

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 40/RP/2016**

**Coram:**

**Shri Gireesh B. Pradhan, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member  
Dr. M.K. Iyer, Member**

**Date of Order : 27.09.2016**

**In the matter of:**

Review under Section 94 of Electricity Act, 2003 read with Regulations 103, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 read with Order 47, Rule 1 of Code of Civil Procedure, 1908 of order dated 17.3.2016 in Petition No.305/TT/2013.

**And in the matter of:**

Power Grid Corporation of India Ltd.  
'SAUDAMINI', Plot No-2,  
Sector-29, Gurgaon -122 001 (Haryana).

**.....Petitioner**

**Versus**

1. Chattisgarh State Power Distribution Co. Ltd.  
P.O. Sunder Nagar, Dangania,  
Raipur-492013
2. Madhya Pradesh Power Management Company Limited  
Shakti Bhawan, Rampur  
Jabalpur -482 008
3. Maharashtra State Electricity Distribution Co. Limited  
4<sup>th</sup> Floor, Prakashgad, Plot no. 9,  
Andheri (East),  
Mumbai - 400 052



Interim order in Petition No. 40/RP/2016

4. Gujarat Urja Vikas Nigam Limited  
Sardar Patel Vidyut Bhawan,  
Race Course Road, Vadodara – 390 007
5. Electricity Department  
Govt. of Goa  
Vidyut Bhawan, Panaji,  
Near Mandvi Hotel, Goa – 403 001
6. Electricity Department  
Administration of Daman & Diu  
Daman – 396 210
7. Electricity Department  
Administration of Dadra Nagar Haveli,  
U.T., Silvassa – 396 230
8. Madhya Pradesh Audyogik Kendra  
Vikas Nigam (Indore) Ltd.  
3/54, Press Complex, Agra-Bombay Road,  
Indore – 452 008

.....**Respondents**

**For petitioner** : Ms. Suparna Srivastav, Advocate, PGCIL  
Shri Rakesh Prasad, PGCIL  
Shri S.K. Venkatesan, PGCIL  
Shri Mohd. Mohsin, PGCIL  
Shri M.M. Mondal, PGCIL  
Shri S.S. Raju, PGCIL  
Shri K.K. Jain, PGCIL  
Shri Jasbir Singh, PGCIL  
Shri Narender Meena, PGCIL

**For respondents** : None

### **Interim Order**

The instant review petition has been filed by Power Grid Corporation of India (PGCIL) seeking review of order dated 17.3.2016 in Petition No. 305/TT/2015, wherein



Interim order in Petition No. 40/RP/2016

the transmission tariff for 765/400 kV, 1500 MVA ICT-2 alongwith associated bays at Dharmjaygarh Sub-station under Supplementary Transmission Scheme of upcoming IPP Projects in Chhattisgarh in Western Region for 2014-19 tariff period was allowed.

2. The review petitioner has submitted that time over-run of 2 months and 29 days and petitioner's prayer for additional RoE of 0.5% were disallowed in order dated 17.3.2016, though relevant documents were placed on record in the main petition. The review petitioner has submitted that disallowance of time over-run and additional RoE are errors apparent on the face of record and need to be rectified in review. The review petitioner has also submitted that there is delay in filing the review petition by 52 days and has prayed for condoning the delay.

3. As regards the delay in filing the review petition, learned counsel submitted that there was delay of 52 days in filing review petition after receipt of the order. Learned counsel submitted that the delay was on account of the various procedural requirements to be met before filing the review petition. Learned counsel prayed for condonation of delay.

4. During the hearing on 20.9.2016, learned counsel for the review petitioner submitted that in the impugned order the time over-run of 2 months 29 days was disallowed on the basis that the petitioner did not submit the copy of the tender documents containing the terms and conditions for submission of bids by the contractor and the copy of the CVC guidelines under which the petitioner has cancelled the bidding



process and invited the fresh bid. Learned counsel submitted that the Commission omitted to take into account the submissions made and documents placed on record vide affidavits dated 5.6.2015 and 17.2.2016 containing detailed reasons for time over-run. Learned counsel submitted that the CVC guidelines were available in the public domain therefore were not placed on record in the main petition. Learned counsel submitted relevant clauses of tender documents containing terms and conditions and a copy of the CVC guidelines have been submitted in the instant review petition. Learned counsel also submitted that the time over-run for same reasons in case of ICT-1 in Dharmjaygarh Sub-station, covered in the same scheme, was condoned and allowed tariff vide order dated 23.3.2016 in Petition No. 40/TT/2014.

5. As regards disallowance of additional RoE of 0.5%, the learned counsel contended that the review petitioner vide affidavit dated 24.11.2015 has submitted the necessary WRPC certificate in which it has been stated that the instant transmission assets were commissioned within the timeline specified in the 2014 Tariff Regulations and commissioning of the above element will be beneficial to system operation in the regional/national grid. The learned counsel submitted that the review petitioner has thus complied with proviso (iii) of Regulation 24(2) of 2014 Tariff Regulations and hence the assets qualify for allowance of additional RoE. However, the aforesaid facts appear to have escaped attention of Commission. Therefore, the order needs to be reviewed on this count.



6. We have considered the submission of the review petitioner. The delay in filing the review petition is condoned as an exceptional case. Period of 45 days for filing the review petition has been prescribed after taking into account all relevant factors including the time taken by the review petitioner for internal processing of the file. The petitioner is directed to comply with the timeline for filing the review petitions specified in the Conduct of Business Regulations, 1999. We admit the review petition and issue notice to the respondents. The review petitioner is directed to serve copy of the petition on the respondents and the respondents to file their reply by 13.10.2016 and the petitioner to file rejoinder, if any, by 21.10.2016. The parties shall ensure the completion of the pleadings within the due date mentioned and no extension of time shall be granted.

7. The review petition shall be listed for hearing on 25.10.2016.

sd/-  
**(Dr. M.K. Iyer)**  
Member

sd/-  
**(A.S. Bakshi)**  
Member

sd/-  
**(A.K. Singhal)**  
Member

sd/-  
**(Gireesh B. Pradhan)**  
Chairperson

