

**CENTRAL ELECTRICITY REGULATORY COMMISSION**  
**New Delhi**

**Petition No. 113/TT/2021 along with 48/IA/2022 & Petition No. 470/MP/2019 along with IA Nos.69/IA/2020 and 46/IA/2022**

**Petition No. 113/TT/2021 along with 48/IA/2022**

**Subject** : Determination of transmission tariff for 2019-24 tariff period for three assets under POWERGRID works associated with “Transmission system strengthening in Indian System for transfer of power from new HEPs in Bhutan” in the Eastern Region.

**Petitioner** : Power Grid Corporation of India Limited

**Respondents** : Bihar State Power (Holding) Company Limited and 6 others

**Petition No. 470/MP/2019 along with IA Nos.69/IA/2020 and 46/IA/2022**

**Subject** : Petition seeking extension of scheduled commercial operation date on account of *force majeure* events and consequential reliefs arising therefrom involving (a) Section 79(1)(c) and (f) of the Electricity Act, 2003, read with (b) Articles 4, 11 and 16 and other relevant clauses of the Transmission Service Agreement dated 22.9.2015 executed between the Petitioner and the Long-Term Transmission Customers, read with (c) Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999.

**Petitioner** : Alipurduar Transmission Limited (ATL)

**Respondent** : South Bihar Power Distribution Co. Ltd. and 9 Ors.

**Date of Hearing** : 27.10.2022

**Coram** : Shri I. S. Jha, Member  
Shri Arun Goyal, Member

**Parties Present** : Ms. Swapna Sheshadri, Advocate, PGCIL  
Ms. Ritu Apurna, Advocate, PGCIL  
Ms. Rohini Prasad, Advocate, BSPHCL  
Mr. Amit Yadav, PGCIL  
Mr. D.K. Biswal, PGCIL  
Mr. Ashish Alankar, PGCIL  
Ms. Poonam Verma, Advocate, ATL  
Ms. Aparajita Upadhyay, Advocate, ATL



Ms. Gayatri Aryan, Advocate, ATL  
Ms. Priyakshi Bhatnagar, Advocate, ATL  
Mr. Yogesh Dalal, ATL  
Mr. Amit Kumar, ATL  
Mr. Amitanshu Saxena, Advocate, Bihar Utilities  
Mr. Shashwat Kumar, Advocate, Bihar Utilities  
Mr. Rahul Chouhan, Advocate, Bihar Utilities  
Ms. Suparna Srivastava, CTU  
Ms. Aastha Jain, CTU  
Mr. Siddarth Sharma, CTUIL  
Ms. Kavya Bhardwaj, CTUIL  
Mr. V. Chandrasekhar, PGCIL  
Mr. Mohd. Mohsin, PGCIL

### **Record of Proceedings**

#### **Petition No.113/TT/2021 along with IA No.48/IA/2022**

The learned counsel of the Petitioner, PGCIL, made the following submissions:

- a. The petition is filed for determination of transmission tariff for the 2019-24 tariff period for the following transmission assets under POWERGRID works associated with “Transmission system strengthening in Indian System for transfer of power from new HEPs in Bhutan” in the Eastern Region:

**Asset-I:** 01 nos. 1X80 MVAR Switchable Line Reactor (SLR with 400 ohm NGR) along-with associated bays at Kishanganj GIS (for Ckt-II of 400 kV D/C Kishanganj-Dharbhanga line under TBCB);

**Asset-II:** 02 nos. 400 kV line bays at Siliguri Sub-station (for 400 kV D/C Alipurduar-Siligur line under TBCB); and

**Asset-III:** 02 nos. 400 kV line bays at Alipurduar Sub-station (for 400 kV D/C Alipurduar-Siligur line under TBCB).

- b. Some of the elements of the instant petition are subject matter of Petition No. 470/MP/2019 filed by ATL. ATL has filed I.A. No. 48/IA/2022 to list and adjudicate the instant petition subsequent to the disposal of Petition No. 470/MP/2019 filed by ATL wherein ATL has sought extension of SCOD of its transmission line on account of *force majeure* events such as delay in grant of statutory clearances/approvals, severe Right of Way (ROW) constraints, etc. The Petitioner has filed the reply to the IA No.48/IA/2022.
- c. The scheduled COD of the transmission was 5.3.2019. The Asset-I was put into commercial operation on 22.6.2019. The COD of Asset-II and Asset-III is claimed as 1.8.2019 under Regulation 5(2) of the 2019 Tariff Regulations as the associated transmission line, under TBCB the route, under the scope of ATL was not ready on the COD of Asset-II and Asset-III.



- d. The CEA energization certificate, no-load RLDC charging certificate and the CMD certificate as per relevant Grid code of Asset-II and Asset-III has been submitted.
- e. There is time over-run of 109 days in respect of Asset-I and it is due to contractual issues. The time over-run of 149 days in respect of Asset-II and Asset-III is due to the non-readiness of the downstream under the scope of ATL;
- f. The initial spares claimed for PLCC in Asset-II is exceeding the permissible limits as per the 2019 Tariff Regulations. The initial spares claimed against PLCC in Asset-II may be determined against the total PLCC cost claimed under the instant project.
- g. The information sought through the technical validation letter was filed vide affidavit dated 22.10.2021. Liability Flow Statement, RLDC Certificate, IDC details, etc. have also been filed.

3. The learned counsel for BSPHCL made the following submissions:

- a. The reason for time over-run in instant assets was not beyond the control of the Petitioner and prayed the Commission to disallow time over-run as the time over-run issues are between ATL and PGCIL and no liability may be imposed on the beneficiaries.
- b. The liability towards the transmission charges for the period of mismatch in the COD of the transmission assets of the Petitioner and ATL should not be imposed on the beneficiaries.
- c. The elements covered in the instant petition and Petition No. 470/MP/2019 are different/separate and the outcome of Petition No. 470/MP/2019 cannot be ground for relief as regards time over-run in the instant petition.

4. The Commission after hearing the parties reserved the order in Petition No.113/TT/2021. However, pointed out that the order in the matter will be issued after the disposal of Petition No.470/MP/2019 or alongwith the order in Petition No.470/MP/2019 as prayed by ATL in IA No.48/IA/2022 and disposed of the IA No.48/IA/2022.

5. Learned counsel for BSPHCL, Ms. Rohini Prasad, submitted that her presence was not marked in the RoP of 17.8.2022. The staff of the Commission stated that inadvertently her presence on 17.8.2022 was not marked in the RoP.

**Petition No. 470/MP/2019 along with IA Nos.69/IA/2020 and 46/IA/2022**

6. The learned proxy counsel for BSPHCL in Petition No.470/MP/2019 sought a short adjournment as the arguing counsel could not attend the hearing due to personal reasons and BSPHCL is yet to file reply in the matter.

7. The learned counsel for the Petitioner, ATL, placed her arguments before the Commission but could not complete due to paucity of time. The Commission taking into consideration the BSPHCL's request and the time constraint adjourned the matter. The Commission observed that this matter being an old matter would like to dispose of at the earliest and asked BSPHCL to be prepared for arguments on the next date of hearing and no further extension would be granted.



8. The Commission as a last opportunity directed the respondents, including BSPHCL, in Petition No.470/MP/2019 and the IAs to file their reply by 12.11.2022 and the Petitioner to file rejoinder, if any, by 19.11.2022 with a copy to all the respondents.

9. The Commission further directed to list Petition No.470/MP/2019 alongwith the IAs on 24.11.2022.

**By order of the Commission**

sd/-  
(V. Sreenivas)  
Joint Chief (Law)

