

**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 Central Electricity Regulatory Commission (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** : 16.3.2023
- Review Petitioner** : Power Grid Corporation of India Limited
- Respondents** : Darbhanga-Motihari Transmission Company Limited (DMTCL) & 8 others
- Coram** : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Parties Present** : Ms. Swapna Seshadri, Advocate, PGCIL
Ms. Ritu Apurva, Advocate, PGCIL
Ms. Anshuka Nagarjan, Advocate, DMTCL
Ms. Akansha Bhola, Advocate, DMTCL
Shri Siddhart Sharma, Advocate, CTUIL
Shri Akshayvat kislai, Advocate, CTUIL

Record of Proceedings

The learned counsel for the Petitioner made the following submissions:

- a. 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, pursuant to order dated 1.9.2017 passed in Petition No. 209/TT/2016, to PGCIL along with interest. Accordingly, the Petitioner returned ₹55.34 lakh to DMTCL on 14.6.2022.

- b. A clarification application No. 245 of 2022 was moved by the Petitioner before the APTEL seeking clarification of judgment dated 3.12.2021 with respect to return of the IDC and IEDC by the Petitioner and APTEL vide its order dated 1.4.2022 observed that no further clarification is required and further observed that the Petitioner is entitled to claim any relief in accordance with law pursuant to the directions passed by the APTEL on the said issue.
- c. Accordingly, the Petitioner has filed the instant petition for recovery of IDC and 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.
- d. The IDC and IEDC for the period 31.8.2016 to 21.4.2017 may be capitalised.
- e. The Petitioner could not implead CTUIL as a party in the instant petition as directed by the Commission in RoP dated 7.2.2023. However, CTUIL was added as Respondent on the e-filing portal. A formal application for impleadment is yet to be filed by PGCIL.

2. The learned counsel appearing on behalf of DMTCL submitted that APTEL vide its judgment 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. Therefore, the issue of recovery of IDC and IDEC from DMTCL does not arise as the same has already been settled and has attained finality. She submitted that ideally DMTCL was not required to be made a party in the instant petition. She further submitted that from perusal of the APTEL judgment dated 3.12.2021 and order dated 2.4.2022 passed in I.A No. 245 of 2022 shows that no right is conferred upon the Petitioner to indirectly recover any charges from the DMTCL. She submitted that the Petitioner has returned ₹55.34 lakh however, no carrying cost has been paid by the Petitioner.

3. The learned counsel for CTUIL submitted that the recovery of IDC and IDEC by the Petitioner from the PoC pool will cause additional burden on the beneficiaries and prayer of the Petitioner may be not allowed. He further sought time to file its reply in the matter.

4. In response to the issue of unpaid carrying cost, the learned counsel for PGCIL submitted that the same will be paid after re-computing the amount of interest and submissions in this regard will be made in the rejoinder to be filed by the Petitioner. She further submitted that a combined rejoinder to the reply of DMTCL and CTUIL will be filed by the Petitioner.



5. The Commission directed the Petitioner to implead the CTUIL as a party in the matter and file the revised 'Memo of Parties' on affidavit by 30.3.2023. The Commission directed the Respondents, including CTUIL, to file their reply by 7.4.2023, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 17.4.2023. The Commission further 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. Subject to above, the Commission reserved the order in the matter.

By order of the Commission

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

