

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 158/MP/2023

- Subject :** Petition under Section 79(1)(f) read with Section 79(1)(c) of the Electricity Act, 2003 for recovery of deemed transmission charges from the date of deemed commercial operation being 31.3.2017 up to 15.4.2017 of 2x500 MVA, 400/220 kV Darbhanga Sub-station and Muzaffarpur-Darbhanga 400 kV D/C line with triple snowbird forming part of the “Eastern Region System Strengthening Scheme-VI”.
- Date of Hearing :** 11.8.2023
- Coram :** Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P.K. Singh, Member
- Petitioners :** Darbhanga-Motihari Transmission Company Limited
- Respondents :** Bihar State Power Transmission Company Limited & 3 others
- Parties present :** Ms. Anusha Nagarajan, Advocate, DMTCL
Ms. Aakansha Bhola, Advocate, DMTCL
Shri Neeraj Kumar Verma, Advocate, DMTCL

Record of Proceedings

The present petition has been filed by Darbhanga-Motihari Transmission Company Limited (DMTCL), which is an inter-state transmission licensee and has implemented the (a) 2x500 MVA, 400/220 kV GIS Sub-station at Darbhanga along with Muzaffarpur-Darbhanga 400 kV D/C line with triple snowbird conductor (‘Darbhanga Element’) and (b) 2 x 200 MVA, 400/132 kV Sub-station at Motihari along with the LILO of Barh-Gorakhpur 400 kV 2X D/C quad line at Motihari (‘Motihari Element’) elements on a build, own, operate, and maintain basis as part of ‘Eastern Region System Strengthening Scheme-VI’ (ERSS VI) (the ‘Project’).

2. Learned counsel for the Petitioner made the following submissions:

- a) Deemed commercial operation of Darbhanga Element was declared on 31.3.2017, and the Commission, through its order dated 29.3.2019 in Petition No.238/MP/2017 and vide order dated 13.1.2020 in Review Petition No.8/RP/2019, extended the Scheduled Commercial Operation Date (‘SCOD’) up



to the date on which the deemed COD was achieved, on account of force majeure and change in law events. The Commission also approved the revision of the tariff pursuant to allowing certain claims of change in law events.

b) The erstwhile Bihar State Electricity Board (BSEB) was one of the Long Term Transmission Customers in the Transmission Services Agreement executed by the Petitioner in respect of the Project. After the unbundling of BSEB, Bihar State Power Holding Company Ltd. (BSPHCL), Bihar State Power Transmission Company Ltd. (BSPTCL), North Bihar Power Distribution Company Limited ('NBPDC') and South Bihar Power Distribution Company Limited ('SBPDCL') are amongst the successor entities. BSPTCL was in default of completion of its downstream network, due to which, the Darbhanga Element of the Petitioner could not be put to use between 31.3.2017 and 15.4.2017. Therefore, for Darbhanga Element, the Petitioner is entitled to recovery of transmission charges from discoms, namely, SBPDCL and NBPDC, as unrecovered transmission charges for the period from 31.3.2017 to 15.4.2017.

c) The Petitioner is also entitled to recover the differential unrecovered transmission charges computed on the basis of enhancement of the transmission tariff of the Petitioner, pursuant to order dated 13.5.2022 passed by the Commission, from SBPDCL and NBPDC in the ratio of 60% and 40% respectively, being the prevalent ratio for the year 2017, in terms of the RTA issued by ERPC.

d) The Commission may also determine the applicable carrying cost in respect of the differential unrecovered transmission charges computed on the basis of enhancement of the transmission tariff of the Petitioner pursuant to order dated 13.5.2022 passed by this Commission and direct NBPDC and SBPDCL to pay such carrying cost.

3. After hearing the learned counsel for the Petitioner, the Commission directed as follows:

a) Admit. Issue notice.

b) The Petitioner to implead all Long-Term Transmission Consumers (LTTs) and file revised memo of parties by 4.9.2023.

c) Issue notice to all the Respondents including the newly arrayed respondents by 12.9.2023.

d) Serve a copy of the petition on all the Respondents.

e) Respondents to file their reply to the petition on affidavit, with an advance copy to the Petitioner by 6.10.2023.

f) The Petitioner to file its rejoinder, if any, by 24.10.2023.

4. The Commission further directed the Petitioner to submit the SLD of both transmission elements, viz. Darbhanga Element and Motihari Element of the licensee on an affidavit by 12.9.2023 with a copy of the same to the Respondents.



5. The Commission further directed the parties to strictly comply with the above directions within the specified timeline.
6. The petition shall be listed for hearing on 24.11.2023.

By order of the Commission

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

