the date of lockdown i.e. 25.3.2020. The Petitioner had not even commenced construction of Asset-11 on 25.3.2020 and as such Asset-11 was not under construction as on 25.3.2020. Thus, the Petitioner cannot take benefit of these letters of MoP. As per the Petitioner's affidavit dated 20.11.2023, given in response to the RoP for the hearing dated 30.10.2023, Asset-11 was not under construction as on 25.3.2020. Hence, the delay in the case of Asset-11 should not be condoned.
- e. The Petitioner is required to give prior notice of at least one month before the COD for a transmission asset. The notice dated 19.8.2021, issued by PGCIL indicating the execution of Asset-11 to be scheduled in September 2021 does not qualify to be a valid one as envisaged under proviso to Regulation 5(2) of the 2019 Tariff Regulations since the proposed date of commercial operation by PGCIL is after a lapse of 5 months from the date of the notice, i.e., on 13.3.2022.

3. Learned counsel for Uttar Pradesh Power Transmission Corporation Limited (UPPTCL) made the following submissions:

- a. The associated downstream systems for Asset-24, Asset-26 and Asset-28 are under the scope of work of UPPTCL.
- b. The Petitioner did not make any prayer in the instant matter to approve the COD of some of the transmission assets under Regulation 5(2) of the 2019 Tariff Regulations.
- c. As per Regulation 5(2) of the 2019 Tariff Regulations and Regulation 6.3A (3)(iv) of the 2010 Grid Code Regulations issued by the Commission, in the event of the transmission line of the transmission licensee is executed but could not put in use due to non-completion of the inter-connected lines, in that situation Regulation 5(2) of 2019 Tariff Regulations and Regulation 6.3A (3) (iv) of the 2010 Grid Code Regulations envisage for filing of a separate petition by the licensee whose line is executed. Relying on these regulations, the instant petition filed by the Petitioner is not maintainable.



- d. The reply filed by UPPTCL vide affidavit dated 2.12.2023, may be considered with respect to the associated downstream assets under the scope of work of UPPTCL.
4. The learned counsel for the Petitioner made the following submissions:
- a. The Petitioner has given all the details of the transmission assets whose CODs are being claimed under Regulation 5(2) of the 2019 Tariff Regulations. Further, the Petitioner complied with all the requirements as contemplated under Regulation 5(2) of the 2019 Tariff Regulations. Therefore, the Petition is maintainable.
- b. The commissioning of the transmission assets was agreed in the 39th SCM Meeting on 29-30th May, 2017. Thereafter, Investment Approval was accorded by the Board of Directors of the Petitioner. In the 39th SCM in 2017, the issue of 'Augmentation of transformation capacity at Gorakhpur, Lucknow and Fatehpur' was discussed where UPPTCL requested for provision of two nos. of 220 kV bays at Gorakhpur along with ICT augmentation as well as augmentation of 400/200 kV ICT at Lucknow. Based on this, the replacement of 500 MVA with two nos. 220 kV line bays at Lucknow; 315 MVA ICT with two nos. line bays at Gorakhpur (subject to confirmation of line bays by PGCIL) and 500 MVA ICT with two nos. of 220 kV line bays at Fatehpur were agreed.
- c. The execution of setting up of the transmission system was obstructed during the Covid-19 pandemic despite relaxations and exemptions were given to the public utilities by Ministry of Power and Ministry of Home Affairs.
5. Learned counsel for HVPNL sought two weeks' time to file its reply to the petition.
6. Learned counsel for the Petitioner and Respondents sought two weeks' time to file their respective Written Submissions.
7. After hearing the parties, the Commission directed the Respondent, HVPNL to file its reply by 15.3.2024 with an advance copy of the same to the Petitioner and the Petitioner to file rejoinder, if any, by 22.3.2024. The Commission further directed Petitioner and Respondents to file their respective Written Submissions by 15.3.2024, with a copy to the others. The Commission further directed that the above timelines may be strictly adhered to and observed that no request for an extension of time will be entertained.
8. Subject to the above, the Commission reserved the order in the matter.

**By order of the Commission**

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(V. Sreenivas)  
Joint Chief (Law)

