

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 365/TT/2018

Subject : Petition for determination of transmission tariff from COD to 31.3.2019 in respect of two assets under “Transmission System associated with DGEN (1200 MW) of Torrent Power Limited” in Western Region.

Date of Hearing : 7.7.2022

Coram : Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri P.K. Singh, Member

Petitioner : Power Grid Corporation of India Limited

Respondents : Madhya Pradesh Power Management Company Limited & 14 Others

Parties present : Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Soumya Singh, Advocate, PGCIL
Shri Tushar Mathur, Advocate, PGCIL
Ms. Divya Chaturvedi, Advocate, TPL
Shri Saransh Shaw, Advocate, TPL
Ms. Anju Thomas, Advocate, TPL
Shri S.S Raju, PGCIL
Shri D.K. Biswal, PGCIL
Shri Ved Prakash Rastogi, PGCIL
Shri A.K. Verma, PGCIL
Shri Anindya Khare, MPPMCL
Shri Parth Desai, TPL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner made the following submissions:
 - a. The instant petition has been filed for determination of transmission tariff from COD to 31.3.2019 tariff period in respect of the following assets under “Transmission System associated with DGEN (1200 MW) of Torrent Power Limited” in Western Region:



Asset-1: Extension of 220 kV Navsari (GIS) Sub-station: 2 number of line bays;
and

Asset 2- Extension of 400 kV Vadodara (GIS) Sub-station: 3 number of bays
(2 number of line bays and 1 number bus reactor bay) including 1x 125 MVAR,
400 kV Bus reactor

b. As the TBCB licensee had abandoned the project, Asset-1 was de-linked from the above said transmission system and is being implemented by PGCIL as part of Western Region System Strengthening Scheme.

c. In pursuance of directions of the Commission vide RoP dated 30.9.2021, a meeting was held with the generator (Torrent Power Limited) to find out way forward to utilize Asset-2. However, a viable solution could not be formulated for utilisation of Asset-2. While one line bay has been agreed to be utilized, however, till date there has been no utilization of the other line bay of Asset-2.

d. The first meeting for Western Region Transmission Planning was held on 29.11.2021, however, there has been no agreement on the utilization of the 2nd 400 kV line bay.

e. As Asset-1 is being utilized since 25.2.2022 (with power flow), the Commission may allow the Petitioner to submit revised tariff forms based on actual COD.

f. 1X125 MVA 400 kV Bus Reactor at Vadodra Sub-station of Asset-2 is in use and is providing service from proposed COD, i.e., 27.8.2018, therefore Commission may grant tariff for the element from the date of actual usage and accordingly the Petitioner may be allowed to submit revised tariff forms for the same. Further, 1 No. of 400 kV line bay at Vadodra (GIS) is being utilized since 21.5.2022, the Commission may allow the Petitioner to submit revised tariff forms for the same based on actual COD.

g. For the remaining 1 No. of 400 kV line bay at Vadodra (GIS), the proposed COD of the element is being submitted as 27.8.2018 in terms of proviso (ii) of Regulation 14(3) of the 2014 Tariff Regulations, therefore the Commission may pass orders to compensate the Petitioner.

h. Petitioner may be allowed to file details regarding the utilization of the assets/elements along with the Minutes of Meeting held on 29.11.2021.

3. In response to a query of the Commission, the learned counsel for the Petitioner submitted that the capital cost submitted excludes the IDC and IEDC, therefore the COD has to be shifted or IDC and IEDC has to be given. In response to another query, the learned counsel for the Petitioner submitted that because of the failure of the TBCB project, BG was invoked by TPL. She further submitted that the provisions regarding furnishing of BG is as per the Regulations of the Commission and as per the contracts entered into by the parties. Both, the Regulations and the contract govern the CTU with regard to the treatment of the BG.



4. Commission directed the CTU to formulate a proposal on the treatment of BG so that both the beneficiaries and the transmission company can be compensated to some extent.

5. Learned counsel for TPL submitted that as per the directions of the Commission, details regarding encashment of BG has been submitted. The transmission has been put to alternative use. TPL has already relinquished its LTA and TPL has never utilized the system. In order to get connected to the system, TPL constructed its own dedicated line and incurred a huge investment and therefore the BG given by DGEN was encashed by TPL. Further, by the time of actual utilization of the assets, TPL has relinquished its LTA and therefore the Petitioner should have pursued DGEN and not TPL. In response to a query of the Commission, learned counsel for TPL submitted that the LTA was relinquished on 11.8.2020 and has already paid relinquishment charges amounting to ₹2.43 crore. Further, at the time of grant of LTA, it was the understanding between TPL and PGCIL that in case any deviation is made regarding utilization of the assets, it will be done with mutual consent, which has not been done in the instant case and TPL was never made a part of the discussions regarding utilization of the assets. Further, regarding the TEL (DGEN) TPS-Vadodra 400 kV D/C line, TPL was informed at a later date that the same could not be used by TPL as there is a reverse flow of renewable power. Further, when DGEN had already informed in a meeting that it is not in a position to complete its assets, the Petitioner still went ahead and constructed the assets without the consent of TPL.

6. In response, the learned counsel for the Petitioner submitted that irrespective of the relinquishment of the LTA, the connectivity of TPL continues till date and the assets constructed by the Petitioner are also in use.

7. In response, the learned counsel for TPL submitted that the connectivity continues because of the dedicated line constructed by TPL, which should have been constructed by PGCIL as per the Regulations.

8. The Commission directed TPL to file comprehensive Written Submissions highlighting the losses incurred by it and the encashment of BG by 25.7.2022, with an advance copy to the Petitioner, who may file a response by 3.8.2022. The Commission observed that due date of filing the Written Submissions should be strictly adhered to and no extension of time shall be granted.

9. Subject to the above, the Commission reserved the order in the matter.

By order of the Commission

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

