CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI

Review Petition No. 20/RP/2025
In
Petition No. 359/TT/2023

Coram:
Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Date of Order: 30th October, 2026

In the matter of:

Petition under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 52 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 seeking review of the order dated 16.12.2024 passed by the Commission in Petition No. 359/TT/2023.

And
In the matter of:
Power Grid Corporation of India Limited,
Saudamini, Plot No-2,
Sector-29, Gurgaon-122001 (Haryana). **...Review Petitioner**

Versus

1. **Ajmer Vidyut Vitran Nigam Limited**,
Corporate Office, Vidyut Bhawan,
Panchsheel Nagar, Makarwali Road,
Ajmer- 305004.

2. **Jaipur Vidyut Vitran Nigam Limited**.,
Vidyut Bhawan, Janpath,
Jyoti Nagar, Jaipur-302005.

3. **Jodhpur Vidyut Vitran Nigam Limited**,
New Power House, Industrial Area,
Jodhpur-342003.

4. **Himachal Pradesh State Electricity Board Limited.**,
Vidyut Bhawan, Kumar House Complex Building II,
Shimla-171004.

5. **Punjab State Power Corporation Limited,**
The Mall, PSEB Head Office,
Patiala-147001.

6. **Haryana Power Purchase Centre,**
Shakti Bhawan, Sector-6,
Panchkula-134109.

7. **Jammu Kashmir Power Corporation Limited (JKPCL),**
220/66/33 kV Gladni Sub-station,
SLDC Building, Narwal, Jammu, J&K.

8. **Uttar Pradesh Power Corporation Limited.,**
Shakti Bhawan, 14, Ashok Marg,
Lucknow-226001.

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-110019.

11. **Tata Power Delhi Distribution Limited (TPDDL),**
NDPL house, Hudson Lines,
Kingsway Camp, 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,**
DRM Office, Nawab Yusuf Road Prayagraj-211011,
Uttar Pradesh.

15. **New Delhi Municipal Council,**
Palika Kendra, Sansad Marg,
New Delhi-110002. **...Respondent(s)**

Parties Present: Ms. Swapna Seshadri, Advocate, PGCIL
Ms. Rupinder Kaur, Advocate, PGCIL
Ms. Kriti, PGCIL
Shri Vishal Sagar, PGCIL

ORDER

The instant Review Petition has been filed by Power Grid Corporation of India Limited (PGCIL), the Review Petitioner, seeking a review of the order dated

16.12.2024 in Petition No. 359/TT/2023 (hereinafter referred as 'impugned order'), whereby, the transmission tariff for the 2019-24 period was allowed by the Commission under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (hereinafter referred to as "the 2019 Tariff Regulations") from the date of commercial operation ("COD") to 31.3.2024 for Asset-I: 1x80 MVAR, 400 kV Bus Reactor along with its associated GIS bay at Chamera (Chamba) Pooling Station (hereinafter referred to as the "transmission asset") under the "Northern Region System Strengthening - XL" in the Northern Region (hereinafter referred to as "the transmission project").

Background

2. The Review Petitioner had filed Petition No. 359/TT/2023 for determination of the transmission tariff from the COD to 31.3.2024 for the transmission asset. The Commission, vide order dated 16.12.2024, allowed the transmission tariff from the COD to 31.3.2024 for the instant transmission asset. The Commission in the said order has approved the date of the commercial operation (COD) of the transmission asset as 6.2.2023 and consequently, condoned the time over-run of 698 days out of the total time over-run of 783 days. However, the Commission did not condone the time over-run of 85 days (from 30.9.2022 to 28.11.2022 and 11.1.2023 to 6.2.2023) due to lack of evidence to substantiate the time over-run in commencement of the transportation from Lucknow after issuance of final NOC and subsequent amendment in NRSS-XL Scheme and delay in commissioning of the transmission asset (after completion of installation activities on 11.1.2024). The relevant extract of the said order dated 16.12.2024 is reproduced as under:

> *"42. Therefore, the time delay due to transportation constraints of 125 MVAR Bus Reactor and subsequent time taken in the issuance of NOC by the concerned authorities and approval for amendment in the rating of Bus Reactor from 125 MVAR to 80 MVAR were beyond the control of the Petitioner. However, due to lack of evidence to*

substantiate the time delay in commencement of transportation from Lucknow after issuance of final NOC and subsequent amendment in NRSS-XL scheme and delay in commissioning (after completion of installation activities on 11.1.2024), we are not inclined to condone the time delay of 85 days (from 30.9.2022 to 28.11.2022 and 11.1.2023 to 6.2.2023) against time delay due to transportation constraints.
43. The summary of the time delay claimed by the Petitioner and time delay condoned/not condoned is as follows:

Asset	***Original SCOD***	***COD***	***Time overrun***	***Time overruns condoned***	***Time overruns not condoned***
Asset-I	*15.12.2020*	*6.2.2023*	*783 Days*	*698 Days*	*85 Days*

"

3. Aggrieved by the impugned order dated 16.12.2024 in Petition No. 359/TT/2023, the Review Petitioner has filed the instant Review Petition with the following prayers:

> *"(a) Admit the present Review Petition;*
>
> *(b) Review the Order dated 16.12.2024 and condone the time over-run of 59 days from 30.09.2022 to 28.11.2022 (time from CMETS Meeting dated 30.09.2022 to commencement from Lucknow)*
>
> *(c) Review the Order dated 16.12.2024 and condone the time over-run of 26 days from 11.01.2023 to 06.02.2023 (time taken for Application to CEA for Energisation to commissioning of the Subject Asset).*
>
> *(d) Allow the IDC & IEDC disallowed to the tune of Rs. 43.33 Lakhs on account of delay not condoned in the Impugned Order;*
>
> *(e) Pass such further Order(s) as deemed fit and proper."*

4. The matter was admitted on 27.11.2025, and the notice was issued to the Respondents. However, none of the Respondents has filed a reply in the matter. Subsequently, the matter was heard on 15.1.2026 and after hearing the learned counsel for the Review Petitioner the matter was reserved for orders.

Submissions by the Review Petitioner

5. The Review Petitioner in the instant Review Petition has submitted that as per the Investment Approval ("the IA") dated 16.2.2019, the Scheduled Date of Commissioning (SCOD) of the transmission asset was within 22 months from the date

of the IA, i.e., by 15.12.2020, against which the transmission asset was put into commercial operation w.e.f. 6.2.2023. Thus, there was a time over-run of 783 days in the execution of the transmission asset. The major reasons for the time over-run in the execution of the transmission asset, as submitted by the Review Petitioner in the main Petition, are as under:

(a) Delay due to COVID-19-related lockdown and restrictions;

(b) Delay due to Revision/Modification in the Scope of Work owing to transportation constraints.

6. The Commission, in the impugned order, had condoned the time over-run of 242 days as claimed by the Review Petitioner due to COVID-19-related lockdown and restrictions. However, the Commission partially condoned the delay due to revision/modification in the scope of work owing to transportation constraints and did not condone the time overrun of 85 days, resulting in disallowance of IDC and IEDC to the tune of ₹43.33 lakh. The details of time overrun submitted by the Review Petitioner are as follows:

Original SCOD	COD	Time Overrun	Time Overrun Condoned	Time Overrun not Condoned
15.12.2020	6.2.2023	783 Days	698 days	85 days

7. The details of the IDC and IEDC allowed/disallowed with respect to the transmission asset are as under:

IDC Allowed/Disallowed

(₹ in lakh)

IDC as per Auditor's Certificate	IDC disallowed due to time overrun, not condoned/computational difference	IDC Allowed	IDC discharged upto COD	IDC discharged during 2022-23	IDC discharged during 2023-24
80.33	5.28	75.05	70.70	4.35	-

IEDC Allowed/Disallowed

(₹ in lakh)

IEDC claimed as per Auditor's Certificate (A)	IEDC disallowed due to time overrun not condoned (B)	IEDC allowed (C)=(A-B)
649.62	38.05	611.57

8. The Review Petitioner has submitted that the Commission did not consider the information/ documents submitted by the Review Petitioner to substantiate the time taken (59 Days) in commencement of transportation of the reactor from Lucknow after the issuance of NOC dated 12.9.2022 from the PWD Department and the decision taken in the CMETS Meeting dated 30.9.2022. Further, the Commission did not consider that in the Minutes of Meeting (MoM) of the CMETS dated 30.9.2022, it was recorded that the installation of the Bus Reactor could take two to three months. The Review Petitioner has also submitted that the Commission ought to have condoned the time overrun of 26 days from 11.1.2023 to 6.2.2023 as the CEA availed the time for inspection and carrying out the necessary requirements for issuing the Energisation Certificate.

9. The Review Petitioner has preferred the instant Review Petition on the limited ground that the Commission did not consider the reasons for the time over-run of 85 days, which occurred due to the following reasons and disallowance of the IDC and IEDC on account of the time over-run:

A. Time over-run from 30.9.2022 to 28.11.2022 for delay due to transportation of 80 MVAR bus reactor from Lucknow to Chamera pooling station

a) The supply of the 125 MVAR Bus Reactor at Chamera GIS was affected due to the COVID-19 pandemic restrictions.

b) Further, on the way during the transportation of the125 MVAR Bus Reactor to Chamera Pooling Station, a bridge, namely the Shitla Bridge (approximately 30 km from Chamera Pooling Station GIS), had a load restriction on the movement of the cargo, due to which the 125 MVAR Bus Reactor could not be transported to the site.

c) When the said 125 MVAR Bus Reactor reached near the Shitla Bridge in November 2021, the transit contractor requested the Public Works Department (PWD - NH Division), Government of Himachal Pradesh, for

requisite permission vide letter dated 8.11.2021. However, the PWD-NH Division, vide reply dated 30.11.2021, raised concerns about the load-bearing capacity of Shitla Bridge for transit of the 125 MVAR Bus Reactor. PWD - NH Division informed that the permissible load limit of the bridge was 140 MT, while the weight of the Bus Reactor` including the puller, was 161 MT approximately. Consequently, the PWD - NH Division restricted the transit of the said 125 MVAR Bus Reactor and directed the submission a detailed, comprehensive plan for negotiating small bridges and culverts coming in the way, authenticated by a structural consultant, along with load testing to be carried out in the presence of PWD - NH Division officials. This resulted in a long halt despite persuasions, and finally, approval to transport of said Reactor over Shitla Bridge could not be obtained.

d) In the meanwhile, the matter was taken up for technical re-consideration with Central Transmission Utility of India Limited (CTUIL) vide letter dated 13.4.2022 requesting the Central Electricity Authority (CEA) to share the observations on the proposal of the Review Petitioner for the change in 420 kV Bus Reactor rating from 1x125 MVAR to 2x63 MVAR or 3x41.66 MVAR at Chamera Pooling Station due to transportation constraint.

e) CEA, vide letter dated 29.4.2022, mentioned that in the Northern Region, especially in the Hydro pockets, the voltages remain very high; thus, it was suggested that instead of a 125 MVAR Bus Reactor, 3x41.66 MVAR or 2x63 MVAR Bus Reactors may be considered. The Review Petitioner, vide e-mails dated 30.4.2022 and 10.5.2022, confirmed that space is not available for 3x41.66 MVAR or 2x66 MVAR Bus Reactors at Chamera Pooling Station, making the CEA's suggestion non-feasible for execution.

f) Subsequently, in a joint meeting convened on 20.5.2022 between the Review Petitioner, CTUIL, and CEA, it was deliberated that the installation of 3x41.66 MVAR or 2x63 MVAR Bus Reactors is not feasible due to the space constraints at Chamera Pooling Station. Further, CEA and CTUIL stated that, as per the voltage conditions/profile in the Chamera area, less than 80 MVAR Reactor will not serve the purpose technically. Therefore, the Review Petitioner

was asked to seek the possibility of using a 400 kV 80 MVAR Reactor instead of a 400 kV 125 MVAR Reactor.

g) The Review Petitioner vide e-mail dated 16.9.2022 informed the PWD - NH Division regarding the meeting dated 20.5.2022 and requested to issue NOC for transporting the 80 MVAR Bus Reactor weighing approximately 126 MT. On 7.6.2022, the PWD - NH Division informed that out of the total of 07 bridges along the route to Chamera GIS, 02 bridges were not fit to carry the load and requested the Review Petitioner to carry out load testing of the said 02 bridges.

h) The Review Petitioner conducted the load testing and, after receiving the load test results, the same was submitted to the PWD-NH Division. Subsequently, vide letter dated 28.6.2022, a conditional NOC was issued by the PWD-NH Division on 12.9.2022 for transporting an 80 MVAR Bus Reactor having a weight of 126 MT approximately with certain terms and conditions.

i) The issue was further deliberated upon in CMETS held on 30.9.2022, wherein the Review Petitioner mentioned that one 80 MVAR Bus Reactor of lighter weight commensurate with the transport mass for Shitla Bridge capacity was available at Lucknow Sub-station, which will be diverted to Chamera GIS. Accordingly, it was agreed to amend the 420 kV Bus Reactor rating from 125 MVAR to 80 MVAR at Chamera Pooling Station under the NRSS-XL Scheme. It was noted and agreed in the CMETS meeting held on 30.9.2022 that it would take a time of 2-3 months to install the reactor at Chamera Pooling Station. The relevant extract of the CMETS meeting is extracted as under:

> *"POSOCO also stated that in view of marginal voltage improvement with 125MVAr bus reactor w.r.t 80MVAr bus reactor as well as transportation constraints for installation of 125MVAr bus reactor at Chamera PS, 80 MVAr bus reactor in place of earlier agreed 125MVAr bus reactor at Chamera PS may be agreed. However, POWERGRID should make efforts to commission it by Dec'22 in view of envisaged high voltage issues in upcoming winter season in hydro complex of HP/J&K. POWERGRID informed that 400kV bay is ready at Chamera PS. CTU enquired about the modality of utilization of above 125MVAr bus reactor as well as availability of lighter weight 80MVAr bus reactor. POWERGRID stated that 125MVAr bus reactor may be used as regional spare. POWERGRID also confirmed that one 80MVAr reactor of lighter weight (2013 make) commensurate to transport mass for Shitla bridge capacity is available at Lucknow S/s, which they are planning to divert to Chamera PS. CTU informed that 125MVAr bus reactor is part of NRSS- XL scheme for implementation by POWERGRID under RTM.*
>
> ***Accordingly, it was agreed to consider amendment in 420 kV Bus Reactor rating from 125 MVAr to 80 MVAr at Chamera Pooling Station under NRSS-XL scheme for installation in next 2-3 months or earlier."***

j) After the due approval for installing the 1x80 MVAR reactor of lighter weight in CMETS, necessary drawings, foundation, erection, arrangement of

bushing, and technical modification were required to be carried out. Also, a Letter of Award (LoA) was issued for transportation. The LoA dated 16.11.2022 was issued for the transportation of the reactor from Lucknow to Chamera. The transportation of the 80 MVAR Bus Reactor finally took place on 28.11.2022, which reached the Chamera Pooling Station on 14.12.2022 and was installed on 11.1.2023.

k) However, the Commission overlooked the fact that considerable time was required for necessary revision of foundation design, drawings, and related site-specific modifications for the installation of a 1x80 MVAR reactor in place of the earlier envisaged 1x125 MVAR reactor. Additionally, a certain amount of time was also required for the tie-up of logistical arrangements for transportation of the equipment, such as identification, negotiation, place of award, etc., which consumed 59 days.

l) The chronology of the events for the time over-run from 30.9.2022 to 28.11.2022 are as under:

Date	Particulars	Time Consumed
30.9.2022	Proposal for the change of Bus Reactor rating from 125 MVAR to 80 MVAR at Chamera Pooling Station discussed and agreed in CMETS meeting.	-
13.10.2022	Minutes of CMETS issued	13 days
21.10.2022	Approval of Internal Note w.r.t shifting of reactor, healthiness check of reactor, arrangement of bushing, etc	8 days
25.10.2022	Initiation of Internal note for technical and administrative approval for transportation of reactor from Lucknow to Chamera *(Limited tender/reduction of bidding Period)*	4 days
6.11.2022	Note sheet approved for award for contract for transportation	12 days
7.11.2022	Bidding Document issued	01 days
16.11.2022	LOA issued to M/s Kataria carriers	09 days
28.11.2022	Dispatched from Lucknow	12 days
		59 days

B. Time over-run from 11.1.2023 to 6.2.2023 - time taken by the CEA to issue Energisation Certificate

a) After the completion of the installation works on 11.1.2023, the Review Petitioner submitted the inspection application to CEA, and the necessary requisite information and documents were also submitted along with the same application. Thereafter, CEA officials inspected on 24.1.2023 and issued the

Energisation Certificate after due inspection on 2.2.2023 (i.e., *about 22 days from the date of the application).*

b) Then on 4.2.2023, the transmission assets were charged and consequently, on 6.2.2023, were put under commercial operation after a successful 24-hour trial run. Therefore, the time taken from the date of equipment arrival at the site, i.e., on 14.12.2022, for erection, testing and approval for the energization was only 54 days, which is the usual standard time required for completion of such works. The chronology of the events for the time overrun from 11.1.2023 to 6.2.2023 are as under:

Sl. No.	Date	Particulars	Time Consumed
1.	11.1.2023	Application was submitted to CEA.	-
2.	24.1.2023	Officials of CEA came for the inspection process	13 days
3.	2.2.2023	CEA issued its energization approval	9 days
4.	4.2.2023	Assets were charged	2 days
5.	6.2.2023	Assets were commissioned after a successful trial run	2 days
Total			**26 days**

10. The Review Petitioner has relied upon the Commission's orders in Petition Nos. 255/TT/2021 and 9/TT/2022, wherein the Commission had condoned the time over-run of 66 days and 40 days, respectively, in obtaining the CEA Certificate in comparison to the time overrun of 26 days not condoned in obtaining the CEA Certificate in the instant case. The Petitioner has submitted that the Commission in the above-said petitions condoned the time overrun and allowed the IDC and IEDC for the same. However, in the instant case, the Commission disallowed the IDC and IEDC on account of the time overrun not being condoned.

11. The Petitioner has further submitted that the Commission vide RoP dated 18.11.2024 in Petition No. 184/TT/2024 had sought a specific query from the Review Petitioner regarding the timelines for obtaining the CEA clearance after applying for inspection and in compliance, the Review Petitioner vide affidavit dated 9.12.2024 had submitted that the timeline for issuance of the CEA clearance after applying for the inspection may take anywhere between 4 to 10 weeks, depending upon the complexity

of the elements and workload of the inspection team and the location of the site. Therefore, the Commission did not appreciate that, pursuant to preferring the application to the CEA, the Review Petitioner had no control over the internal processes or timelines of the CEA, including the issuance of the Energisation Certificate. The time taken in this process was beyond the Review Petitioner's control and ought to have been considered while passing the impugned order.

12. The Review Petitioner has further submitted that the order under review suffers from errors apparent on the face of the record and merits to be reviewed to the extent challenged and has placed its reliance upon the Hon'ble Supreme Court's judgment in the matter of "*Moran Mar Basselios Catholicos v. Most Rev. Mar Poulose Athanasius, [(1955) 1 SCR 520: AIR 1954 SC 526*] and *N. Anantha Reddy v. Anshu Kathuria, [(2013) 15 SCC 534*].

Analysis and Decision

13. The instant Review Petition has been filed under Section 94(1) of the Electricity Act ("the Act") read with Section 114 and Order XLVII Rule 1 of the Civil Procedure Code, 1908 and Regulation 52 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 ("CBR, 2023") seeking review of the order dated 16.12.2024 in Petition No. 359/TT/2023. Under Section 94(1)(f) of the Act, the Commission is vested with the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, in respect of "reviewing its decision, directions and orders". Regulation 52(2) of the CBR, 2023 provides the following grounds on which an aggrieved person can seek the review of a direction, decision or order of the Commission, which are akin to the grounds provided in Order 47 Rule 1 of CPC:

"52. Review of Orders, Decisions and Directions

(2) Any person aggrieved by a direction, decision, or order of the Commission, from which no appeal has been preferred, may file a review petition on the following grounds within forty days of the making of such decision, direction, or order:

(a) Upon the discovery of new and important matter or evidence that, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the direction, decision, or order was passed or;

(b) On account of some mistake or error apparent from the face of the record, or;

(c) If there is any other sufficient reason to review the matter. …"

14. The Review Petitioner has contended that the Commission had disallowed the time overrun of 85 days, i.e., time over-run of 59 days from 30.9.2022 to 28.11.2022 (delay due to transportation of 80 MVAR Bus reactor from Lucknow) and time over-run of 26 days from 11.1.2023 to 6.2.2023 (time taken for Application to CEA for Energisation to commissioning of the Subject Asset) in the impugned order and consequently disallowed the IDC and IEDC of ₹43.33 lakh on account of delay not condoned in the impugned order.

15. The Review Petitioner has further contended that the Commission did not consider the MoM of the 11th CMETS dated 30.9.2022, wherein the earlier approved 125 MVAR Bus Reactor was modified to 80 MVAR Bus Reactor in view of the transportation constraint and wherein it was recorded that the installation of the bus reactor could take two to three months. The Commission ought to have condoned the time overrun of 26 days for the period from 11.1.2023 to 6.2.2023 as the time was availed by the CEA for inspection and carrying out the necessary requirements for issuing the Energisation Certificate and the Review Petitioner had no control over the internal processes or timelines of the CEA. Therefore, the Review Petitioner had no control over the delay caused by the CEA. The Review Petitioner has also contended that the Commission had erred in disallowing the IDC & IEDC on account of delay not condoned and the events of the delay were beyond the control of the Petitioner.

16. We have considered the submissions of the Review Petitioner. In view of the contentions made by the Review Petitioner in the instant Review Petition, the following issues emerge for our consideration:

a) Whether the time overrun of 59 days from 30.9.2022 to 28.11.2022 on account of delay in transportation of 80 MVAr Bus reactor from Lucknow was beyond the control of the Review Petitioner?

b) Whether the time overrun of 26 days from 11.1.2023 to 6.2.2023 on account of time availed by CEA for issuing of Energisation Certificate in respect of the instant transmission assets was beyond the control of the Review Petitioner?

c) Whether the Review Petitioner is entitled to IDC and IEDC of ₹43.33 lakh which was disallowed due to non-condonation of time overrun of 85 days in commissioning of the instant transmission asset?

The issues have been dealt with in subsequent paragraphs

a) Whether the time overrun of 59 days from 30.9.2022 to 28.11.2022 on account of delay in transportation of 80 MVAr Bus reactor from Lucknow was beyond the control of the Review Petitioner?

17. Before we examine the contentions of the Review Petitioner, we consider it appropriate to refer to the following relevant excerpts of the impugned order:

"37. We have considered the submissions of the Petitioner and gone through the available records filed by the Petitioner. It is observed that based on the Petitioner's transportation agency/transit contractor application dated 8.11.2021, the permission for Movement of Modular Hydraulic Trailer Combination Type HT-3 loading arrangement with GCW of 161.40 MT (Including Puller Weight) for transportation of 125 MVAR Reactor was accorded by the Ministry of Road Transport and Highways, Government of India vide letter dated 8.11.2021. Further, as per permission accorded by the Ministry of Road Transport and Highways, Government of India, PWD Department of Himachal Pradesh requested the Petitioner to submit the comprehensive plan for the movement of consignment as the 9 Nos. of bridges became critical as per the terms and conditions of the permission vide letter dated 30.11.2021. Further, due to transportation restrictions, the proposal for installation of 420 kV 63 MAVR in place of 125 MVAR Bus Reactor was also proposed by the Petitioner to CTUIL vide letter dated 13.4.2022. The CEA vide letter dated 29.4.2022 (based on CTUIL's email dated 27.4.2022) also proposed to consider 3 Single Phase units of 41.66 MVAR each or 2x63 MVAR Bus Reactor instead of 3 Phase, 125 MVAR

Reactor due to the fact that the voltage remains very high in Hydro pockets and no reactor will be there at Lahal Pooling Station.

38. Further, it is observed from the Minutes of the Meeting of 11th Consultation meeting for the Evolving Transmission Scheme in NR held on 30.9.2022 that the proposal from CEA was not considered due to space constraints for the 2nd unit of 63 MVAR Reactor as well as for 3x41.66 MVAR at Chamera Substation. Therefore, after the discussion in a joint meeting held on 25.5.2022 with the Petitioner, CEA, CTUIL, and other stakeholders in the Northern Region, it was decided that the Petitioner may explore the possibility of installing 80 MVAR Reactor. Accordingly, the Petitioner requested the PWD Department of Government of Himachal Pradesh to issue the NOC for the movement of 80 MVAR Reactor from Lucknow or Bhiwadi Substation with a total weight of consignment 126.0 MT vide letter dated 27.5.2022. Further, after conducting load testing of 2 bridges by HPPWD on behalf of the Petitioner, the Conditional and Final NOC had been issued by the HPPWD vide letter dated 7.6.2022 and 12.9.2022, respectively. Accordingly, the 80 MVAR Reactor was shifted from Lucknow on 28.11.2022 and reached at the site on 14.12.2022.

39. It is observed that the amendment in 420 kV Bus Reactor rating from 125 MVAR to 80 MVAR at Chamera Pooling Station under the NRSS-XL scheme was discussed and agreed upon in the 11th Consultation meeting for Evolving Transmission Scheme in Northern Region held on 30.9.2022. Accordingly, the aforesaid Reactor was shifted from Lucknow on 28.11.2022 reached Chamera on 14.12.2022, and was commissioned by the Petitioner on 6.2.2023.

40. Further, it is observed that despite the final NOC for transportation of 80 MVAR Reactor issued by H.P. PWD on 12.9.2022 and subsequent amendment in the scheme in the 11th Consultation Meeting for Evolving Transmission Scheme in Northern Region held on 30.9.2022, the transportation of 80 MVAR Bus Reactor started from Lucknow on 28.11.2022 and reached at the site on 14.12.2023. The Petitioner has also not submitted any supporting document to substantiate the time delay in the commencement of transportation from Lucknow after the issuance of NOC from the H.P. PWD Department."

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42. Therefore, the time delay due to transportation constraints of 125 MVAR Bus Reactor and subsequent time taken in the issuance of NOC by the concerned authorities and approval for amendment in the rating of Bus Reactor from 125 MVAR to 80 MVAR were beyond the control of the Petitioner. However, due to lack of evidence to substantiate the time delay in commencement of transportation from Lucknow after issuance of final NOC and subsequent amendment in NRSS-XL scheme and delay in commissioning (after completion of installation activities on 11.1.2024), we are not inclined to condone the time delay of 85 days (from 30.9.2022 to 28.11.2022 and 11.1.2023 to 6.2.2023) against time delay due to transportation constraints.

43. The summary of the time delay claimed by the Petitioner and time delay condoned/not condoned is as follows:

Asset	***Original SCOD***	***COD***	***Time overrun***	***Time overruns condoned***	***Time overruns not condoned***
Asset-I	*15.12.2020*	*6.2.2023*	*783 Days*	*698 Days*	*85 Days*

18. After careful perusal of the impugned order dated 16.12.2024, it is noted that the Review Petitioner`s submissions regarding issuance of final NOC for transportation of 80 MVAR by H.P. PWD authorities on 12.9.2022 and subsequent amendment of the 420 kV Bus reactor rating from 125 MVAR to 80 MVAR due to transportation constraints in the 11th Consultation Meeting for Evolving Transmission Scheme (CMETS) in the Northern Region held on 30.9.2022, and accordingly, commencement of transportation of 80 MVAr Bus reactor on 28.11.2022 from Lucknow, was duly considered and analysed by the Commission in the said impugned order. The Commission had also noted that the transportation of 80 MVAR Bus Reactor started from Lucknow on 28.11.2022 and reached the site on 14.12.2022. However, the time overrun from 28.11.2022 to 14.12.2022, i.e., 59 days, was not condoned on the basis of non-submission of supporting documents substantiating the time delay in commencement of transportation from Lucknow after issuance of NOC from the H.P. PWD Department.

19. The Review Petitioner has sought review of the time overrun of 59 days on the ground that after necessary approval of the amendment in the 11th CMETS in the Northern Region held on 30.9.2022, it has carried out the work related to necessary drawing, foundation, erection, arrangement of bushings and technical modification and simultaneously placed the LOA for the transportation of the reactor from Lucknow to Chamera on 16.11.2022 and dispatched on 28.11.2022. The Review Petitioner further contended that pursuant to the approval in CMETS, certain time would be required to finalise necessary modifications and arrange the bushing due to a change in Reactor rating, placing the LOA for transportation and starting transportation. The Review Petitioner has also furnished the chronology of events from 30.9.2022 to 28.11.2022.

20. We have considered the submission of the Review Petitioner. As per the chronology of events submitted by the Review Petitioner, it is observed that the Review Petitioner has claimed the time overrun on the basis of delay in issuance of the Minutes of Meeting of the 11th CMETS held on 30.9.2022 (13 days), time lapsed in arranging internal approvals for award of contract for transportation (24 days), for issuance of bidding documents & subsequent LoA to the contractual agency M/S Kataria Carriers (10 days) and time taken by the contractual agency for commencement of transportation (12 days).

21. With regard to the time overrun of 13 days claimed by the Review Petitioner on account of delay in issuance of Minutes of Meeting (MoM) of the 11th CMETS held on 30.9.2022, it is noted that the Review Petitioner was a participant in the said meeting and, being a participant, was well aware of the discussions held in the meeting. it recorded in the said meeting that the Review Petitioner should make efforts to commission the asset by December 2022, in view of envisaged high voltage issues in the upcoming winter season. Therefore, we are of the view that the Review Petitioner ought to have proactively taken the necessary steps to transport the 80 MVAR Bus Reactor from Lucknow to Chamera Substation early, without waiting for the issuance of the Minutes of the Meeting of the aforesaid meeting on 13.10.2022. Accordingly, the 13-day delay due to the issuance of the MoM does not justify the delay in transporting the 80 MVAR Bus Reactor. Accordingly, the review on this count is rejected.

22. With regard to total time overrun of 34 days and 12 days on account of time taken in internal process, arranging the approval and balance for issuance of the Bid documents & LOA to the contractual agency and time taken by the contractual agency in commencement of transportation from Lucknow, we are of the view that the time

lapsed in arranging the internal approvals, issuance of BID documents & LOA, and time taken by the contractual agency are normal phenomena and are part and parcel of any project execution activity.

23. Regulation 22 of the 2019 Tariff Regulations provides as follows:

> *"22. Controllable and Uncontrollable factors: The following shall be considered as controllable and uncontrollable factors for deciding time over-run, cost escalation, IDC and IEDC of the project:*
>
> *(1) The "controllable factors" shall include but shall not be limited to the following:*
>
> *a. Efficiency in the implementation of the project not involving approved change in scope of such project, change in statutory levies or change in law or force majeure events; and*
> *b. Delay in execution of the project on account of contractor or supplier or agency of the generating company or transmission licensee.*
>
> *(2) The "uncontrollable factors" shall include but shall not be limited to the following:*
>
> *a. Force Majeure events;*
> *b. Change in law; and*
> *c. Land acquisition except where the delay is attributable to the generating company or the transmission licensee."*

24. Accordingly, in terms of Regulation 22(1)(b) of the 2019 Tariff Regulations, the delay in execution of the project on account of the contractor or supplier or agency of the generating company or transmission licensee shall fall within the purview of controllable factors. In view of the above discussions and explicit provisions under the 2019 Tariff Regulations, we are not inclined to condone the time overrun of 34 days and 12 days on account of time taken in internal process, arranging the approval and balance for issuance of Bid documents & LOA to the contractual agency and time taken by the contractual agency in commencement of transportation from Lucknow being controllable factors. In light of the above, we do not find any error apparent on record and thus, the contention of the Review Petitioner with regard to time overrun of

59 days on account of delay in transportation of the 80 MVAr bus reactor from Lucknow to Chamera Substation is rejected.

b) Whether the time overrun of 26 days for the period from 11.1.2023 to 6.2.2023 on account of time availed by CEA for issuing of Energisation Certificate in respect of instant transmission assets was beyond the control of the Review Petitioner?

25. The Commission, vide order dated 16.12.2024 in Petition No. 359/TT/2023, had observed that the Review Petitioner had applied for CEA Energization approval vide an application dated 11.1.2023, and accordingly, the inspection was carried out by the concerned authority of CEA on 24.1.2023, and based on the compliance report submitted by the Review Petitioner, the CEA approval for energization had been issued on 2.2.2023. The Commission did not condone the time overrun from 11.1.2023 to 6.2.2023 because the Petitioner did not submit supporting documents substantiating the reasons for the delay in commissioning the transmission asset. The relevant extract of the impugned order is as under:

> "*41. Also, it is observed that the Petitioner has applied for CEA Energization approval of installed equipment vide an application dated 11.1.2023, and accordingly, the inspection was done by the concerned authority of CEA on 24.01.2023, and based on the compliance report submitted by the Petitioner, the CEA approval for energization had been issued on 2.2.2023. Therefore, we are of the view that the installation of the instant transmission asset was completed on 11.1.2023 and is ready for commissioning. However, the Petitioner has not submitted any supporting document to substantiate the reasons for the time delay in the commissioning of Asset from 11.1.2023 to 6.2.2023.*"

26. The Review Petitioner in the instant Review Petition has sought review of the time overrun not condoned for 26 days on the basis that the time overrun of 26 days for the period from 11.1.2023 to 6.2.2023 was the time availed by the CEA for inspection and carrying out necessary requirements for issuing the Energisation

Certificate. The Review Petitioner has also furnished the chronology of events for the period from 11.1.2023 to 6.2.2023.

27. We have considered the submissions of the Review Petitioner. Upon perusal of the CEA Energisation Certificate, it is observed that the Review Petitioner had applied for CEA Energization approval, vide an application dated 11.1.2023, and accordingly, the inspection was carried out by the concerned authority of CEA on 24.1.2023. Further, based on the compliance report submitted by the Review Petitioner on 31.1.2023, the concerned authority of CEA issued the Energisation Certificate on 2.2.2023.

28. With regard to the procedure and the time period taken in issuance of Energization Certificate by the competent authority of CEA, we are of the view that obtaining clearance is a routine process and CEA also requires some time for conducting the inspection and thereafter issuing Energization Certificate. The Review Petitioner, in compliance with the RoP for the hearing dated 18.11.2024 in Petition No. 184/TT/2024, vide affidavit dated 9.12.2024, itself acknowledged that "there are no timelines stipulated in the CEA Regulations for issuance of the CEA clearance after submission of application for inspection. However, based on the practice, the typical timeline for issuance of the CEA clearance after submission of application for inspection may range between 4 to 10 weeks". The relevant extract of the information sought, and its response is as follows:

> ***"Query (iii):*** *Provide the timelines (as per Regulations) for getting the CEA clearance after applying for inspection. Provide a copy of the inspection report of the CEA and remarks, if any.*
>
> ***Reply: -*** *With regard to the above query, it is submitted that to the best of the petitioner's knowledge, there are no timelines stipulated in the CEA regulations for getting the CEA clearance after applying for inspection. However, based on the practice in vogue the typical timelines for issuance of CEA Clearance after applying for inspection is as below:*

- *Transmission licensee submits the request for inspection along with all required documentation. CEA reviews the application for completeness and acknowledges the application and schedules the inspection within 1-2 weeks.*
- *Once the inspection is scheduled, the CEA team visits the site for physical verification. The site visit timeline depends on the availability of CEA officials and the location of the site, and number of elements to be inspected, usually within 2-4 weeks.*
- *Thereafter, an order for compliance is issued by CEA usually within 1 week of inspection.*
- *The timeline for submission of compliance report is generally mentioned in the order for compliance, usually one month (approx. 4 weeks).*
- *After submission of compliance report, final clearance is generally issued by CEA within 1 week.*

In view of the above, the timeline for issuance of CEA Clearance after applying for inspection may take anywhere between 4 to 10 weeks, depending upon the complexity of the elements and workload of the inspection team and the location of the site."

29. In the instant case, the competent authority of CEA conducted the inspection within 13 days, i.e., 24.1.2023, after receiving the online application on 11.1.2023. Thereafter, the Review Petitioner took 08 days from 24.1.2023 to 31.1.2023 to file the compliance report. After receipt of the compliance report, the CEA issued the Energization Certificate within 02 days, i.e., on 2.2.2023. Therefore, in view of the above deliberations, we are of the view that the Review Petitioner required some minimum time to respond to the observations through a compliance report and similarly, the CEA also requires some time to conduct the inspection and follow the procedure for issuance of Energization Certificate. Therefore, the Review Petitioner should have factored in the time required to obtain such clearances while arriving at the timeline for the project.

30. The Review Petitioner has placed reliance upon the Commission's orders dated 8.2.2023 and 20.3.2023 in Petition Nos. 255/TT/2021 and 9/TT/2022, respectively. We have examined the aforesaid orders. It is noted that the Commission, vide order dated 8.2.2023 in Petition No. 255/TT/2021, condoned the time overrun in respect of Asset-III & Asset-IV on account of RoW issues. However, the Review Petitioner did not claim

the time overrun due to delay in approval of the CEA Energisation Certificate; accordingly, the Commission did not consider or analyse it in the aforesaid order.

31. Similarly, the Review Petitioner in Petition No. 9/TT/2022 had claimed the time overrun on account of scope modification, COVID-19, and shutdown issues and consequently the Commission had condoned the entire time overrun in order dated 20.3.2023 in Petition No. 9/TT/2022. Since the time overrun on account of delay in approval of CEA Energisation Certificate was also not claimed by the Review Petitioner, the same was not considered or analysed by the Commission in the aforesaid order. Therefore, the reliance placed by the Review Petitioner upon the order dated 8.2.2023 in Petition No. 255/TT/2021 and order dated 20.3.2023 in Petition No. 9/TT/2022 has no merit, being unrelated to the facts and circumstances of the instant matter.

c) Whether the Review Petitioner is entitled to IDC and IEDC of ₹43.33 lakh, which was disallowed due to non-condonation of time overrun of 85 days in commissioning of the instant transmission asset?

32. Since we are not inclined to condone the time overrun and have rejected the contentions made by the Review Petitioner, the prayer for allowing the IDC and IEDC of ₹43.33 lakh stands redundant and hence rejected.

33. Further, the Review Petitioner in this Review Petition is reiterating its submissions already considered in the impugned order, which is impermissible in review in terms of Regulation 52(2) of the CBR, 2023. For the reasons mentioned above, we find no merit in the Review Petitioner's submissions to allow the present

Review Petition, as they do not show any error apparent on the face of the record. Therefore, the present Review Petition lacks merit and deserves rejection.

34. Accordingly, in view of the above discussions and findings, the Review Petition No. 20/RP/2025 in Petition No. 359/TT/2023 stands disposed of.

Sd/-	sd/-	sd/-
(Harish Dudani)	**(Ramesh Babu V.)**	**(Jishnu Barua)**
Member	**Member**	**Chairperson**

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