

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 318/MP/2022**

- Subject** : Petition under Section 79(1)(c) & Section 79(1)(f) of the Electricity Act, 2003 and all other enabling provisions in this regard, seeking a direction to NRPC to certify availability factor for the months of January, 2022 and February, 2022 by excluding the outage of the transmission line (from 20.1.2022 to 8.2.2022) from the total time of the said transmission line, in accordance with Appendix II-Clause 5(i) of the Central Electricity Regulatory Commission, Tariff Regulations (Procedure for Calculation of Transmission System Availability Factor for a Month).
- Date of Hearing** : 16.5.2023
- Coram** : Shri Jishnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner** : NRSS XXIX Transmission Limited (NTL)
- Respondents** : Northern Regional power Committee (NRPC) & Anr.
- Parties present** : Shri Sajjan Poovayya, Sr. Advocate, NTL  
Ms. Aparajita Upadhyay, Advocate, NTL  
Shri Aman Anand, Advocate, NTL  
Shri Aman Dixit, Advocate, NTL  
Shri Abhimanyu Maheshwari, Advocate, NTL  
Shri Apoorv Kurup, Advocate, NRPC  
Ms. Kirti Dadheech, Advocate, NRPC  
Shri Lokendra Ranawat, NTL  
Shri Savrav Kumar Jha, NTL

**Record of Proceedings**

The instant petition has been filed by the Petitioner being aggrieved with the availability certification of NRPC for the months of January, 2022 and February, 2022 in respect of 400 kV D/C Twin Moose Sambha-Amargarh Transmission Line. The outage period of the transmission line from 20.1.2022 to 8.2.2022 was a result of force majeure events which were beyond the control of the Petitioner, and that the Petitioner is entitled to certificate of availability after exclusion of the outage period from the total period of the said transmission line, in accordance with Clause 5(i)/Appendix-II of the Central Electricity Regulatory Commission (Terms and Conditions) of Tariff Regulations, 2019.



2. Learned senior counsel for the Petitioner submitted that shut-down of the element of transmission line was approved in the 191<sup>st</sup> OCC Meeting from 19.1.2022 to 31.1.2022 and request for approval of the shut-down was made by the Petitioner. As against the approved period of shut-down, NRLDC granted shut-down of the element only on 20.1.2022 and the element could be restored only on 8.2.2022. He further submitted that the shifting of schedule by 1.5 days had a cascading impact on the work progress at the location, as the area encountered incessant rainfall and snowfall on 22.2.2022 and 23.1.2022. He further submitted that considerable time was lost on other days because of inclement weather conditions.

3. Learned senior counsel for the Petitioner submitted that the inspection was carried out by RIO, North on 6.2.2022 and the inspection report was provided by RIO, North on 7.2.2022. After complying with the observations made by RIO North, the Petitioner submitted a compliance report on 8.2.2022. The delay in compliance was due to non-availability of shut-down by NRLDC of the section which was back charged from Amargarh Sub-station to Tower Loc. No. 290 of the transmission line. He further submitted that a shut-down was required to carry out the conductor continuity test as desired by RIO, North and the Petitioner applied for shut-down for jumper connection at Loc. No. 290 but was denied shut-down due to real time grid conditions. Having completed the continuity test on 8.2.2022 and receipt of the final re-energization approval form RIO-North, both the circuits of the transmission line were charged on 8.2.2022.

4. Learned senior counsel urged the Commission to take the additional affidavit dated 21.3.2023 of the Petitioner on record.

5. The matter was earlier heard and admitted on 17.1.2023. On the last date of hearing i.e. on 28.3.2023, the Commission directed the Respondents to file their replies including BRO and directed NRPC to submit reasons for not considering the outage period from 20.1.2022 to 8.2.2022. However, none of the Respondents have filed any reply and NRPC has also not submitted any reason for not considering outage period from 20.1.2022 to 8.2.2022.

6. After hearing, the Commission directed that the additional affidavit of the Petitioner dated 21.3.2023, may be taken on record. The Commission further granted one last opportunity to the Respondents to file their replies by 5.6.2023 with an advance copy to the Petitioner, and the Petitioner to file rejoinder, if any, by 13.6.2023. The Commission once again directed NRPC to submit the reasons for not considering the outage period from 20.2022 to 8.2.2023 by 5.6.2023. The Commission further directed the parties to comply with the above directions within the specified timeline and observed that no further extension of time will be allowed.

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

**By order of the Commission**

sd/-

(V. Sreenivas)  
Joint Chief (Law)

