

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Review Petition No. 35/RP/2022  
in Petition No. 625/TT/2020**

**Coram:**

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

**Date of order: 04.12.2023**

**In the matter of:**

Petition under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking review of the order dated 31.5.2022 in Petition No. 625/TT/2020.

**And in the matter of:**

Power Grid Corporation of India Limited,  
"Saudamini", Plot No.2,  
Sector-29, Gurgaon-122001.  
(Haryana).

**...Review Petitioner**

**Versus**

1. Rajasthan Rajya Vidyut Prasaran Nigam Limited,  
Vidyut Bhawan, Vidyut Marg,  
Jaipur-302005.
2. Ajmer Vidyut Vitran Nigam Limited,  
132 kV, GSS RVPNL Sub-station Building,  
Caligiri Road, Malviya Nagar,  
Jaipur-302017.
3. Jaipur Vidyut Vitran Nigam Limited,  
132 kV, GSS RVPNL Sub-station Building,  
Caligiri Road, Malviya Nagar,  
Jaipur-302017.
4. Jodhpur Vidyut Vitran Nigam Limited,  
132 KV, GSS RVPNL Sub-station Building,  
Caligiri Road, Malviya Nagar,  
Jaipur-302017.



5. Himachal Pradesh State Electricity Board,  
Vidyut Bhawan, Kumar House Complex Building II,  
Shimla-171004.
6. Punjab State Electricity Board,  
The Mall,  
Patiala-147001.
7. Haryana Power Purchase Centre,  
Shakti Bhawan, Sector-6,  
Panchkula-134109.
8. Power Development Department,  
Government of Jammu & Kashmir,  
Mini Secretariat,  
Jammu.
9. Uttar Pradesh Power Corporation Limited,  
(Formerly Uttar Pradesh State Electricity Board),  
Shakti Bhawan, 14, Ashok Marg,  
Lucknow-226001.
10. Delhi Transco Limited,  
Shakti Sadan, Kotla Road,  
New Delhi-110002.
11. BSES Yamuna Power Limited,  
BSES Bhawan, Nehru Place,  
New Delhi.
12. BSES Rajdhani Power Limited,  
BSES Bhawan, Nehru Place,  
New Delhi.
13. TATA Power Delhi Distribution Limited,  
33 kV Sub-station Building,  
Hudson Lane, Kingsway Camp,  
North Delhi-110009.
14. Chandigarh Administration,  
Sector-9, Chandigarh.
15. Uttarakhand Power Corporation Limited,  
Urja Bhawan, Kanwali Road,  
Dehradun.
16. North Central Railway,  
Allahabad.



17. New Delhi Municipal Council,  
Palika Kendra, Sansad Marg,  
New Delhi-110002.
18. U.P. Power Transmission Corporation Limited,  
11th Floor, Shakti Bhawan, 14-Ashok Marg,  
Lucknow-226001.
19. Haryana Vidyut Prasaran Nigam Limited,  
Shakti Bhawan, Sector-6,  
Panchkula (Haryana)-134109.

...Respondents

**For Review Petitioner** : Ms. Swapna Seshadri, Advocate, PGCIL  
Shri Utkarsh Singh, Advocate, PGCIL  
Shri Bipin Bihari Rath, PGCIL  
Shri. Nitish Kumar, PGCIL  
Shri Angaru Naresh Kumar, PGCIL

**For Respondents** : None

### **ORDER**

The instant review petition has been filed by Power Grid Corporation of India Limited (PGCIL) under Section 94(1)(f) of the Electricity Act, 2003 (hereinafter referred to as “the Act”) read with Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking review of the Commission’s order dated 31.5.2022 in Petition No. 625/TT/2020 (hereinafter referred to as the “impugned order”).

2. The Commission in order dated 31.5.2022 in Petition No. 625/TT/2020, tried up the transmission tariff of the period from COD to 31.3.2019 under of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (hereinafter referred to as “the 2014 Tariff Regulations”) and determined the tariff for 2019-24 period under Regulation 8 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (hereinafter referred to as “the 2019 Tariff Regulations”) in respect of the following transmission assets under “Northern Regional Transmission



Strengthening Scheme” in the Northern Region (hereinafter referred to as “the transmission project”).

**Asset-1:** 15.5 km Loop in portion of the line section to provide arrangement for evacuating ROJA power out of the LILO of both Ckts of 400 kV D/C Bareilly-Lucknow Line;

**Asset-2:** 315 MVA, 400/220 kV ICT at Bhiwadi Sub-station;

**Asset-3:** 400/220 kV 500 MVA ICT-I at Jaipur South Sub-station alongwith associated bays and 02 numbers 220 KV line bays;

**Asset-4:** 400/220 kV 500 MVA ICT-II at Jaipur South Sub-station alongwith associated bays;

**Asset-5:** 400/220 kV 2X315 MVA ICTs at Sohawal Sub-station alongwith associated bays;

**Asset-6:** LILO on One Ckt of 400 kV D/C Agra-Jaipur transmission line with 50 MVAR Line Reactor at Jaipur South Sub-station alongwith associated bays;

**Asset-7:** LILO of 2<sup>nd</sup> Ckt of 400 kV D/C Ballia-Lucknow transmission line with 50 MVAR Line Reactor at Sohawal Sub-station;

**Asset-8:** LILO of 1<sup>st</sup> Ckt of 400 kV D/C Ballia-Lucknow transmission line with 50 MVAR Line Reactor at Sohawal Sub-station;

**Asset-9:** LILO of Second Ckt of 400 kV D/C Agra-Jaipur transmission line with 50 MVAR Line Reactor at Jaipur South Sub-station along with associated bays;

**Asset-10:** 125 MVAR Bus Reactor at Jaipur South;

**Asset-11:** 400 kV Bhiwani Jind transmission line along with associated bays plus 01 numbers 500 MVA, 400/220 kV ICT-I and associated bays at Jind Sub-station;

**Asset-12:** 400/220 kV 500 MVA ICT-II along with associated 400/220 kV bays at Jind Sub-station and 01 number of 220 kV Line bays;

**Asset-13:** 01 number of 400 kV, 125 MVAR Bus Reactor at Jind Sub-station along with associated bays;

**Asset-14:** LILO of Ckt-II of 400 kV D/C Lucknow-Bareilly transmission line at Shahjahanpur;

**Asset-15:** 315 MVA 400/220 kV ICT-I with 02 numbers of 220 kV Line Bays at Shahjahanpur;

**Asset-16:** 315 MVA 400/220 kV ICT-II at Shahjahanpur;

**Asset-17:** Extn. of 400/220 kV GIS Gurgaon;



**Asset-18:** 2x50 MVAR Bus Reactor at 400/220 kV Bareilly Sub-station along with associated bays (Existing Line Reactors retained and used as Bus Reactor);

**Asset-19:** 125 MVAR Bus Reactor at Shahjahanpur;

**Asset-20:** Combined:(i) 315 MVA 400/220 kV ICT-I & associated bays and 03 numbers 220 kV line bays at Saharanpur Sub-station, (ii) 315 MVA 400/220 kV ICT-II and associated bays and 03 numbers 220 kV line bays at Saharanpur Sub-station, (iii) 50 MVA, 400 kV Bus Reactor-I at Saharanpur Sub-station and (iv) 50 MVA, 400 kV Bus Reactor-II at Saharanpur Sub-station;

**Asset-21:** 2 numbers 220 kV Line bays (Feeder-SEZ & Feeder- Dooni) at 400/220 kV Jaipur South Sub-station;

**Asset-22:** Bays of 50 MVAR Bus reactor 2 & 3 at 400/220 kV Bassi Sub-station;

**Asset-23:** 400 kV FSC in ballia-I & II bays at Sohawal Sub-station of 400 kV D/C Ballia- Sohawal Line;

**Asset-24:** 1x63 MVAR, 400 kV Bus Reactor-I at 400/220 kV Sohawal Sub-station;

**Asset-25:** 1x63 MVAR, 400 kV Bus Reactor-II at 400/220 kV Sohawal Sub-station;

**Asset-26:** 2 numbers 220 kV bays of 220 kV (PG)-Sohawal (UP) transmission line at 400/220 kV Sohawal (PG) Sub-station;

**Asset-27:** 2 numbers 220 kV bays No. 208 & 209 (Barabanki-I & II of UPPTCL) at 400/220 kV Sohawal (PG) Sub-station;

**Asset-28:** 02 numbers 220 kV Line Bays of Sohawal (PG)-Tanda (UP) transmission line at 400/220kV Sohawal (PG) Sub-station;

**Asset-29:** 2 numbers 220 kV bays No. 206 and 207 of Shahjahanpur (PG)-Shahjahanpur (UPPTCL) at 400/220 kV Shahjahanpur Sub-Station;

**Asset-30:** 1 number 220 kV line bays No. 210 of Shahjahanpur (PG)-Shahjahanpur (UPPTCL) at 400/220 kV Shahjahanpur Sub-Station;

**Asset-31:** 1 number 220 kV line bays No. 211 of Shahjahanpur (PG)-Shahjahanpur (UPPTCL) at 400/220 kV Shahjahanpur Sub-Station;

**Asset-32:** 2 numbers 220 kV Line bays (Vatika-I and Vatika-II) at 400/220 kV Jaipur (South) Sub-station;

**Asset-33:** 2 numbers 220 kV line bays (211 and 212) at 400/220 kV Jaipur (South) Sub-station.

3. The Review Petitioner has submitted that there are errors apparent on the face of record in the Commission's order dated 31.5.2022 in Petition No. 625/TT/2020, which are



required to be reviewed and modified. The Review Petitioner has sought review of the order dated 31.5.2022 on the following grounds:

- a) Disallowance of Initial Spares on the overall project cost in 2019-24 tariff period.
- b) Restriction of Additional Capital Expenditure (ACE) in the 2019-24 tariff period.
- c) Disallowance of annuity charges.
- d) Typographical error in case of Asset-17
- e) Typographical error in case of Asset-23A

4. The Review Petitioner has made the following prayers:

- a. Admit the present Review Petition;*
- b. Review the Order dated 13.05.2022 passed by this Hon'ble Commission on the issues of initial spares, additional capitalization and annuity charges; and*
- c. correct the errors in the computation of tariff for Asset 17 and Asset 23A and*
- d. Pass such other further order(s) as this Hon'ble Commission may deem just in the facts of the present case."*

5. The matter was admitted on 24.1.2023 and notice was issued to the Respondents. However, none of the Respondents have filed any reply in the matter. Subsequently, the matter was heard on 27.4.2023 and order was reserved after hearing the Review Petitioner.

6. We deal with the contentions of the Review Petitioner in the subsequent paragraphs.

### **Initial Spares**

7. The Review Petitioner has submitted that the Review Petitioner sought revision of the Initial Spares allowed earlier in Petition No. 625/TT/2020 in the light of the Appellate Tribunal for Electricity (APTEL) judgement dated 14.9.2019 in Appeal No. 74 of 2017. The Review Petitioner has submitted that the Commission in paragraph 50 of the order dated 31.5.2022



observed that the Initial Spares are allowed on the overall project cost in the 2019-24 tariff period. However, the same was not allowed.

8. We have considered the submissions of the Review Petitioner. As per the APTEL's judgement dated 14.9.2019, the Initial Spares are to be allowed initially on the basis of the cost of the individual asset and later as per the norms on the basis of the total project cost at the time of truing up. The relevant portion of the APTEL's judgement dated 14.9.2019 is as follows:

*"8.13 .....The Central Commission to have a prudence check on the initial spares, being restricted based on the individual asset wise cost initially, but subsequently ought to have allowed as per the ceiling limits on the overall project cost basis during the true-up."*

9. In the instant case, some of the transmission assets were put into commercial operation in the 2014-19 tariff period and some in the 2019-24 tariff period. Accordingly, the overall project cost should have normally been arrived at when the Review Petitioner combines all the transmission assets under the transmission project while claiming the tariff of the 2019-24 tariff period. In the instant case, the Review Petitioner has claimed the tariff for Asset-28, Asset-29, Asset-30 and Asset-33 separately in the 2019-24 tariff period and the total project cost was not arrived at while determining the tariff of the 2019-24 tariff period in order dated 31.5.2022 in Petition No. 625/TT/2020. Therefore, Initial Spares was not allowed on the basis of the overall project cost in the 2019-24 tariff period as stated in paragraph 50 of the order. However, the Commission's observation in paragraph 50 of the order dated 31.5.2022 in Petition No. 625/TT/2020 that the Initial Spares will be allowed on the basis of the total project cost of the transmission assets in the 2019-24 tariff period is an inadvertent error. Therefore, the second last sentence in paragraph 50 of the order dated 31.5.2022 which reads as *".....Therefore, the Initial Spares are allowed on the basis of the cost of the individual transmission assets in the 2009-14 tariff period and the Initial Spares*



are allowed on the basis of the overall project cost in the 2019-24 period (as discussed in the relevant portion of the instant order).” is modified and shall be read as “.... Therefore, the Initial Spares are allowed on the basis of the cost of the individual transmission assets in the 2009-14, 2014-19 and 2019-24 tariff periods and the Initial Spares shall be allowed on the basis of the overall project cost when the Petitioner combines all the transmission assets under the transmission project”. In view of the above, the Initial Spares will be allowed on the basis of the overall project cost as per the directions of APTEL in judgment dated 14.9.2019 in Appeal No. 74 of 2017 when the overall project cost is arrived at.

**Restriction of Additional Capital Expenditure (ACE) in the 2019-24 tariff period.**

10. The Review Petitioner has submitted that the Commission in order dated 31.5.2022 while deferring the Review Petitioner’s claim of ACE of ₹592.42 lakh for quarter construction beyond the cut-off date and did not deal fully with the claim of the Review Petitioner except for the colony construction under Regulation 24(1)(a) and (b) and Regulation 24(1)(a) and (d) of the 2019 Tariff Regulations. The Commission without any discussion restricted the ACE to ₹1179.14 lakh against the claim of ₹3030.77 lakh, in the impugned order. The Review Petitioner has submitted that even taking into consideration disallowance of ₹592.42 lakh for quarter construction, ACE of ₹2438.35 lakh should have been allowed as full details of the claims with break-up of ACE, liability payment and deferred work payment of the transmission assets were given by the Review Petitioner vide affidavit dated 13.4.2021 as well as in Form-7 of the tariff petition.

11. The relevant portion of the order dated 31.5.2022 in Petition No. 625/TT/2020 is as follows:





“81. The Petitioner has claimed ACE in respect of the transmission assets during 2019-24 in accordance with Regulation 25(1)(d) of the 2019 Tariff Regulations as follows:

**(₹ in lakh)**

Assets	Projected Actual ACE for		Total
	2019-20	2020-21	
Asset-1	0.00	0.00	0.00
Asset-2	0.00	0.00	0.00
Asset-3	1.00	61.00	62.00
Asset-4	1.00	61.00	62.00
Asset-5	0.00	0.00	0.00
Asset-6	1.00	70.00	71.00
Asset-7	0.00	0.00	0.00
Asset-8	0.00	0.00	0.00
Asset-9	1.00	70.00	71.00
Asset-10	1.00	98.00	99.00
Asset-11	0.00	0.00	0.00
Asset-12	0.00	0.00	0.00
Asset-13	0.00	0.00	0.00
Asset-14	0.00	761.25	761.25
Asset-15	0.00	86.00	86.00
Asset-16	0.00	0.00	0.00
Asset-17	0.00	0.00	0.00
Asset-18	0.00	0.00	0.00
Asset-19	0.00	45.93	45.93
Asset-20 A	308.50	0.00	308.50
Asset-20 B	36.50	0.00	36.50
Asset-21	0.00	0.00	0.00
Asset-22	20.00	0.00	20.00
Asset-23 A	71.98	0.00	71.98
Asset-23 B	0.00	0.00	0.00
Asset-24 A	25.94	259.06	285.00
Asset-24 B	0.00	0.00	0.00
Asset-25 A	25.94	259.06	285.00
Asset-25 B	0.00	0.00	0.00
Asset-26	65.82	166.68	232.00
Asset-27	65.82	166.18	232.00
Asset-28	65.82	162.18	228.00
Asset-29	36.31	0.00	36.31
Asset-30	18.15	0.00	18.15
Asset-31	18.15	0.00	18.15
Asset-32	0.00	0.00	0.00
Asset-33	0.00	0.00	0.00
<b>Total</b>	<b>763.93</b>	<b>2266.84</b>	<b>3030.77</b>

82. The Petitioner has submitted reasons for additional capital expenditure beyond cut off date is on account of work deferred for execution for colony construction. The construction of colony at Sohawal and Shahjahanpur Sub-station was not constructed at these locations previously due to implementation of National Transmission Asset Management Centre (NTAMC) inter-alia for remote operation of sub-station and establishment of Maintenance Service Hub (MSH) concept. However, considering the challenges faced in maintenance through MSH, it was felt appropriate to follow the earlier concept of sub-station maintenance by placing maintenance staff at these sub-stations and that for operation purpose, to place some operation staff in sub-station so that any contingency can be met immediately to avert

any major breakdown. Accordingly, residential quarters for Operation & Maintenance staff at Sohawal and Shahjahanpur Sub-station are being constructed under NRTSS scheme in which colony were originally provisioned in DPR. Accordingly, the Petitioner has prayed to allow the ACE on account of colony construction as the same is required for efficient operation of the Grid.

83. The Commission observes that the claim of the Petitioner for construction of colony in Sohawal and Saharanpur sub-stations was related to 14 assets, namely, Asset-5, Asset-7, Asset-8, Asset-14, Asset-15, Asset-16, Asset-24, Asset-25, Asset-26, Asset-27, Asset-28, Asset-29, Asset-30 and Asset-31. Out of these assets, the Petitioner has claimed an expense of ₹1263 lakh incurred on building and civil works in case of Asset-24, Asset-25, Asset-26, Asset-27 and Asset-28 for construction works of colony in Sohawal and Saharanpur sub-stations. It is also observed that the Petitioner's claim of ₹670.58 lakh is within the cut-off date and ₹592.42 lakh is beyond the cut-off date. The details of the assets with the cost beyond the cut-off date is as follows:

<b>Assets</b>	<b>Particulars</b>	<b>Actual COD</b>	<b>Cut-off date</b>	<b>Expenditure upto cut-off date (₹ in lakh)</b>	<b>Expenditure beyond cut-off date (₹ in lakh)</b>
Asset-24	1x63 MVAR, 400 kV Bus Reactor-I at 400/220 kV Sohawal Sub-station under NRTSS	29.7.2017	31.3.2020	25.94	259.06
Asset-25	1x63 MVAR, 400 kV Bus Reactor-II at 400/220 kV Sohawal Sub-station under NRTSS	7.5.2018	31.3.2021	259.06	-
Asset-26	Two 220 kV bays of 220 kV (PG) - Sohawal(UP) transmission line at 400/220 kV Sohawal(PG) Sub-station	5.3.2017	31.3.2020	65.82	166.68
Asset-27	Two 220 kV bays No. 208 & 209 (Barabanki-I & II of UPPTCL) at 400/220 kV Sohawal(PG) Sub-station	12.2.2017	31.3.2020	65.82	166.68
Asset-28	Two 220 kV Line Bays of Sohawal (PG)-Tanda (UP) transmission line at 400/220 kV Sohawal (PG) Sub-station	12.12.2018	31.3.2021	228.00	-
	<b>Total</b>			<b>670.58</b>	<b>592.42</b>

84. The construction work at these sub-stations is delayed due to implementation of National Transmission Asset Management Centre (NTAMC) inter-alia for remote operation of sub-station and establishment of Maintenance Service Hub (MSH) concept. The Petitioner while implementing the same has faced challenges in maintenance of the sub-station through MSH and the Petitioner has gone back and relied upon earlier concept of sub-station maintenance by placing maintenance staff at these sub-stations. The Petitioner, for operation purpose, intends to place some operation staff in sub-stations so that any contingency can be met immediately to avert any major breakdown. The same being the decision of the Petitioner, the Commission in the present petition is not inclined to allow the expenditure beyond the cut-off date and has restricted the same upto cut-off date. However, the Petitioner



is granted liberty to raise the issue at the time of truing-up for the Commission to take a view in terms of applicable regulations.

85. Subject to true-up, the ACE in respect of the Combined Asset (Asset-1 to Asset-27, Asset-31 and Asset-32) and Asset-28, Asset-29, Asset-30 and Asset-33 considered are as follows:

(₹ in lakh)		
<b>Particulars</b>	<b>Regulation</b>	<b>ACE allowed (2019-24)</b>
Combined Asset (Asset-1 to Asset-27, Asset-31 and Asset-32)	Regulation 25(1) (d) of the 2019 Tariff Regulations	914.83
Asset-28		228.00
Asset-29		36.31
Asset-30		0.00
Asset-33		0.00

”

12. We have considered the submissions of the Review Petitioner. It is observed that the Review Petitioner has claimed ACE of ₹3030.77 lakh in the 2019-24 tariff period, which includes ₹763.93 lakh and ₹2266.84 lakh in 2019-20 and 2020-21 respectively. However, the Commission approved the ACE of ₹1179.14 lakh in order dated 31.5.2022. It is observed that restriction of the ACE to ₹1179.14 lakh against the claim of ₹3030.77 lakh without any finding is an error as pointed out by the Review Petitioner. Accordingly, we reconsider the Review Petitioner's claim of ACE in the 2019-24 tariff period afresh in this order. The transmission asset wise ACE allowed/ not allowed for the 2019-24 tariff period are as follows:

Asset-3:

(a) The Review Petitioner claimed an amount of ₹1.00 lakh and ₹61.00 lakh in 2019-20 and 2020-21 for Asset-3 and it is to meet the liability towards works executed prior to the cut-off date. The same is allowed under Regulation 25(1)(d) of the 2019 Tariff Regulations as it is towards balance and retention payments for Asset-3.



Asset-4:

(b) The Review Petitioner has claimed an amount of ₹1.00 lakh and ₹61.00 lakh in 2019-20 and 2020-21 for Asset-4 and it is to meet the liability towards works executed prior to the cut-off date. The same is allowed under Regulation 25(1)(d) of the 2019 Tariff Regulations as it is towards balance and retention payments for Asset-4.

Asset-6:

(c) The Review Petitioner has claimed an amount of ₹1.00 lakh and ₹70.00 lakh in 2019-20 and 2020-21 for Asset-6 and it is to meet the liability towards works executed prior to the cut-off date. The same is allowed under Regulation 25(1)(d) of the 2019 Tariff Regulations as it is towards balance and retention payments for Asset-6.

Asset-9:

(d) The Review Petitioner has claimed an amount of ₹1.00 lakh and ₹70.00 lakh in 2019-20 and 2020-21 for Asset-9 and it is to meet the liability towards works executed prior to the cut-off date. The same is allowed under Regulation 25(1)(d) of the 2019 Tariff Regulations as it is towards balance and retention payments for Asset-9.

Asset-10:

(e) The Review Petitioner has claimed an amount of ₹1.00 lakh and ₹98.00 lakh in 2019-20 and 2020-21 for Asset-10 and it is to meet the liability towards works executed prior to the cut-off date. The same is allowed under Regulation 25(1)(d) of the 2019 Tariff Regulations as it is towards balance and retention payments for Asset-10.



Asset-14:

(f) The Review Petitioner has claimed an estimated amount of ₹472.25 lakh on account of pending court case and ₹289.00 lakh towards liability payment in 2020-21 under Regulation 25(1)(a) and 25(1)(d) of the 2019 The same is allowed under Regulation 25(1)(a) and 25(1)(d) of the 2019 Tariff Regulations as it is in compliance of the court order and retention payments for Asset-14.

Asset-15:

(g) The Review Petitioner has claimed an amount of ₹86.00 lakh in 2020-21 for Asset-15 and it is to meet the liability towards works executed prior to the cut-off date. The same is allowed under Regulation 25(1)(d) of the 2019 Tariff Regulations as it is towards balance and retention payments for Asset-15.

Asset-19:

(h) The Review Petitioner has claimed an amount of ₹45.93 lakh in 2020-21 for Asset-19 and it is to meet the liability towards works executed prior to the cut-off date. The same is allowed under Regulation 25(1)(d) of the 2019 Tariff Regulations as it is towards balance and retention payments for Asset-15.

Asset-20A:

(i) The Review Petitioner has claimed an amount of ₹308.50 lakh in 2019-20 for Asset-20A and it is to meet the liability towards works executed prior to the cut-off date. The same is allowed under Regulation 25(1)(d) of the 2019 Tariff Regulations as it is towards balance and retention payments for Asset-20A.

Asset-20B:

(j) The Review Petitioner has claimed an amount of ₹36.50 lakh in 2019-20 and it is to meet the liability towards works executed prior to the cut-off date. The



same is allowed under Regulation 25(1)(d) of the 2019 Tariff Regulations as it is towards balance and retention payments for Asset-20B.

Asset-22:

(k) The Review Petitioner has claimed an amount of ₹20.00 lakh in 2019-20 for Asset-22 and it is to meet the liability towards works executed prior to the cut-off date. The same is allowed under Regulation 25(1)(d) of the 2019 Tariff Regulations as it is towards balance and retention payments for Asset-22.

Asset-23A:

(l) The Review Petitioner has claimed an amount of ₹71.98 lakh in 2019-20 for Asset-23A and it is to meet the liability towards works executed prior to the cut-off date. The same is allowed under Regulation 25(1)(d) of the 2019 Tariff Regulations as it is towards balance and retention payments for Asset-23A.

Asset-24A:

(m) The Review Petitioner has claimed an amount of ₹25.94 lakh in 2019-20 for Asset-24A towards work deferred for execution prior to cut-off date. The same is allowed under Regulation 24(1)(b) of the 2019 Tariff Regulations as it is towards deferred work of Asset-24A. The Review Petitioner's claim of ACE of ₹259.06 lakh in 2020-21 towards construction of colony after the cut-off date under Regulation 25(1) is dealt in paragraph 11 of this order.

Asset-25A:

(n) The Review Petitioner has claimed an amount of ₹25.94 lakh in 2019-20 and ₹259.06 lakh in 2020-21 for Asset-25A towards work deferred for execution prior to cut-off date and the same is allowed under Regulation 24(1)(b) of the 2019 Tariff Regulations as it is towards unexecuted work.



Asset-26:

(o) The Review Petitioner has claimed an amount of ₹65.82 lakh in 2019-20 for Asset-26 towards work deferred for execution prior to cut-off date and the same is allowed under Regulation 24(1)(b) of the 2019 Tariff Regulations as it is towards deferred work. The Review Petitioner's claim of ₹166.68 lakh in 2020-21 towards construction of colony after the cut-off date under Regulation 25(1) of the 2019 Tariff Regulations is dealt in paragraph 11 of this order.

Asset-27:

(p) The Review Petitioner has claimed an amount of ₹65.82 lakh in 2019-20 for Asset-26 towards work deferred for execution prior to cut-off date and the same is allowed under Regulation 24(1)(b) of the 2019 Tariff Regulations as it is towards deferred work. The Review Petitioner's claim of ₹166.68 lakh in 2020-21 towards construction of colony after the cut-off date under Regulation 25(1) of the 2019 Tariff Regulations is dealt in paragraph 11 of this order.

Asset-28:

(q) The Review Petitioner has claimed an amount of ₹65.82 lakh in 2019-20 and ₹162.18 lakh in 2020-21 for Asset-28 towards work deferred for execution prior to cut-off date and the same is allowed under Regulation 24(1)(b) of the 2019 Tariff Regulations as it is towards unexecuted work.

Asset-29:

(r) The Review Petitioner has claimed an amount of ₹36.31 lakh in 2019-20 for Asset-29 towards liability payment after the cut-off date and the same is allowed under Regulation 25(1)(d) of the 2019 Tariff Regulations as it is towards balance and retention payments.



Asset-30:

(s) The Review Petitioner has claimed an amount of ₹18.15 lakh in 2019-20 for Asset-29 towards liability payment after the cut-off date and the same is allowed under Regulation 25(1)(d) of the 2019 Tariff Regulations as it is towards balance and retention payments.

Asset-31:

(t) The Review Petitioner has claimed an amount of ₹18.15 lakh in 2019-20 for Asset-29 towards liability payment after the cut-off date and it is allowed under Regulation 25(1)(d) of the 2019 Tariff Regulations as it is towards balance and retention payments.

**ACE towards construction of colony in Sohawal and Saharanpur Sub-stations**

13. The Review Petitioner claimed ₹1263 lakh towards construction of colony in Sohawal and Saharanpur Sub-stations and it pertains to Asset-24, Asset-25, Asset-26, Asset-27 and Asset-28. The Commission in order dated 31.5.2022 allowed an amount of ₹670.58 lakh which was within the cut-off date and the remaining amount of ₹592.42 lakh beyond the cut-off date was not allowed. However, the Review Petitioner was given liberty to raise the same at the time of truing-up for consideration of the Commission under the applicable tariff regulations. Accordingly, ACE of ₹592.42 lakh which is beyond the cut-off date will be considered at the time of truing-up as per the applicable tariff regulations.

14. As per the above discussion, the ACE allowed for the 2019-24 tariff period in case of the transmission assets in the instant review petition is as follows:

**Combined Asset 1 to 27, 31 & 32**

(₹ in lakh)

Particulars	2019-20	2020-21
Deferred work under Regulation 24(1)(b) of the 2019 Tariff Regulations	183.52	259.06





Payments made towards land as per court orders under Regulation 25(1)(a) of the 2019 Tariff Regulations	0.00	472.25
Liability payment after cut-off date under Regulation 25(1)(d) of the 2019 Tariff Regulations	460.13	780.93
<b>Total</b>	<b>643.65</b>	<b>1512.23</b>

**Asset-28**

(₹ in lakh)

Particulars	2019-20	2020-21
Deferred wok under Regulation 24(1)(b) of the 2019 Tariff Regulations	65.82	162.18
<b>Total</b>	<b>65.82</b>	<b>162.18</b>

**Asset-29**

(₹ in lakh)

Particulars	2019-20
Liability payment after cut-off date under Regulation 25(1)(d) of the 2019 Tariff Regulations	36.31
<b>Total</b>	<b>36.31</b>

**Asset-30**

(₹ in lakh)

Particulars	2019-20
Liability payment after cut-off date under Regulation 25(1)(d) of the 2019 Tariff Regulations	18.15
<b>Total</b>	<b>18.15</b>

**Annuity Charges to land owners:**

15. The Review Petitioner has submitted that the Commission in order dated 26.2.2016 in Petition No. 32/TT/2013 allowed annuity charges paid to the landowners and the Review Petitioner was allowed to recover the amount paid by it towards annuity payments from the beneficiaries. However, in the impugned order, the Commission has inadvertently failed to give any observation with reference to recovery of the annuity payments.

16. The Review Petitioner has submitted that as per Haryana State R&R Policy following amount is payable in 2014-19 period to the land owners as annuity:

(₹ in lakh)	
Year	Actual amount
2014-15	5.59
2015-16	11.57



2016-17	0.00
2017-18	6.18
2018-19	6.37

17. The Review Petitioner has prayed to allow it to recover annual lease rent for 2014-19 and the remaining 28 years, as allowed in order dated 26.2.2016 in Petition No. 32/TT/2013. We have considered the submissions of the Review Petitioner. In a similar case, the Commission in order dated 26.2.2016 in Petition No. 32/TT/2013 allowed the Review Petitioner to recover the annuity charges directly from the beneficiaries and was directed to submit the details of the payments towards annuity every year. The relevant portion of the order is as follows:

*“46. The Haryana R&R policy notified in Haryana Gazette (Extraordinary) on 9.11.2010 has clause D(4) dealing with the Rehabilitation and Resettlement policy of the State Government, as stated below:-*

*“D. Rehabilitation and Resettlement Policy:*

*4. Annuity Scheme - revised rates and features:*

*The payment of Annuity to the persons, who are the landowners at the time of issue of Section 4 Notification (including their nominees over the prescribed period), whose land is acquired by the Government under a statute, is in the nature of a Social Security and Benefit Scheme as a part of the overall R & R Policy of the Government. It has been introduced primarily with a view to providing additional basic sustenance to the erstwhile landowners for a period of 33 years. Broad features of the Annuity scheme are as under*

*i) The eligible landowners will be paid Annuity C Rs. 21,000/- per acre per annum for a period of 33 years over and above the usual land compensation;*

*ii) The Annuity amount of Rs. 21,000/- will be increased by a fixed sum of Rs. 750/-every year; ”*

*47. The petitioner has computed the annuity payments to be made on basis of aforesaid clause D(4)(i) and D(4)(ii). The reimbursement of annuity payments is allowed to be recovered from the beneficiaries directly. The petitioner shall directly claim the payments from the beneficiaries along with the proof of payments. The petitioner is directed to file affidavit with regard to details of the payments towards annuity as and when made every year.”*

18. Disallowance of annuity charges in the instant case is an error apparent on the face of record. Accordingly, we hold that the Review Petitioner is eligible to recover the annuity



charges and therefore the Review Petitioner is directed to recover the same from the beneficiaries directly and file affidavit with regard to details of the annuity paid every year.

**Typographical error in case of Asset-17**

19. The Review Petitioner has submitted that tariff allowed for Asset-17 for the year 2014-17 has been stated as 85 days, instead of 75 days, though tariff was allowed on pro-rata basis for 75 days. As pointed out by the Review Petitioner, the tariff was allowed for Asset-17 for 75 days (pro-rata) in the year 2014-15. However, it was inadvertently mentioned in the impugned order as 85 days, which needs to be corrected. Therefore, the tariff approved for Asset-17 for the year 2014-15 shall be read as “(pro-rata for 75 days)” wherever it appears in the order dated 31.5.2022 instead of (“pro-rata for 85 days”).

**Typographical error in case of Asset-23A**

20. The Review Petitioner has submitted that there is an inadvertent error in page No. 113 of the impugned order in totalling of the trued-up tariff allowed for Asset-23A for the period 2015-19. As pointed out by the Review Petitioner, there is error in summing up of the trued-up annual fixed charges approved for Asset-23A in order dated 31.5.2022, which requires to be corrected.

21. Consequent upon the above findings, the tariff of the transmission assets shall be revised accordingly through a separate order.

22. In view of above discussions and findings, the Review Petition No. 35/RP/2022 is disposed of.

**sd/-  
(P. K. Singh)  
Member**

**sd/-  
(Arun Goyal)  
Member**

**sd/-  
(I. S. Jha)  
Member**

