

CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI

Petition No.197/MP/2022

Subject : Petition under Section 79(1)(c) and (d) of the Electricity Act, 2003 read with the applicable provisions of the CERC (Terms and Conditions of Tariff) Regulations, 2014 read with the applicable provisions of Conduct of Business Regulations, 1999 seeking recovery of IDC & IEDC for the 2 nos. 400 kV line bays at Muzaffarpur Sub-station of the Petitioner for termination of Muzaffarpur (PG)-Darbhanga (TBCB) 400 kV D/C (Triple snowbird) line implemented by DMTCL for the period 31.8.2016 to 21.4.2017.

Date of Hearing : 7.2.2023

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

Petitioner : Power Grid Corporation of India Limited

Respondents : Darbhanga-Motihari Transmission Company Limited (DMTCL) & 8 others

Parties present : Ms. Swapna Seshadri, Advocate, PGCIL
Shri. Anand K. Ganesan, Advocate, PGCIL
Ms. Neha Garg, Advocate, PGCIL
Ms. Surbhi Gupta, Advocate, PGCIL

Record of Proceedings

The Commission vide order dated 1.9.2017 in Petition No. 209/TT/2016 held that the IDC and IEDC for the period from 31.8.2016 to 21.4.2017 for 2 nos. 400 kV line bays at Muzaffarpur Sub-station for termination of Muzaffarpur (PG)-Darbhanga (TBCB) 400 kV D/C (Triple Snowbird) line, constructed by the Petitioner shall be borne by DMTCL. Further, the Commission vide order dated 29.3.2019 in Petition No. 238/MP/2017, filed by DMTCL, extended the SCOD of the Muzaffarpur (PG)-Darbhanga (TBCB) 400 kV D/C (Triple Snowbird) line till the actual COD due to force majeure conditions but disallowed DMTCL's prayer to consider the IDC and IEDC paid by DMTCL to PGCIL, as per the Commission's order in Petition No. 209/TT/2016, as an additional expenditure. DMTCL filed an Appeal against order dated



29.3.2019 in Petition No. 238/MP/2017 and APTEL vide judgement dated 3.12.2021 in Appeal No.276 of 2021 directed PGCIL to return the IDC and IEDC paid by DMTCL to PGCIL along with interest pursuant to order dated 1.9.2017 passed in Petition No. 209/TT/2016. Accordingly, the Petitioner returned Rs. 55.34 lakh to DMTCL on 14.6.2022.

2. The learned counsel for the Petitioner submitted that the instant petition is filed for recovery of the IDC and IEDC for the period from 31.8.2016 to 21.4.2017 for 2 nos. of 400 kV line bays at Muzaffarpur Sub-station for termination of Muzaffarpur (PG)-Darbhanga (TBCB) 400 kV D/C (Triple Snowbird) line returned to DMTCL as per APTEL'S direction. She submitted that all the beneficiaries are impleaded in the present matter.

3. In response to a query of the Commission, the learned counsel for the Petitioner submitted that the Commission may approve the COD of the two bays as 31.8.2016 under proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations and capitalize the IDC and IEDC for the period from 31.8.2016 to 21.4.2016.

4. The Commission, after hearing the learned counsel for the Petitioner, admitted the petition and directed to issue notice to the Respondents and further directed the Petitioner as follows:

a. To implead the CTUIL in the matter.

b. The Respondents to file their reply by 27.2.2023, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 13.3.2023.

5. The Commission directed the parties to comply with the directions within the specified timeline and further observed that no further extension of time will be allowed.

6. The matter to be listed for further hearing on 16.3.2023.

By order of the Commission

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

