

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Review Petition No. 47/RP/2022  
in Petition No. 676/TT/2020**

**Coram:**

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

**Date of order: 29.12.2023**

**In the matter of:**

Review 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, and order 47 Rule 1 of the Code of Civil Procedure, 1908, seeking review and modification of the order dated 25.6.2022 in Petition No. 676/TT/2020.

**And in the matter of:**

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

**....Review Petitioner**

**Vs.**

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,  
Vidyut Bhawan, Janpath, Jyoti Nagar,  
Jaipur-302005.
4. Jodhpur Vidyut Vitran Nigam Limited,  
New Power House, Industrial Area,  
Jodhpur-342003.



5. Himachal Pradesh State Electricity Board,  
Vidyut Bhawan, Kumar House Complex Building II,  
Shimla-171004.
6. Punjab State Power Corporation Limited,  
The Mall, PSEB Head Office,  
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,  
Shakti Bhawan, 14, Ashok Marg,  
Lucknow-226001.
10. Delhi Transco Limited,  
Shakti Sadan, Kotla Road (Near ITO),  
New Delhi-110002.
11. BSES Yamuna Power Limited,  
Shakti Kiran Building,  
Karkardooma, Delhi-110092.
12. BSES Rajdhani Power Limited,  
BSES Bhawan, Nehru Place,  
New Delhi-110019.
13. Tata Power Delhi Distribution Limited,  
NDPL House, Hudson Lines Kingsway Camp  
Delhi-110009.
14. Chandigarh Administration,  
Sector-9, Chandigarh.
15. Uttarakhand Power Corporation Limited,  
Urja Bhawan, Kanwali Road,  
Dehradun.
16. North Central Railway,  
DRM Office, Nawab Yusuf Road,  
Prayagraj, Uttar Pradesh-211011.



17. New Delhi Municipal Council,  
Palika Kendra, Sansad Marg,  
New Delhi-110002.

...Respondent(s)

**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 (herein referred to as the 'the Act') read with Regulation 17 and Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking review of the order dated 25.6.2022 in Petition No. 676/TT/2020.

### **Background**

2. The Review Petitioner/ PGCIL filed Petition No. 676/TT/2020 for truing up of tariff of the period from COD to 31.3.2019 and determination of tariff for 2019-24 period in respect of the following assets under "Augmentation of Transformers in Northern Region Part-A" (hereinafter referred to as "the transmission system") in the Northern Region:

**Asset-1:** Combined asset of 500 MVA, 400/220/33 kV ICT-I along with associated bays at Moga Sub-station; 500 MVA, 400/220/33 kV ICT-II along with associated bays at Moga Sub-station; 500 MVA 400/220 kV Spare Transformer for Northern Region at Neemrana;

**Asset-2:** ICT 500 MVA 400/220 kV Bassi Extension Sub-station;

**Asset-3:** ICT 315 MVA 400/220 kV Allahabad Extension Sub-station;



**Asset-4:** ICT 500 MVA 400/220 kV Meerut Extension Sub-station;

**Asset 5:** 400/220 kV, 105 MVA ICT along with associated bays at Wagoora Sub-station;

**Asset-6:** 500 MVA ICT along with associated bays at Ludhiana Sub-station;

**Asset-7:** 2 numbers of 220 kV bays at Ludhiana Sub-station;

**Asset 8:** 02 numbers 220 kV Line Bays at Moga.

3. The Commission vide order dated 25.6.2022, trued up the transmission tariff of the 2014-19 tariff period and determined the tariff of 2019-24 tariff period of the above said transmission assets. While truing up the tariff of **Asset-1**, i.e. Combined Asset of (i) 500 MVA, 400/220/33 kV ICT-I along with associated bays at Moga Sub-station; (ii) 500 MVA, 400/220/33 kV ICT-II along with associated bays at Moga Sub-station and (iii) 500 MVA 400/220 kV Spare Transformer for Northern Region at Neemrana deducted gross block value of ₹600.47 lakh in view of the de-capitalization of replaced 250 MVA ICT-III which was kept as spares after replacement and shifted to Navada (HVPNL) under a bilateral arrangement covered in Petition No. 482/TT/2019 (under Kishenpur-Moga Transmission Line-“KMTL Project”). The relevant extract of the order dated 25.6.2022 is as follows:

*“34. The Commission in several petitions has already held that the de-capitalisation of transmission element should be carried out in the original Project where the transmission asset was originally covered. Accordingly, in line with this decision of the Commission, 250 MVA ICT at Moga Sub-station is required to be de-capitalised from the original project i.e. from transmission system associated with Kishenpur Moga Transmission System in Northern Region. However, the Commission in order dated 30.4.2021 in Petition No. 482/TT/2019 has already trued up the tariff of the 2014-19 tariff period and approved the tariff of the 2019-24 tariff period in respect of this project. Therefore, decapitalisation of 250 ICT MVA from original project at this stage is not appropriate as the same will lead to reopening of the order dated 30.4.2021 thereby causing further delay in disposal of both these petitions. Accordingly, as a special case, we are of the view that gross block of 250 MVA ICT at Moga Sub-station (Originally covered under transmission system associated with Kishenpur Moga Transmission System in Northern Region) is required to be de-capitalised in the instant petition. However, the Petitioner is directed to de-capitalise*



this 250 MVA ICT with effect from 1.4.2019 from transmission system associated with Kishenpur Moga Transmission System in Northern Region at the time of truing up and decapitalisation done in the instant transmission project will be restored at the time of truing up.

**Capital cost as on COD**

35. Accordingly, the capital cost allowed as on 1.4.2014 in respect of Asset-1 is as follows:

(₹ in lakh)			
Capital cost as on 1.4.2014 considered above (A)	Add: Value of net block of 250 MVA ICT-I shifted from Moga Sub-station to Bhadravati Sub-station already de-capitalised in 488/TT/2019 (B)	Less: Gross block of 250 MVA ICT on account of de-capitalisation (C)	Admitted Capital Cost as on 1.4.2014 (A+B-C)
2601.41	101.83	327.79**	2375.45

\*\* Net value of ₹272.68 lakh was already de-capitalised in Order dated 29.3.2020 in 147/TT/2019, accordingly, ₹327.79 lakh has been reduced further so as to ensure gross block of ₹ 600.47 lakh is reduced.”

4. The Review Petitioner is mainly aggrieved with the Commission’s decision of reopening the issue of 250 MVA ICT-III, which was kept as a spare (originally covered under KMTL Project in Petition No. 482/TT/2020). The Commission has deducted Gross Block value of ₹600.47 lakh towards de-capitalization of replaced 250 MVA ICT-III and has made an additional deduction of ₹327.79 lakh in Petition No. 676/TT/2020 compared to the deduction of ₹272.68 lakh already done in Petition No. 147/TT/2019.

5. The Review Petitioner has filed the instant review petition and has made the following prayers:

- a. Admit the present Review Petition;
- b. Review para 38 of the Order dated 25.06.2022 in so far as the amount of Rs. 272.68 Lakhs has been increased to Rs. 600.47 Lakhs;
- c. Allow the Review Petitioner to submit the revised Tariff forms in 482/TT/2019 (Covered under KMTL Project) to de-capitalize the Gross Block of 250 MVA ICT at Moga S/S from May’2016; and



d. *Pass such other further order(s) as this Hon'ble Commission may deem just in the facts of the present case.*"

6. The Review Petitioner has made the following submissions:

- a) In the 24th TCC meeting and 27th NRPC meeting held on 29.11.2012 and 30.11.2012, respectively, replacement of 250 MVA ICTs with 500 MVA ICTs was discussed and agreed.
- b) The date of commercial operation (COD) of "500 MVA, 400/220/33 kV ICT-I along with associated bays at Moga Sub-station" (After replacement of 250 MVA ICT-III at Moga Sub-station, in Petition No. 482/TT/2019 under KMTL Project) and "500 MVA, 400/220/33 kV ICT-II along with associated bays at Moga Sub-station" (After replacement of 250 MVA ICT-II at Moga Sub-station, in Petition No. 488/TT/2019 under "Chamera-I Project") were declared on 1.7.2013 and 1.3.2014, respectively.
- c) The Commission vide order dated 20.7.2015 in Petition No. 163/TT/2013 and order dated 27.11.2015 in Petition No. 26/TT/2014, de-capitalized the 250 MVA ICTs at Moga Sub-station and deducted Net Present Value (NPV) of 250 MVA ICTs from the capital cost of newly executed 500 MVA ICTs at Moga Sub-station as per Regulation 7(1) of the 2009 Tariff Regulations.
- d) Subsequently, the Review Petitioner filed miscellaneous Petition No. 182/MP/2017 and Petition No. 183/MP/2017 seeking revision of the transmission tariff of 500 MVA ICTs against the de-capitalization of 250 MVA ICTs at Moga Sub-station. The Commission vide orders dated 25.4.2018 and 3.5.2018 held that the petitions are not maintainable under Regulation 92 of the Conduct of Business Regulations, 1999 and accordingly, dismissed the said petitions at the admission stage. The relevant extracts of the said orders are as follows:

*"14. The Petitioner has sought revision of tariff in the light of the subsequent decision of the Commission in order dated 22.8.2016 in Petition No.*



69/TT/2016 and order dated 17.12.2015 in Petition No. 232/TT/2015. The question arises as to whether such prayer will be covered under Regulation 92 of the Conduct of Business Regulations. As per Regulation 92 as interpreted by the Hon'ble Supreme Court, making of tariff is a continuous process and can be amended or altered by the Commission on its own motion or by application by a party. In the present case, the Petitioner has filed the Petition for revision of tariff already determined by the Commission in which the claim of the Petitioner for continuation of the replaced assets in the capital cost was rejected. In our view, the Petitioner cannot seek relief under Regulation 92 in respect of a claim which has already been rejected.....”

“..... This Tribunal in its earlier judgment dated 08.05.2014 in Appeal No. 173/2013 (NTPC Ltd. Vs. Central Electricity Regulatory Commission & Ors.) and judgment dated 01.05.2015 in Appeal No. 97/2013 (NTPC Ltd. Vs. Central Electricity Regulatory Commission & Ors.) disallowed capitalization of spare/additional transformers. In judgment dated 01.05.2015, this Tribunal observed that unless there is a specific provision in the Regulations permitting capitalization of the cost of spare assets, such assets cannot be included in the capital base.”

(iv) The cases in Petition No. 69/TT/2016 and Petition No. 232/TT/2015 is also distinguishable from the present case, as in those cases, no de-capitalization of the assets was involved and the new transformers were allowed as spare transformers at Purnea sub-station. The said decision cannot be considered as a principle to be followed when the new transformer replaces an old transformer.

15. Based on the above discussions, we hold that the Petition is not maintainable under Regulation 92 of the Conduct of Business Regulations and accordingly, the Petition is dismissed at the admission stage.”

- e) The diversion of 1 number 250 MVA ICT (originally covered in KMTL Project) to Navada (HVPNL) was decided in 2017. However, the 2nd number 250 MVA ICT at Moga Sub-station which was replaced by 500 MVA ICT-II at Moga Sub-station and was subsequently shifted to Bhadrawati Sub-station in the year 2017. The tariff for shifted ICT-II was claimed in Petition No. 223/TT/2020 covered under “Installation of Transformer & Procurement of Spare Converter Transformer at Bhadrawati Back to Back Station” in Western Region, which was allowed by the Commission vide order dated 27.5.2022.
- f) Petition No. 147/TT/2019 was filed for truing up of transmission tariff of ICT-I and ICT-II associated with Moga Sub-station for 2009-14 tariff period as per the admitted cost after deduction of NPV of replaced 250





MVA ICTs at Moga Sub-station. The Commission vide order dated 29.3.2020 allowed the true-up the transmission tariff of 2009-14 tariff period after deduction ₹272.68 lakh of respective NPV of 250 MVA ICTs.

- g) The Commission during the course of hearing in Petition No. 676/TT/2020 with respect to true-up of ICT-I and ICT-II along with associated bays at Moga Sub-station for 2014-19 tariff period reopened the issue of de-capitalization of replaced 250 MVA ICT (shifted to Bhadrawati Sub-station). The Commission vide a RoP dated 2.11.2021 directed the Review Petitioner to de-capitalize Gross Block value (₹737.56 lakh) as on 1.4.2014 for replaced 250 MVA ICT from Chamera-I Transmission System Project (Petition No. 488/TT/2019) and re-capitalize it as on COD i.e. 8.9.2017 at Bhadrawati Sub-station (Petition No. 223/TT/2020). However, the Commission did not reopen the issue of 250 MVA ICT-III which was kept as spare (originally covered under KMTL Project in Petition No. 482/TT/2019).
- h) The impugned order suffers from an error apparent on the face of record in respect of the tariff computation of Asset-1 with respect to deduction of gross block value of ₹600.47 lakh from the capital cost of towards de-capitalization. The Commission had already deducted an amount of ₹272.68 lakh on the NPV basis in Petition No. 147/TT/2019 which had been accepted by all parties and the same has attained finality. The Commission has not assigned any reason for such deviation in NPV and further deduction of ₹327.79 lakh in the impugned order.
- i) The Commission has failed to appreciate that 250 MVA ICT covered in KMTL Project was executed in the year 2000 and was kept as a regional spare since 1.7.2013 after replacement and has not completed its useful life and tariff has not been fully recovered. The Commission has also failed to appreciate that the replacement was proposed by





Punjab State Transmission Company Limited due to load growth and the Review Petitioner has facilitated the augmentation of transformation capacity for the smooth operation and reliability of the Grid.

- j) The Commission has failed to appreciate the Committee's report published in March 2019, constituted under the directions of the Commission itself for assessing the requirement of regional spares.
- k) The decision on the instant review petition will also impact the decision vide order dated 30.4.2021 in Petition No. 482/TT/2019. Therefore, the Review Petitioner may be given liberty to submit the revised tariff forms in Petition No. 482/TT/2019 as well.

7. The matter was admitted on 24.1.2023 and notice was issued to the Respondents. However, none of the Respondents have filed any reply to the review petition. The matter was finally heard on 27.4.2023 and order was reserved in the matter.

### **Analysis and Decision**

8. The Review Petitioner has submitted that Commission has erred in deducting the Gross Block value of ₹600.47 lakh towards decapitalisation of replaced 250 MVA ICT-III which was kept as a spare and finally shifted to Navada (HVPNL) under a bilateral arrangement. Further, the Review Petitioner has submitted that the deduction on NPV basis has been accepted by all the parties and attained finality.

9. We have considered the submission of the Review Petitioner and have perused the record. On perusal of the record, it is observed that the Commission in order dated 29.3.2020 in Petition No. 147/TT/2019 decapitalised 2 numbers of 250 MVA ICT at Moga Sub-station (one ICT was originally covered under Chamera



Stage-I Transmission System associated with the Northern Region and another ICT was covered under transmission system associated with Kishenpur Moga Transmission System in Northern Region) after reducing the value of net block (Gross Block less cumulative depreciation) instead of reducing value of Gross Block.

10. The Review Petitioner, at the time of truing up of tariff 2014-19 tariff period, in the Petition No. 676/TT/2020 had claimed the capital cost of Asset-1 as on 1.4.2014 after carrying out the de-capitalisation of these 2 numbers of 250 MVA ICT at Moga Sub-station after reducing the value of net block (Gross Block less cumulative depreciation) as considered by the Commission in the order dated 29.3.2020 in Petition No. 147/TT/2019.

11. The Commission vide order dated 19.2.2021 in Petition No. 488/TT/2019 had already trued up the tariff of the 2014-19 tariff period and approved the tariff of the 2019-24 tariff period for Chamera Stage-I Transmission System associated with the Northern Region which includes one of the 2 numbers of 250 MVA ICT at Moga Sub-station. However, one 250 MVA ICT was shifted from Moga to Bhadrawati and no more forms part of Chamera Stage-I Transmission System. Accordingly, the Commission vide interim order dated 24.8.2021 in Petition No.223/TT/2020 reopened the proceedings in Petition No.488/TT/2019 for the purpose of revising the tariff allowed for 250 MVA, 400/220/33 kV ICT in order dated 19.2.2021 and relisted Petition No.488/TT/2019 for reconsideration alongwith Petition No. 676/TT/2020 and Petition No. 223/TT/2020. The relevant extracts of the interim order dated 24.8.2021 are as follows:



*“6. We observe that there are issues as regards de-capitalization and recapitalization of various assets covered in Petition No. 488/TT/2019 (order issued on 19.2.2021), Petition No. 676/TT/2020 (matter heard on 9.7.2021 and order reserved) and the instant petition. Accordingly, in order to take a comprehensive view for appropriate treatment of re-capitalisation and de-capitalisation of 250 MVA, 400/220/33 kV ICT (shifted from Moga sub-station to Bhadrawati HVDC sub-station) and 500 MVA ICT at Moga sub-station, we are of the view that the order dated 19.2.2021 in Petition No. 488/TT/2019 has to be revisited and the instant petition is required to be considered alongwith Petition No.676/TT/2020 and Petition No.488/TT/2019.”*

*“9. Accordingly, in accordance with Regulation 92 of the 1999 Regulations, the proceedings in Petition No.488/TT/2019 shall be reopened for the purpose of revising the tariff allowed for 250 MVA, 400/220/33 kV ICT in order dated 19.2.2021. Pending revision of tariff, the order dated 19.2.2021 in Petition No. 488/TT/2019 is suspended. And we direct to relist Petition No.488/TT/2019 for reconsideration alongwith Petition No. 676/TT/2020 and Petition No. 223/TT/2020.”*

12. Thereafter, the Commission reopened the Petition No. 488/TT/2019 and the Commission vide order dated 26.5.2022 in Petition No. 488/TT/2019 had decapitalised the original gross block of 250 MVA, 400/220/33 kV ICT from Moga Sub-station under Chamera Stage-I Transmission System associated with the Northern Region. Accordingly, the decapitalization of the said 250 MVA ICT as considered by the Commission in the order dated 29.3.2020 in Petition No. 147/TT/2019 was restored in Petition No. 676/TT/2020 wherein the net gross block value of ₹101.83 lakh earlier reduced from the Gross block of Asset-1 was added back to the Gross Block of Asset-1. The relevant extracts of the order dated 25.6.2022 in Petition No. 676/TT/2020 are as follows:

*30. The Commission vide order dated 26.5.2022 in Petition No. 488/TT/2019 has already decapitalised the original gross block of 250 MVA, 400/220/33 kV ICT from Moga Sub-station under Chamera Stage-I Transmission System associated with the Northern Region. The relevant paragraph 12 and paragraph 13 of the order dated 26.5.2022 in Petition No. 488/TT/2019 are extracted hereunder for reference:*

*“13. As regards decapitaisation of 250 MVA, 400/220/33 kV ICT (shifted from Moga sub-station to Bhadrawati HVDC sub-station) in the instant petition the Petitioner has claimed the following details:*



(₹ in lakh)

<b>Particulars</b>	<b>As per order dated 19.2.2021 in Petition No. 488/TT/2019 (A)</b>	<b>Less/De-cap amount w.r.t. replaced/ shifted ICT-I from Moga Sub-station to Bhadrawati Sub-station (B)</b>	<b>Revised Capital Cost after de-cap (A-B)</b>
Opening Gross Block as on 1.4.2014	24629.96	737.56	23892.40
Cumulative depreciation up to previous year	15400.5	461.18*	14939.32

\*Calculated as per Pro-rata Opening Deprecation considered in tariff Order in Petition No. 488/TT/2019.

14. Accordingly, we have considered the date of de-capitalisation of 250 MVA, 400/220/33 kV ICT as 1.4.2014 and date of re-capitalisation to be considered in Petition No. 223/TT/2020 is 8.9.2017. The capital cost of ₹23892.40(₹24629.96-₹737.56) lakh as on 1.4.2014 and 31.3.2019 has been considered for the purpose of truing up of the tariff for the 2014-19 tariff period.”

31. Accordingly, de-capitalisation in respect of 250 MVA ICT in the instant petition is not required to be carried out further and the net gross block value of ₹101.83 lakh earlier reduced from the Gross block of Asset-1 is added back to the Gross Block of Asset-1 in this order.”

13. With regard to another 250 MVA ICT at Moga Sub-station (originally covered under transmission system associated with Kishenpur Moga Transmission System in Northern Region) which is in question, the Commission in Petition No. 676/TT/2020 observed that Commission vide order dated 30.4.2021 in Petition No. 482/TT/2019 had already trued up the tariff of the 2014-19 tariff period and approved the tariff of 2019-24 tariff period for Kishenpur Moga Transmission System in the Northern Region including the said 250 MVA ICT. In order to avoid further delay due to reopening of Petition No. 482/TT/2019, the Commission in Petition No. 676/TT/2020 considering it as a special case de-capitalised gross block of 250 MVA ICT at Moga Sub-station from Asset-1. The Commission further directed the Review Petitioner to de-capitalise this 250 MVA ICT with effect from



1.4.2019 from transmission system associated with Kishenpur Moga Transmission System in Northern Region at the time of truing up and above decapitalisation of one 250 MVA ICT to be restored at the time of truing up. The relevant portion of the order dated 25.6.2022 in Petition No. 676/TT/2020 is as follows:

*“33. Further, the Commission vide order dated 30.4.2021 in Petition No. 482/TT/2019 has trued up the tariff of the 2014-19 tariff period and approved the tariff of 2019-24 tariff period for Kishenpur Moga Transmission System in the Northern Region including the 250 MVA, 400/220/33 kV ICT decapitalised in Petition No. 147/TT/2019.*

*34. The Commission in several petitions has already held that the de-capitalisation of transmission element should be carried out in the original Project where the transmission asset was originally covered. Accordingly, in line with this decision of the Commission, 250 MVA ICT at Moga Sub-station is required to be de-capitalised from the original project i.e. from transmission system associated with Kishenpur Moga Transmission System in Northern Region. However, the Commission in order dated 30.4.2021 in Petition No. 482/TT/2019 has already trued up the tariff of the 2014-19 tariff period and approved the tariff of the 2019-24 tariff period in respect of this project. Therefore, decapitalisation of 250 ICT MVA from original project at this stage is not appropriate as the same will lead to reopening of the order dated 30.4.2021 thereby causing further delay in disposal of both these petitions. Accordingly, as a special case, we are of the view that gross block of 250 MVA ICT at Moga Sub-station (Originally covered under transmission system associated with Kishenpur Moga Transmission System in Northern Region) is required to be de-capitalised in the instant petition. However, the Petitioner is directed to de-capitalise this 250 MVA ICT with effect from 1.4.2019 from transmission system associated with Kishenpur Moga Transmission System in Northern Region at the time of truing up and decapitalisation done in the instant transmission project will be restored at the time of truing up.”*

14. The Review Petitioner has submitted that Commission did not reopen the issue of 250 MVA ICT-III which was kept as spare (covered under KMTL Project in Petition No. 482/TT/2019). However, in the impugned order the Commission deducted Gross Block value of ₹600.47 lakh towards de-capitalization of replaced 250 MVA ICT-III which was kept as a spare and finally shifted to Navada (HVPNL) under a bilateral arrangement. The Commission additional deducted ₹327.79 lakh besides the deduction of ₹272.68 lakh already done in the true up Petition No. 147/TT/2019.



15. We have considered the contention of the Review Petitioner. It is observed that the Review Petitioner in Petition No.676/TT/2020 did not disclose the fact that the tariff of the 250 MVA ICT-III originally covered under KMTL Project was already approved by the Commission vide order dated 30.4.2021 in Petition No. 482/TT/2019. If the Review Petitioner had brought to the notice of the Commission that the tariff for the 250 MVA ICT-III at Moga Sub-station has already been approved in order dated 30.4.2021, this aspect would have also been considered by us when we reopened the tariff allowed in Petition No.488/TT/2019 alongwith Petition No. 676/TT/2020 through an interim order dated 24.8.2021 in Petition No.223/TT/2020. Accordingly, the Review Petitioner's contention that the Commission did not reopen the issue of 250 MVA ICT-III which was kept as spare (covered under KMTL Project in Petition No. 482/TT/2019) is not correct.

16. The Review Petitioner in the instant petition has prayed for grant of liberty to submit the revised tariff Forms in Petition No.482/TT/2019 (covered under KMTL Project) to de-capitalize the Gross Block of 250 MVA ICT at Moga Sub-station from May 2016.

17. The Commission in several petitions has already held that the decapitalisation of transmission element should be carried out in the project where the transmission asset was originally covered. According to this principle, the Commission vide interim order dated 24.8.2021 in Petition No. 223/TT/2020 reopened the proceedings in Petition No.488/TT/2019 for the purpose of revising the tariff allowed for 250 MVA, 400/220/33 kV ICT in order dated 19.2.2021 and relisted Petition No.488/TT/2019 for reconsideration.



18. The Commission while dealing with decapitalisation of 250 MVA ICT in Petition No. 676/TT/2020 had considered it as a special case and decapitalised the 250 MVA ICT from combined Asset-1 (Augmentation of Transformers in Northern region Part-A" in Northern Region). However, this is against the principle adopted by the Commission referred to in paragraph 16 above. Therefore, we are of the view that the 250 MVA ICT is required to be decapitalised from the original project i.e. transmission system associated with Kishenpur Moga Transmission System in Northern Region covered under Petition No. 482/TT/2019 and decapitalisation carried out in Petition No. 676/TT/2020 is required to be restored.

19. Accordingly, the proceedings in Petition No.482/TT/2019 shall be reopened for the purpose of revising the tariff allowed for 250 MVA, 400/220/33 kV ICT in order dated 30.4.2021. Pending revision of tariff, the order dated 30.4.2021 in Petition No. 482/TT/2019 is suspended. The Registry is directed to relist Petition No.482/TT/2019 for reconsideration alongwith Petition No. 676/TT/2020 at the earliest. In the meanwhile, the Review Petitioner is directed to submit the revised tariff Forms both in Petition No.482/TT/2019 and Petition No.675/TT/2020 with a copy to the respective beneficiaries.

20. In the light of above discussions, Review Petition No. 47/RP/2022 in Petition No. 676/TT/2020 is disposed of.

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

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

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

