

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Review Petition No. 41/RP/2022

in

Petition No. 159/TT/2021

Coram:

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

Date of Order: 21.06.2023

In the matter of:

Petition seeking review of order dated 25.6.2022 passed in Petition No. 159/TT/2021.

And in the matter of:

Haryana Vidyut Prasaran Nigam Limited,
Shakti Bhawan, Sector 6,
Panchkula, Haryana-134109.

.... Review Petitioner

Vs.

1. Power Grid Corporation of India Limited,
Saudamani, Plot No. 2,
Sector 29, Gurgaon, Haryana-122001.
2. Himachal Pradesh Power Transmission Corporation Limited,
HIMFED Bhawan, Pnajari,
Shimla-171005.
3. Rajasthan Rajya Vidyut Prasaran Nigam Limited,
Vidyut Bhawan, Janpath,
Jaipur, Rajasthan-302005.
4. Punjab State Transmission Corporation Limited,
PSEB Head Office, The Mall,
Patiala-147001.

... Respondents



For Review Petitioner : Shri Akash Lamba, Advocate, HVPNL
Ms. Nikita Choukse, Adovcate, HVPNL

For Respondents : None

ORDER

The instant review petition is filed for review of the order dated 25.6.2022 in Petition No.159/TT/2021, wherein the Review Petitioner sought approval of transmission tariff for the 2019-24 tariff period in respect of the following seven number of transmission lines of the Review Petitioner:

Asset	Particulars	COD
Asset-I	220 kV S/C Bhiwadi-Rewari (Ckt.-1)	7.2.2009
Asset- II	220 kV S/C BhiwadiMau	18.6.2011
Asset- III	220 kV S/C Bhiwadi-Rewari (Ckt.-2)	18.1.2016
Asset- IV	220 kV S/C HSIIDC Bawal-Bhiwadi	16.9.2016
Asset- V	220 kV S/C Pinjore-Kunihar (Ckt.-1)	16.11.2017
Asset- VI	220 kV S/C Pinjore-Kunihar (Ckt.-2)	13.7.2018
Asset- VII	132 kV D/C Pinjore-Ropar	22.11.1971

2. The Commission vide order dated order dated 25.6.2022 in Petition No.159/TT/2021 granted tariff in respect of only Asset-I, i.e. 220 kV S/C Bhiwadi-Rewari (Ckt.-1) and did not grant tariff in respect of Asset-II to Asset-VII. The relevant extracts of the order dated 25.6.2022 in Petition No.159/TT/2021 are as follows:

“9. The Commission did not grant any tariff for Asset-II, Asset-III, Asset-IV and Asset- VII. The Petitioner had not filed any Petition of tariff determination of these assets during 2014-19 tariff period and submitted that the State Commission has already granted tariff in respect of these assets in the ARR for the State network for 2015-19 period. Therefore, we are not inclined to allow tariff for the Asset-II, Asset-III, Asset-IV and Asset-VII. The Petitioner is directed to continue its claim of tariff with respect to the transmission line under the ARR methodology of Haryana Electricity Regulatory Commission (“HERC”) as was done by for the 2015-19 period.

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12. It is observed that the Petitioner initially made the LILO of the existing 220 kV Madanpur (Panchkula)- Kuniyar (Himachal Pradesh) at Baddi Sub-station (in Himachal Pradesh). The Petitioner further made the LILO of 220 kV Madanpur (Panchkula)-Baddi line (Himachal Pradesh) and 220 kV Madanpur (Panchkula)-Kuniyar line (Himachal Pradesh) at Pinjore Sub-station (Haryana). As such, multiple LILO of the existing transmission line has been done by the Petitioner, first at Baddi Sub-station (Himachal Pradesh) and later on at Pinjore Sub-station (Haryana). Therefore, basic nature of natural ISTS line (in terms of line length, both terminal end, power flow, etc.) which was earlier approved has changed. Further, the Petitioner has not submitted any RPC/SCM approval where the LILO of the existing transmission line is approved and the reasons for creating the LILO of the existing line and any agreement made between the two states regarding power exchange over this line and maintenance of the line to be carried out by the two states in respective portion. Therefore, we are not inclined to approve the tariff in respect of Asset-V and Asset-VI.”

3. Aggrieved with the order dated 25.6.2022, the Review Petitioner has filed the instant review petition and has made the following prayers:

- a) *Review the Final Order dated 25.06.2022 passed in Petition No. 159/TT/2021 to the extent mentioned in the present petition and make appropriate determination of tariff for Asset I to VII for 2019-20 to 2023-24.*
- b) *Allow additions/ alterations/ changes/ modification to the Petition at a future date.*
- c) *Condone any inadvertent omissions/ errors/ differences/ shortcomings.*
- d) *Pass such other and/or further order or orders and/or direction or directions as, the Commission, may deem fit and proper.”*

4. The Review Petitioner has filed the instant petition on the following grounds:

- a. The Review Petitioner has sought for the O&M Expenses for Asset-I in terms of Regulation 35 of the 2019 Tariff Regulations on the pretext that no reasons have been assigned by the Commission for rejection of O&M Expenses pertaining to bay.
- b. In respect of Asset-II, Asset-III, Asset-IV and Asset-VII, it is submitted that non-determining the tariff for 2019-20 to 2023-24 by the Commission on the ground that since the State Commission has already granted tariff in respect of these assets in the ARR for the State network for 2015-19 period and, therefore, the



Review Petitioner should continue its claim of tariff for the said transmission lines under the ARR methodology through the State Commission as was done for the 2015-19 period. Inadvertently, the Review Petitioner had recovered tariff of these assets for the period of 2015-19 in terms of the ARR orders passed for the respective years. However, the said inadvertent error does not confer jurisdiction upon the State Commission for determining tariff in relation ISTS lines. In this regard, the Review Petitioner made the following submissions:

- i) Section 79 of the Electricity Act, 2003 that confers jurisdiction upon Central Commission for tariff determination of ISTS lines.
 - ii) The ARR orders of the State Commission through which the recovery of tariff is allowed for these lines provide that the said tariff shall be recovered from the long-term beneficiaries of the intra-State transmission system only based on their respective estimated transformation capacity.
 - iii) Natural ISTS lines are being used by other beneficiaries across the country as well who are also obligated to share the cost for such usage. Thus, only the Central Commission has jurisdiction to determine transmission tariff of ISTS lines.
 - iv) A separate petition seeking determination of tariff for Asset-II, Asset-III, Asset-IV and Asset-VII on similar grounds in Petition No. 1/TT/2023.
- c. In respect of Asset-V and Asset-VI, the Review Petitioner has submitted as follows:



- i) No opportunity was given to the Review Petitioner for presenting documentary evidence to demonstrate that the said lines are still ISTS despite the LILO.
- ii) The copies of Standing Committee on transmission system planning (SCM) and NRPC approval for Asset-V and Asset-VI are submitted in the instant review petition.

5. The review petition was heard on 27.4.2023 and the order was reserved on admissibility.

6. We have heard the learned counsel for the Review Petitioner and perused the materials available on the record. The Commission vide order dated 25.6.2022 in Petition No. 159/TT/2021 determined the tariff of Asset-I and rejected to determine the tariff for Asset-II to Asset-VII. The Commission directed the Review Petitioner to continue to claim the tariff in respect of Asset-II, Asset-III, Asset-IV and Asset-VII for the 2019-24 tariff period from Haryana Electricity Regulatory Commission as was done for 2015-19 period. As regards Asset-V and Asset-VI, the Commission had observed that multiple LILOs of the existing line have been made by the Review Petitioner and the approval of RPC/ SCM and reasons for creating such LILOs have not been submitted.

7. The Review Petitioner has prayed for approval of the O&M Expenses of associated bays for Asset-I, determination of transmission tariff for Asset-II, Asset-III, Asset-IV and Asset-VII as per the 2019 Tariff Regulations contending that the State Commission does not have jurisdiction over the said inter-State transmission lines. The Review Petitioner has further prayed to allow it to produce RPC/SCM approvals with respect to Asset-V and



Asset-VI on the pretext that it was not given opportunity to produce the same during the hearing of the original Petition No. 159/TT/2021.

8. In light of the above facts and circumstances and in the interest of natural justice and without going in to the merits of the matter, we admit the review petition and direct to issue notice to the Respondents.

9. The Review Petitioner is directed to serve a copy of the petition on the respondents by 23.6.2019 and the Respondents to file their reply by 10.7.2023 and the Review Petitioner to file rejoinder, if any, by 28.7.2023. The parties are directed to comply with the directions within the specified timeline and no extension of time shall be granted.

10. The petition shall be listed for hearing on 9.8.2023.

sd/-
(P. K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(I. S. Jha)
Member

