

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:

1. **Shri Ashok Basu, Chairman**
2. **Shri G.S. Rajamani, Member**
3. **Shri K.N. Sinha, Member**

**Review Petition No. 102/2002
in Pet No. 48/2000**

In the matter of

Review of Commission's order dated 4.7.2002 in Pet No. 48/2000 –
Approval of tariff for Malda-Bongaigaon Transmission Line

And in the matter of

Power Grid Corporation of India Ltd.

Vs

Assam State Electricity Board & others

... **Petitioner**

... **Respondents**

The following were present:

1. Shri R.K. Vohra, ED, PGCIL
2. Shri S.S. Sharma, Addl. Genl. Manager, PGCIL
3. Shri T.S.P. Rao, Addl. Genl. Manager, PGCIL
4. Shri U.K. Tyagi, Chief Manager, PGCIL

**ORDER
((Date of Hearing: 27.12.2002))**

This application for review of order dated 4.7.2002 in Petition No. 48/2000 has been filed by PGCIL. This application for review is listed for admission.

2. The facts leading to filing of this application *sans* unnecessary details are that the petitioner had filed petition No. 48/2000 for approval of tariff for Malda-Bongaigaon Transmission Line, an inter-regional transmission line between North-Eastern Region and Eastern Region. By order dated 4.7.2002 in Petition No.

48/2000, the Commission had approved tariff for Malda-Bongaigaon Transmission Line, forming part of Kathalguri Transmission System comprising of the following components:

(A) TRANSMISSION LINES

- (i) 400 kV D/C Kathalguri-Mariani Line
- (ii) 400 kV D/C Mariani-Misa Line
- (iii) 400 kV D/C Misa-Balipara Line
- (iv) 400 kV D/C Balipara-Bongaigaon Line
- (v) 400 kV D/C Bongaigaon-Malda Line
- (vi) 220 kV S/C Balipara-Tejpur Line

(B) SUB-STATIONS

- (i) New 400/220 kV sub-station of 315 MVA each at Misa, Balipara and Bongaigaon
- (ii) Extension of 400 kV sub-station of Power Grid at Malda
- (iii) Extension of 220 kV Mariani (ASEB) sub-station by two 220 kV bays and Tezpur (ASEB) substation by one 220 kV.

3. Ministry of Power had accorded its approval to the revised cost estimates of the Kathalguri Transmission System for Rs.1010.10 crores, based on 4th quarter 1998 price level. The petitioner filed details of apportioned approved cost of Rs.1010.10 crores of different assets forming part of Kathalguri Transmission System as under:

| Sl.No. | Name of the element | Rs. in crores |
|--------|-------------------------------------|---------------------------|
| | | Apportioned approved cost |
| 1. | 400 kV D/C Misa-Balipra Line | 197.77 |
| 2. | 400 kV D/C Balipara-Bongaigaon Line | 226.49 |
| 3. | 220 kV S/C Balipara-Tejpur Line | 20.83 |
| 4. | 400 kV D/C Kathalguri-Miriani Line | 107.05 |
| 5. | 400 kV D/C Mariani-Misa Line | 160.52 |
| | Total | 712.67 |
| 6. | 400 kV Malda-Bongaigaon line | 297.43 |
| | Total | 1010.10 |

4. The petitioner submitted that against the apportioned approved cost of Rs.297.43 crores, completion cost of Malda-Bongaigaon Line was Rs. 356.35 crores, which also included the anticipated expenditure. Therefore, the petitioner claimed tariff based on the completion cost of Rs.356.35 crores. The Commission found that based on the total approved cost of Rs.1010.10 crores, the completion cost, including anticipated expenditure of Malda-Bongaigaon Line as stated by the petitioner far exceeded its approved cost. Therefore, the Commission approved tariff for Malda-Bongaigaon transmission line based on the apportioned approved cost of Rs.297.43 crores, as submitted by the petitioner in its affidavit before the Commission. So far as the other assets forming components of the Kathalguri Transmission System in North-Eastern Region are concerned, the beneficiaries are paying tariff @ 35 paise/kWh of the energy transmitted, irrespective of their cost.

5. The petitioner in the present petition for review of order dated 4.7.2002 has submitted that it has revised the apportioned approved cost of 400 kV Malda-Bongaigaon line and the revised apportioned approved cost is Rs.331.76 crores.

The petitioner accordingly seeks approval of tariff based on cost of Rs.331.76 crores. The details of revised apportioned approved cost of different assets of Kathalguri Transmission System as now submitted by the petitioner are as under:

Rs. in Crores

| Sl.No. | Name of the element | Revised apportioned approved cost furnished in review petition |
|--------|-------------------------------------|--|
| 1. | 400 kV D/C Misa-Balipra Line | 189.11 |
| 2. | 400 kV D/C Balipara-Bongaigaon Line | 233.37 |
| 3. | 220 kV S/C Balipara-Tejpur Line | 3.51 |
| 4. | 400 kV D/C Kathalguri-Miriani Line | 84.21 |
| 5. | 400 kV D/C Mariani-Misa Line | 168.14 |
| | Total | 678.34 |
| 6. | 400 kV Malda-Bongaigaon line | 331.76 |
| | Total | 1010.10 |

6. We have heard Shri S.S. Sharma, Addl. General Manager on behalf of the petitioner. None is present o behalf of respondents despite notice.

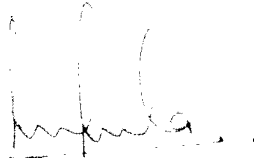
7. The Commission is vested with same powers of review of its orders, directions, as are vested in a Civil Court under the Code of Civil Procedure. As prescribed under Rule 1 Order 47 of Code of Civil Procedure, the Commission may review its order under the following circumstances:

- (a) An error apparent on the face of record, or
- (b) Discovery of new evidence which was not available when the order was passed or which could not be produced by the party seeking review, after exercise of due diligence, or
- (c) Any other sufficient reason.

8. The petitioner has been allowed tariff based on apportioned approved cost of Rs.297.43 crores, the details of which were furnished by the petitioner itself. Therefore, it cannot be a case of review on the ground of error apparent on the face of record. Obviously, no such error exists nor has any error been pointed out by the petitioner. According to the petitioner, the re-apportioned approved cost of Rs.331.76 crores is based on actual booking of expenditure. The petitioner has explained that this could not be placed on record before the Commission as the information was available in different departments of the petitioner company and this could not be collected and collated before filing of affidavit, despite exercise of due diligence. It is argued on behalf of the petitioner that it is valid ground for review of the order prescribed under the law.

9. We have considered the submissions made on behalf of the petitioner and perused the record. We are satisfied that the approval of tariff based on approved apportioned cost of Rs.297.43 crores as intimated by the petitioner earlier does not call for review. The re-apportioned cost of Rs.331.76 crores now placed on record by the petitioner were available with the petitioner, may be in different departments under its control. Therefore, it cannot be said that the new evidence now produced by the petitioner was either not available or it could not be produced by the petitioner after exercise of due diligence. The different departments of the petitioner cannot be treated as entities separate from the petitioner for this purpose. It has also been submitted on behalf of the petitioner that the revised cost estimates of the project, based on completion cost of

Rs.356.35 crores are presently under consideration of the competent authority. We do not consider this fact to be relevant for the purpose of review of order dated 4.7.2002. We, therefore, do not find any merit in the submissions made on behalf of the petitioner in support of review of order dated 4.7.2002. Therefore, the application for review is dismissed at admission stage itself.



(K.N. SINHA)
MEMBER



(G.S. RAJAMANI)
MEMBER



(ASHOK BASU)
CHAIRMAN

New Delhi dated the 1st January 2003