

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**I. A. No. 8/IA/2024 in  
Petition No. 209/MP/2017**

**Coram:**

**Shri Arun Goyal, Member  
Shri P. K. Singh, Member**

**Date of Order: 05.02.2024**

**In the matter of:**

Petition for approval of Transmission Charges, Transmission Losses and other Conditions for use of the 176.5 km long 220 kV Double Circuit Dedicated Transmission Line of the Petitioner {Allain Duhangan Hydro Project Limited (ADHPL)} from Prini (Generating station of ADHPL) to Nalagarh (Sub-station of CTU).

**And in the matter of:**

A. D. Hydro Power Limited,  
Bhilwara Towers,  
A-12, Sector 1, Noida-201301(UP).

**....Petitioner**

**Vs.**

- 1 Everest Power Private Limited,  
1st House, Bhumian Estate,  
Nav Bahar, Bhumian Road,  
Chhota Shimla, Shimla-170002.
- 2 Central Electricity Authority,  
Sewa Bhawan, Sector-1,  
R K Puram, New Delhi-110066.
- 3 Ministry of Power,  
Shram Shakti Bhavan,  
Rafi Marg, New Delhi-110001.
- 4 Power Grid Corporation of India Limited,  
Plot No.2, Sector-29,  
Near IFCO Chowk, Gurgaon-122001.
- 5 Northern Regional Load Despatch Centre,  
B-9 (First Floor), Qutab Institutional Area,



- Katwaria Sarai, New Delhi-110016.
- 6 Ministry of Power,  
Government of Himachal Pradesh,  
Shimla-171002.
  - 7 Himachal Pradesh State Electricity Board Limited,  
Vidyut Bhawan, Kumar House Shimla,  
Himachal Pradesh-171004.
  - 8 Himachal Pradesh Power Transmission Corporation Limited,  
Khalini, Shimla-171002.
  - 9 Department of Forests,  
Government of Himachal Pradesh,  
Shimla-171002.
  - 10 Central Transmission Utility of India Limited,  
Plot No.2, Sector-29, Near IFCO Chowk,  
Gurgaon-122001.
  - 11 Tata Power Delhi Distribution Limited,  
(Erstwhile North Delhi Power Limited)  
33 kV Grid Substation Building,  
Hudson Lines, Kingsway Camp,  
New Delhi-110009.
  - 12 BSES Rajdhani Power Limited,  
PMG Office, 2nd Floor, B-Block  
BSES Bhawan, Nehru Place,  
New Delhi -110019.
  - 13 BSES Yamuna Power Limited,  
2nd Floor, A- Block,  
Shakti Kiran Building,  
Karkardooma, Delhi-110092.
  - 14 New Delhi Municipal Corporation,  
Palika Kendra,  
Parliament Street, New Delhi-110001.
  - 15 Haryana Power Purchase Centre,  
Shakti Bhawan, Sector-6,  
Panchkula-134109, Haryana.
  - 16 Punjab State Power Corporation Limited,  
The Mall, Near Kali Badi Mandir,  
Patiala-147001.



- 17 Uttarakhand Power Corporation Limited,  
Victoria Cross, Vijeyta Gabar Singh,  
Urja Bhawan, Kanwali Road,  
Balliwala Chowk,  
Dehradun-248001, Uttarakhand.
- 18 Kanchanjunga Power Company Private Limited,  
B-37, 3rd Floor, Sector-1, Noida  
Gautam Budh Nagar (UP) 201301.
- 19 Uttar Pradesh Power Corporation Limited,  
10th Floor, Shakti Bhawan Extension,  
14, Ashoka Marg, Lucknow-226001.
- 20 Chandigarh Administration,  
Sector-9, Chandigarh,  
Engineering Department,  
1st Floor, UT Chandigarh, Sector 9D,  
Chandigarh-160009.
- 21 Power Development Department,  
Jammu & Kashmir,  
5, Prithvi Raj Road,  
New Delhi-110003.

...Respondent(s)

**For Petitioner** : Dr. Seema Jain, Advocate, ADHPL  
Shri Vindesh Kumar, Advocate, ADHPL  
Shri Sumit Garg, ADHPL  
Shri Seyaydena, ADHPL

**For Respondents** : Shri Hemant Singh, Advocate, KPCPL  
Shri Lakshyajit Singh Bagdwal, Advocate, KPCPL  
Shri Alchi Thapliyal, Advocate, KPCPL  
Shri Swapnil Verma, CTUIL

### **ORDER**

AD Hydro Power Limited filed Petition No.209/MP/2017 for approval of transmission charges, transmission losses and other conditions for use of the 176.5 km long 220 kV Double Circuit Dedicated Transmission Line {Allain Duhangan Hydro Project Limited (ADHPL)} from Prini (Generating station of ADHPL) to Nalagarh (Sub-station of CTU) (hereinafter referred to as the



“transmission asset”). The tariff for the transmission line was approved by the Commission vide order dated 17.10.2019 in Petition No. 209/MP/2017, wherein the capital cost of the transmission line was restricted and it was further held that the transmission line is a dedicated transmission line and the same can be used by others on certain terms and conditions.

2. Kanchanjunga Power Company Private Limited (KPCPL), one of the users of the Petitioner’s transmission line, filed Appeal No. 450 of 2019 before the APTEL against the Commission’s finding that the transmission line is a dedicated transmission line. APTEL vide judgement dated 31.10.2022 in Appeal No.450 of 2019 held that the transmission line is an ISTS line and not a dedicated transmission line and the charges for the transmission line should be charged as per the PoC mechanism and remanded the matter to the Commission with a direction to pass consequential order. The Commission vide order dated 19.1.2024 has issued the consequential order as per the directions of the APTEL.

3. The Petitioner also filed Appeal No. 410 of 2019 before the APTEL with respect to restriction of capital cost of the transmission line. APTEL vide judgment dated 31.8.2023, remanded the Petitioner’s Appeal No. 410 of 2019 for fresh examination of the Petitioner’s claim of capital cost, Additional Capital Expenditure and Initial Spares in terms of Regulations 7, 8 and 9 of the 2009 Tariff Regulations.

4. Accordingly, the matter was listed on 8.12.2023 and is listed for further hearing on 14.3.2024.



5. In the meanwhile, ADHPL has filed IA No. 8/IA/2024 praying for interim tariff of 95% of the Annual Fixed Charges (AFC) claimed. The matter was also mentioned before the Commission on 12.1.2024 and a request was made for urgent listing and for grant of provisional tariff. The Petitioner has made the following prayers in IA No. 8/IA/2024:

- a. *Grant provisional tariff upto 95% of the annual fixed cost of the project claimed in the Petition till the capital cost and transmission tariff is finally approved.*
- b. *Pass any other order or orders that this Commission deems fit in the facts and circumstances of the case.*

6. During the hearing of the IA on 24.1.2024, the learned counsel for the Petitioner submitted that the Petitioner has not received any tariff for the transmission line since November, 2023, since the APTEL's judgment dated 31.8.2023 in Appeal No. 410 of 2019 setting aside the Commission's order dated 17.10.2019 wherein the tariff for the transmission line was approved. Further, a request has also been made to grant interim tariff for the transmission line till the capital cost and tariff is finally decided by the Commission.

7. The learned counsel for Kanchanjunga Power Company Private Limited (KPCPL) submitted that KPCPL has no issue with the instant IA and their concern regarding the status of the transmission line has already been addressed by the APTEL vide judgement dated 31.10.2022 in Appeal No.450 of 2019, wherein the transmission line has been declared as an ISTS. The representative of CTUIL sought time to file the details about the billing of the transmission line.

8. After hearing the parties on 24.1.2024, we observed that interim tariff for the transmission line is to be allowed by a separate order. Accordingly, the instant order.



9. We have perused the NLDC Notification of transmission charges payable by the DICs dated 25.10.2023, 25.11.2023 and 25.12.2023 for the billing months November, 2023 and December, 2023 and January, 2024 respectively, filed by the Petitioner filed alongwith the IA. It is observed that the “*Equivalence MTC to be considered*” for the said months is shown as “NIL”. Thus, the Petitioner has not received any transmission charges for the transmission line since November, 2023. Taking into consideration the fact that the Petitioner is not getting any tariff for the transmission line and grant of final tariff is likely to take some more time, the Commission is inclined to issue ,interim tariff as an interim measure.

10. We find that the Petitioner has claimed a capital cost of ₹ 45284.45 lakh as on 31.3.2014, and taking into consideration the time and cost over-run, which will be considered in detail at the time of final order, we allow capital cost of ₹ 36227.56 lakh (80% of the capital cost claimed as as on 31.3.2014) in terms of Regulation 10(3) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff), Regulations, 2019 (hereinafter referred to as “the 2019 Tariff Regulations”) for the period January, 2024 to March, 2024. This order as an interim measure is subject to the Petitioner submitting the information as stated in paragraph 13 of this order and prudence check of the capital cost claimed by the Petitioner in terms of the applicable regulations. Accordingly, the interim tariff (worked out based on capital cost of ₹ 36227.56 lakh) is allowed for the transmission line as follows:

| (₹ in lakh)           |  |
|-----------------------|--|
| <b>Interim tariff</b> | <b>2023-24<br/>(Pro-rata from 1.1.2024 to<br/>31.3.2024)</b> |
|                       | 1073.79  |



11. As stated above, the interim tariff allowed shall be applicable for the period 1.1.2024 and 31.3.2024 and the billing, collection and disbursement of the transmission charges shall be governed by the provisions of Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and losses) Regulations, 2020 as provided in Regulation 57 of the 2019 Tariff Regulations. Further, the transmission charges allowed in this order shall be subject to adjustment as per Regulation 10(7) of the 2019 Tariff Regulations and further prudence check of the capital cost claimed by the Petitioner.

12. The Petitioner was directed to submit certain information vide Record of Proceedings (RoP) dated 8.12.2023 and the Petitioner vide affidavit dated 2.1.2024 has submitted some of the information sought by the Commission. It is observed that the response of the Petitioner in case of certain information is evasive and that the information is not available with the Petitioner. The information sought by the Commission as per the Forms annexed to the Tariff Regulations is mandatory and are essential to carry out the prudence of the capital cost and determination of tariff as per the applicable Tariff Regulations. Therefore, the Petitioner is directed submit the information sought by the Commission vide RoP dated 8.12.2023 and the following information by 29.2.2024, failing which the interim tariff approved in this order for the transmission asset shall stand automatically withdrawn.

13. The Petitioner is further directed to submit the following information on affidavit with an advance copy to the Respondents by 15.2.2024:



- (a) The Petitioner has submitted CEA's OM dated 20.8.2002 (Techno Economic Clearance of AD Hydro Project) wherein the estimated completion cost of 2X96 MW AD HEP is ₹922.355 crore including cost of transmission works of ₹89.709 crore. Submit the revised cost estimate of the 2X96 MW AD HEP duly approved by CEA (Revised TEC).
- (b) Duly audited final cost figures with detailed break-up of the transmission works
- (c) The reasons for cost variation from ₹89.709 crores (as per CEA's Techno Economic Clearance) to ₹416.661 crore of transmission works along with valid documentary evidence.
- (d) Tariff forms for 2009-14 and 2014-19 tariff periods as per 2009-14 and 2014-19 Tariff Regulations.
- (e) Legible copy of map along with three route maps, for 65 km planned originally and 176.5 km implemented subsequently.
- (f) Justification for the ACE of ₹11.42 lakh during 2011-12 in respect of "Swichyard at Pirni – Plant and Machinery", whether it pertains to generation or transmission.

14. The CTUIL is directed to submit the details about the billing of the transmission line by 15.2.2024 on affidavit with a copy to the other parties.

15. The main petition was earlier heard on 8.12.2023 and was directed to be listed on 14.2.2024. In view of the instant order, the matter need not be listed on 14.2.2024 and will be listed for hearing on 14.3.2024.

16. This order disposes of IA No. 8/IA/2024 in Petition No. 209/MP/2017.

**sd/-**  
**(P. K. Singh)**  
**Member**

**sd/-**  
**(Arun Goyal)**  
**Member**

