

**Central Electricity Regulatory Commission
New Delhi**

Petition No. 443/MP/2024

Coram:

Shri Jishnu Barua, Chairperson

Shri Ramesh Babu V., Member

Shri Harish Dudani, Member

Date of Order: 28th November, 2024

In the matter of:

Miscellaneous Petition under Regulation 102 'Power to Relax' and under Regulation 103 'Power to Remove Difficulty' of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2024 read with Regulations 65 and 69 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 for relaxation of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2024 as detailed in the Petition.

And

In the matter of:

Power Grid Corporation of India Limited,

"Saudamini", Plot No. 2,

Sector-29, Gurgaon - 122 001 (Haryana)

...Petitioner

Vs.

- 1. Uttar Pradesh Power Corporation Limited,**
Shakti Bhawan, 14, Ashok Marg,
Lucknow - 226 001
- 2. Ajmer Vidyut Vitran Nigam Limited,**
Corporate Office, Vidyut Bhawan,
Panchsheel Nagar, Makarwali Road
Ajmer - 305004 (Rajasthan)
- 3. Jaipur Vidyut Vitran Nigam Limited,**
132 kV, GSS RVPNL Sub-station Building,
Caligiri Road, Malviya Nagar, Jaipur - 302017
(Rajasthan)
- 4. Jodhpur Vidyut Vitran Nigam Limited,**
New Power House, Industrial Area,
Jodhpur - 342 003 (Rajasthan)
- 5. Himachal Pradesh State Electricity Board Limited,**
Vidyut Bhawan,



Kumar House Complex Building II,
Shimla - 171 004

6. **Punjab State Power Corporation Limited,**
The Mall, PSEB Head Office, Patiala - 147 001
7. **Haryana Power Purchase Centre,**
Shakti Bhawan, Sector-6,
Panchkula (Haryana) 134 109
8. **Jammu Kashmir Power Corporation Limited,**
220/66/33 kV Gladni SS SLDC Building,
Narwal, Jammu
9. **BSES Yamuna Power Limited,**
B-Block, Shakti Kiran, Bldg.,
(Near Karkadooma Court),
Karkadooma 2nd Floor,
New Delhi - 110092
10. **BSES Rajdhani Power Limited,**
BSES Bhawan, Nehru Place,
New Delhi
11. **Tata Power Delhi Distribution Limited,**
33 kV Substation Building,
Hudson Lane, Kingsway Camp
North Delhi - 110009
12. **Chandigarh Electricity Department,**
Chandigarh Administration,
Sector-9, Chandigarh
13. **Uttarakhand Power Corporation Limited,**
Urja Bhawan,
Kanwali Road,
Dehradun.
14. **North Central Railway,**
Allahabad, Uttar Pradesh
15. **New Delhi Municipal Council,**
Palika Kendra, Sansad Marg,
New Delhi - 110002
16. **Madhya Pradesh Power Management Company Limited,**
Shakti Bhawan, Rampur,
Jabalpur - 482 008
17. **Maharashtra State Electricity Distribution Company Limited,**



Hongkong Bank Building, 3rd Floor,
M.G. Road, Fort, Mumbai - 400001

18. **Gujarat Urja Vikas Nigam Limited,**
Sardar Patel Vidyut Bhawan,
Race Course Road, Vadodara - 390007
19. **Electricity Department,**
Govt. of Goa, Vidyut Bhawan, Panaji,
Near Mandvi Hotel, Goa - 403 001
20. **DNH and DD Power Corporation Limited,**
1st & 2nd Floor, Vidyut Bhavan,
Silvassa - 396230, DNH, India
21. **Chhattisgarh State Power Distribution Company Limited,**
P.O. Sunder Nagar, Dangania, Raipur,
Chhattisgarh - 492013
22. **Bihar State Power (Holding) Company Limited,**
Vidyut Bhawan, Bailey Road,
Patna - 781001, Bihar
23. **West Bengal State Electricity Distribution Company Limited,**
Bidyut Bhawan, Bidhan Nagar,
Block DJ, Sector-II, Salt Lake City,
Kolkata - 700 091, West Bengal
24. **Grid Corporation of Orissa Limited,**
Shahid Nagar,
Bhubaneswar - 751 007, Odisha
25. **Damodar Valley Corporation,**
DVC Tower, Maniktala
Civic Centre, VIP Road,
Kolkata - 700 054, West Bengal
26. **Power Department, Govt. of Sikkim,**
Gangtok - 737 101, Sikkim
27. **Jharkhand Bijli Vitran Nigam Limited,**
Engineering Building, H.E.C., Dhurwa,
Ranchi - 834 004, Jharkhand
28. **Assam Power Distribution Company Limited,**
04th Floor, Bijulee Bhawan, Paltan Bazar,
Guwahati - 781001, Assam
29. **Meghalaya Energy Corporation Limited,**
Short Round Road, "Lumjingshai"



Shillong - 793001, Meghalaya

30. **Government of Arunachal Pradesh,**
Itanagar, Arunachal Pradesh
31. **Power and Electricity Department,**
Government of Mizoram,
Aizawl, Mizoram
32. **Manipur State Power Distribution Corporation Limited,**
Keishampat, Imphal
33. **Department of Power,**
Government of Nagaland,
Kohima, Nagaland
34. **Tripura State Electricity Corporation Limited,**
Vidyut Bhawan, North Banamalipur,
Agartala, Tripura (W) - 799001, Tripura
35. **Tamil Nadu Generation and Distribution Corporation Limited,**
NPKRR Maaligai, 800, Anna Salai,
Chennai - 600 002
36. **Kerala State Electricity Board Limited,**
Vaidyuthi Bhavanam
Pattom, Thiruvananthapuram - 695 004
37. **Electricity Department,**
Govt. of Pondicherry,
137, Netaji Subash Chandra Bose Salai,
Pondicherry - 605001
38. **Eastern Power Distribution Company of Andhra Pradesh Limited,**
APEPDCL, P&T Colony,
Seethmmadhara, Vishakhapatnam,
Andhra Pradesh
39. **Southern Power Distribution Company of Andhra Pradesh Limited,**
#19-13-65/A, Srinivasapuram, Tiruchanoor Road,
Tirupati - 517503, Andhra Pradesh
40. **Andhra Pradesh Central Power Distribution Company Limited, ,**
Corporate Office, Beside Polytechnic College,
ITI Road, Vijayawada - 520 008,
Krishna District, Andhra Pradesh
41. **Southern Power Distribution Company of Telangana Limited,**
6-1-50, Corporate Office, Mint Compound,
Hyderabad - 500 063, Telangana



42. **Northern Power Distribution Company of Telangana Limited,**
H.No. 2-5-3 1/2, Vidyut Bhawan, Corporate Office,
Nakkal Gutta, Hanamkonda,
Warangal - 506 001, Telangana
43. **Bangalore Electricity Supply Company Limited,**
Corporate Office, K.R. Circle
Bangalore - 560 001, Karnataka
44. **Gulbarga Electricity Supply Company Limited,**
Corporate Office, Station Main Road,
Opp. Parivar Hotel,
Gulbarga (Kalburgi), Karnataka - 585102
45. **Hubli Electricity Supply Company Limited,**
Navanagar, PB Road, Hubli, Karnataka - 580025
46. **Mangalore Electricity Supply Company Limited,**
Corporate Office, 1st Floor, MESCOM Bhavan,
Kavoor Cross Road, Bejai,
Mangalore - 575 004, Karnataka
47. **Chamundeswari Electricity Supply Corporation Limited,**
Corporate Office, #29, Vijayanagara 2nd Stage,
Hinkal, Mysuru - 570017, Karnataka

...Respondents

Parties Present : Shri Dilip Naresh Rozekar, PGCIL
Shri Mohd. Mohsin, PGCIL
Shri Arjun Malhotra, PGCIL
Ms. Kirti, PGCIL

ORDER

The Petitioner, Power Grid Corporation of India Limited, has filed the instant Petition seeking an extension of 180 days from 30.11.2024 to file the truing up Petitions in the case of the existing transmission assets owned by it by relaxing Regulation 9(2) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2024 (hereinafter referred to as 'the 2024 Tariff Regulations'). Besides this, the Petitioner has also prayed for certain other reliefs as detailed in Paragraph No. 14 of the Petition.



2. The Petitioner has mainly submitted as under:
- a) As per Regulation 9(2) of the 2024 Tariff Regulations, the Petitioner is required to file the tariff Petitions for the existing transmission assets for the 2024-29 tariff period and truing up of tariff for the 2019-24 period by 30.11.2024. There are around 540 tariff Petitions in total for the existing transmission assets for the 2024-29 tariff block, which are to be filed in terms of Regulation 9(2) of the 2024 Tariff Regulations on or before 30.11.2024. These Petitions are in addition to the filings required to determine tariffs under the 2024 Tariff Regulations for the new assets being progressively commissioned. The compilation of information related to all the relevant Petitions as per the directions of the Commission due to the high volume of assets consumes significant time, and the Petitioner is making its best efforts to compile the same as per the timeline prescribed in Regulation 9(2) of the 2024 Tariff Regulations.
 - b) In terms of Regulation 8(1) (i) of the 2024 Tariff Regulations, in the case of transmission systems involving more than one Petition, a consolidated Petition is required to be filed before the Commission for the entire transmission system covering all the assets which are declared under commercial operation up to 31.3.2024 after receipt of all the orders associated with the said transmission system. For the execution of this, tariff filing forms are required to be prepared after due reconciliation with books and filing a combined Petition considering different elements/different tariff orders consumes a considerable time.



- c) The Commission notified 'Tariff Filing Forms (Transmission and Communication System) for the determination of tariff under the 2024 Tariff Regulations in the month of June 2024 and Statement of Objects and Reasons (SOR) for the 2024 Tariff Regulations in July 2024. Consequently, the Petitioner was required to introduce the required changes in its system and software to align them with the revised Tariff Filing Forms. After introducing the required changes in its system, the Petitioner started filing the Petitions before the Commission in July 2024.
- d) Despite the above constraints, the Petitioner has already filed around 230 tariff Petitions in the Commission, and about 100 more Petitions are expected to be filed by the end of November 2024. Thus, out of the total of around 460 Petitions for which orders are already available, around 330 Petitions would be filed within the due of November, 2024.
- e) In addition to filing the true-up tariff Petitions, the Petitioner has to file fresh tariff Petitions for numerous assets getting commissioned in the 2024-29 tariff block within the stipulated period of 90 days from the COD as per Regulation 9(1) of the 2024 Tariff Regulations.
- f) The Petitioner's assigned team attends hearings and submits replies and other relevant information for various tariff Petitions. However, due to lack of time, the Petitioner is struggling to file the approximately 130 true-up tariff Petitions for which orders have been received by the deadline of 30.11.2024 as per Regulation 9(2) of the 2024 Tariff Regulations.



3. In the background of aforesaid submissions, the Petitioner has prayed for the grant of the following relaxation in the timeline provided under Regulation 9(2) of the 2024 Tariff Regulations:

a) Grant an additional 180 days' time from 30.11.2024, i.e., up to 31.5.2025, for filing the Petitions for which final tariff orders have been issued up to 31.3.2024;

b) In cases where the Commission has issued a tariff order after 1.4.2024 or is yet to issue final tariff orders, an extension may be granted up to 31.5.2025 or 180 days from the date of issuance of the order, whichever is later.

c) In cases where the Commission has not yet issued a consequential order in remand matters, the Petitioner may be permitted to file such Petition(s) within 180 days from the date of issuance of such remand order.

d) To file a consolidated true-up Petition for all the assets commissioned before 1.4.2024 after receipt of all the orders associated with a particular transmission system.

4. The matter was heard on 14.11.2024. During the course of the hearing, the Petitioner's representative submitted that after notifying the tariff Forms in June 2024 and SOR to 2024 Tariff Regulations in July 2024, it made the required changes in its system/software in July 2024 and thereafter started filing the transmission tariff Petitions in July 2024. He also submitted that the tariff filing formats require detailed reconciliation with accounting records that consume significant time and urged the Commission to grant an additional 180 days' time from 30.11.2024 or extend the Petition filing deadline to 31.5.2025, whichever is later, by exercising its 'Power to Relax' and 'Power to Remove Difficulty' under Regulations 102 and 103 respectively as per the 2024 Tariff Regulations read with Regulations 65 and 69 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023.



5. We have considered the Petitioner's submissions and have perused the record. For disposal of the present Petition, it is necessary for us to refer to Regulations 9(2) and 102 of the 2024 Tariff Regulations, which provide as under:

"9. Application for determination of tariff

(1) ...

(2) In case of an existing generating station or unit thereof, or transmission system or element thereof, the application shall be made by the generating company or the transmission licensee, as the case may be, by 30.11.2024, based on admitted capital cost including additional capital expenditure already admitted and incurred up to 31.3.2024 (either based on actual or projected additional capital expenditure) and estimated additional capital expenditure for the respective years of the tariff period 2024-29 along with the true up petition for the period 2019-24 in accordance with the CERC (Terms and Conditions of Tariff) Regulations, 2019."

"102. Power to Relax: The Commission, for reasons to be recorded in writing, may relax any of the provisions of these regulations on its own motion or on an application made before it by an interested person."

6. On perusing of Regulation 9(2) of the 2024 Tariff Regulations, we find that the tariff Petitions for the existing assets must be filed by 30.11.2024. The Petitioner has indicated that, in total, 540 tariff Petitions need to be filed by 30.11.2024. According to the Petitioner, it has received orders in 460 of these tariff Petitions. As against this, the Petitioner has already filed 230 tariff Petitions, and it expects to file an additional 100 Petitions by 30.11.2024, which will take the total number of filed Petitions to 330, leaving 130 Petitions to be submitted thereafter.

7. The Petitioner has sought an extension of time by 180 days from 30.11.2024 for filing the Petitions in the case of existing assets in which orders have already been issued up to 31.3.2024 and for cases where the Commission issued tariff orders after 1.4.2024 or has not yet issued final tariff orders, an extension up to 31.5.2025 or 180 days is sought from the issuance of the order, whichever is later. In a single project involving multiple tariff Petitions, the Petitioner has sought the liberty to file the true-up



Petitions within 180 days from the date of issuance of the last order for the 2019-24 tariff block. The Petitioner has prayed that in cases where the APTEL has remanded the matters back to the Commission for consideration, the true-up Petitions may be allowed to be filed within 180 days from the date of passing of such orders on these Petitions by the Commission.

8. The Petitioner has pointed out the difficulties being faced by it in filing the tariff Petitions within the stipulated time. The Petitioner is required to consolidate the detailed information regarding a large number of assets before making the tariff Petitions which involve considerable time. Besides this, tariff orders in approximately 80 Petitions pertaining to the 2019-24 tariff period are yet to be issued. Considering the practical difficulties being faced by the Petitioner, we are of the view that the Petitioner should be allowed an additional time to file the tariff Petitions.

9. Regulation 102 of the 2024 Tariff Regulations empowers the Commission to relax the provisions on its own motion or on an application made by an interested person. In view of problems faced by the petitioner as brought out in the submissions and similar problems being faced by other petitioners, in the exercise of power under Regulation 102 of the 2019 Tariff Regulations, we hereby relax the provisions of Regulation 9(2) of the 2024 Tariff Regulations and order as under:

- a) The tariff Petitions of the existing assets for the true-up of the tariff of the 2019-24 tariff period and the determination of tariff for the 2024-29 period may be filed by the Petitioner by 28.2.2025 where final orders for the 2019-24 tariff period have already been issued till 31.03.2024. The applicable fees shall be paid along with the Petition. However, it is clarified that except for this period of extension, the carrying cost under Regulation 10 of 2024 Tariff Regulations



for the period prior to 30.11.2024 (if applicable) and from the date of filing of the Petitions till the date of order shall be allowed. Further, in case, the Utility is required to refund the differential amount to the beneficiaries, the carrying cost shall be applicable for the delayed period also till the date of issuance of the order.

b) In the case of the existing assets, where the final orders for the 2019-24 tariff period are yet to be issued as on 31.3.2024, the tariff Petitions for truing-up of the tariff for the 2019-24 tariff period and the determination of tariff for the 2024-29 tariff period may be filed by the Petitioner within six months from the date of issue of the final order for the 2019-24 tariff period. The fees for these Petitions shall be paid on or before 31.12.2024 based on the provisional tariff already determined for the 2019-24 tariff period. The balance fee shall be paid along with the tariff Petitions for the 2024-29 tariff period.

c) Taking into consideration that a consolidated Petition in respect of the entire transmission system will lead to reduced regulatory burden, a consolidated Petition in respect of the particular transmission system, where the commercial operation of all the elements of a transmission system is prior to 1.4.2024, may be filed within the period of six months from the date of issuance of the last order of the Commission. The fees for these Petitions shall be paid on or before 31.12.2024 based on the provisional tariff already determined for the 2019-24 tariff period. The balance fee shall be paid along with the tariff Petitions for the 2024-29 tariff period.

d) In cases where the APTEL has remanded the matter back to the Commission and the Commission has yet not issued the remand order, the



Petition has to be filed within six months from the date of the order on remand by the Commission.

10. The above order shall also be applicable to the generating companies (including Petitions for input price of coal/Lignite) and other transmission licensees whose tariff is determined by the Commission.

11. This order disposes of Petition No. 443/MP/2024 in terms of the above discussions and findings.

**Sd/-
(Harish Dudani)
Member**

**Sd/-
(Ramesh Babu V.)
Member**

**Sd/-
(Jishnu Barua)
Chairperson**

