

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 91/MP/2021**

**Coram:**

**Shri I. S. Jha, Member**

**Shri Arun Goyal, Member**

**Shri P. K. Singh, Member**

**Date of Order: 30.06.2023**

**In the matter of:**

Petition under Section 79(1)(c) and Section 38(2)(b) & (c) of the Electricity Act, 2003 read with Regulation 111 of the CERC (Conduct of Business) Regulations, 1999 seeking allowance of interest during construction (IDC) and incidental expenses during construction (IEDC) for the period from 21.5.2015 to 21.9.2015 for the “220 kv d/c New Melli-Rangpo line and associated bays at new Melli and Rangpo along with 1 no. 220 kv bus coupler bay each at Rangpo and New Melli” implemented as part of the transmission system for transfer of power from generating stations in Sikkim.

**And**

**In the matter of:**

**Power Grid Corporation of India Limited**

B-9, Qutab Institutional Area,

Katwaria Sarai, New Delhi-110016,

And Corporate Centre at:

“Saudamani”, Plot No.2,

Sector29, Gurgaon-122001(Haryana).

**...Petitioner**

**Vs**

1. **Gati Infrastructure Chuzachen Ltd.,**  
1-7-293, MG Road 268, Udyog Vihar, Phase-IV,  
Secunderabad, Andhra Pradesh – 500003
2. **Gati Infrastructure Bhasmey Power Ltd.,**  
1-7-293, MG Road 268, Udyog Vihar, Phase-IV,  
Secunderabad, Andhra Pradesh – 500003
3. **PTC India Ltd.,**  
2<sup>nd</sup> Floor, NBCC Tower,  
15, Bhikaji Cama Palace, New Delhi – 110029
4. **Lanco Energy Pvt. Ltd.,**  
Plot No.397, 2<sup>nd</sup> Floor,  
Udyog Vihar, Phase III,  
Gurgaon, Haryana – 122016.



5. **DANS Energy Private Ltd.,**  
5<sup>th</sup> Floor, DLF Building No.8, Tower C,  
DLF Cyber City Phase-II,  
Gurgaon, Haryana – 122002.
  
6. **Jal Power Corporation Ltd.,**  
405-406, Raja House, 30-31,  
Nehru Place, New Delhi- 110019.
  
7. **Madhya Bharat Power Corporation Ltd.,**  
NH-31-A, Golitar, Singtam,  
Gangtok-737134, Sikkim.
  
8. **Bihar State Power (Holding) Company Ltd.,**  
(Formerly Bihar State Electricity Board-BSEB),  
Vidyut Bhavan. Bailey Road, Patna – 800 001 (Bihar).
  
9. **West Bengal State Electricity Distribution Company,**  
Bidyut Bhawan, Bidhan Nagar,  
Block DJ. Sector-II. Salt Lake City,  
Calcutta – 700 091 (West Bengal).
  
10. **Grid Corporation of Orissa Ltd.,**  
Shahid Nagar, Bhubaneswar, Odhisha – 751 007.
  
11. **Damodar Valley Corporation,**  
DVC Tower, Maniktala, Civic Centre, VIP Road,  
Calcutta – 700 054 (West Bengal).
  
12. **Power Department,**  
Government of Sikkim,  
Gangtok, Sikkim – 737101.
  
13. **Jharkhand State Electricity Board,**  
In front of Main Secretariat,  
Doranda, Ranchi – 834002 (Jharkhand).
  
14. **Shiga Energy Pvt. Ltd.,**  
5<sup>th</sup> Floor, DLF Building No.8,  
Tower-C, DLF Cyber City, Phase-II,  
Gurgaon – 122002, Haryana.
  
15. **Sikkim Hydro Power Ventures Ltd.,**  
5<sup>th</sup> Floor, Orbit Plaza, New Prabhadevi Road,



**Parties Present:**

Ms. Suparna Srivastava, Advocate, PGCIL

Shri B. B. Rath, PGCIL

Shri Vipin Jacob Joseph, PGCIL

Shri Manish Ranjan Keshari, CTU

Shri Siddhart Sharma, CTU

Shri Lashit, CTU

**ORDER**

1. The instant Petition has been filed under Section 79(1)(c) and Section 38(2)(b) & (c) of the Electricity Act, 2003 read with Regulation 111 of the CERC (Conduct of Business) Regulations, 1999 with following prayers with regard to line implemented as part of the transmission system for transfer of power from generating stations in Sikkim.
2. Prayers :-:
  - (a) *allow the Petitioner to capitalize the IDC/IEDC of 220 kV D/C Rangpo-New Melli Line and associated bays at Rangpo and New Melli along with one No. 220 kV Bus Coupler Bay each at Rangpo and New Melli for the period 21.5.2015 (the actual date of commissioning) to 21.9.2015 (the date when the line has been put to regular use)*
  - (b) *pass such further and other order(s) as this Hon'ble commission may deem fit in the facts and circumstances of the present case*

**Submissions of the Petitioner**

3. Petitioner has made the following submissions:
  - a) The Petitioner is the Central Transmission Utility (CTU) notified under Section 38 of the Electricity Act, 2003 (hereinafter, the “2003 Act”) and has been vested



with the function of undertaking transmission of electricity through inter-State transmission system (ISTS). The Petitioner being the CTU, is a deemed transmission licensee under Section 14 of the 2003 Act. In discharge of its statutory functions, the Petitioner has been entrusted with the implementation of transmission system for transfer of power from generation projects in Sikkim to Northern Region/Western Region (Part B). The Respondents herein are the generation projects in Sikkim whose power is to be evacuated through the said transmission system as also the beneficiaries in the Eastern Region who are to share the payment of transmission charges for the same.

- b) The administrative approval and expenditure for the above transmission system had been granted by the Board of Directors of the Petitioner on 17.3.2011 for Rs.1585.12 crores (including an IDC of Rs.101.83 crores based on 3rd quarter 2010 price level). The scope of work covered under the transmission system for implementation was as under:

**Transmission Lines:**

- a. LILO of Teesta III-Kishanganj 400kV D/C line (quad) at Rangpo
- b. Rangpo-New Melli 220kV D/C line
- c. LILO of Gangtok- Rangit 132kV S/C line at Rangpo and Termination of Gangtok-Rangpo/Chuzachen & Melli- Rangpo/Chuzachen 132kV line at Rangpo
- d. LILO of Teesta V- Siliguri 400kV D/C line at Rangpo.
- e. Kishanganj- Patna 400kV D/C (quad) line

**Substations:**

- a. Establishment of 400/220/132 KV Gas Insulated at Rangpo with 16X105 MVA, 400/220kV 1-Phase transformers and 3X100 MVA, 220/132Kv 1-Phase transformers.
  - b. Establishment of 220kV GIS switching station at New Melli
  - c. Extension of bays at Kishanganj 400/220 kV S/s
  - d. Extension Bays at Patna 400/220 kV S/S”
- c) As per the Investment Approval dated 17.3.2011, the commissioning schedule for the above transmission system was 32 months from the date of Investment Approval. The assets comprised therein were to be commissioned in a



progressive manner up to November, 2013 i.e. to be declared under commercial operation w.e.f. 1.12.2013. However, owing to various constraints such as delay in forest clearance, time consuming process of administration for assessment of crop damage compensation, ROW problems, landslides in hills, unapproachable hilly terrain etc., there was a delay in timely completion of the different assets of the system.

- d) In September, 2016, the Petitioner approached this Commission by Petition No.183/TT/2016 for determination of transmission tariff from their respective dates of commercial operation (DOCO) to 31.3.2019 for the following three Assets comprised in the above transmission system, in accordance with the Tariff Regulations, 2014

SN.	Name of Asset	DOCO	Delay
1	Asset I: 220 kV D/C Rangpo–New Melli Line and associated bays at Rangpo and New Melli alongwith one no 220kV Bus Coupler Bay each at Rangpo and New Melli	21.05.2015	17 months
2	Asset II: 01 no 31.5 MVAR Bus Reactor (1 <sup>st</sup> ) at New Melli and associated bay	31.01.2016	26 months
3.	Asset III: 01 no 31.5 MVAR Bus Reactor (2 <sup>nd</sup> ) at new Melli and associated bay	21.03.2016	28 months

- e) The approval for tariff was sought based on the actual cost incurred upto DOCO and additional capitalization projected to be incurred from DOCO to 31.3.2019 in respect of the subject Assets. The cost overrun for the Assets was duly explained and the interest during construction (IDC) was stated to be discharged upto DOCO. Asset-I i.e. the 220 kV D/c Rangpo-New Melli transmission line, was not utilized on its commissioning on 21.5.2015 as the generating stations had not completed the generation/ dedicated network under their scope; the non-utilization was beyond its control and hence sought approval of COD under the 2nd proviso to Regulation 4(3) of the 2014 Tariff Regulations.
- f) During the proceedings in the above Petition, this Commission directed the Petitioner to submit the status of commissioning of upstream and downstream transmission system of New Melli and Rangpo sub-stations. Petitioner, vide



Affidavit dated 25.4.2017, submitted that the Rangpo pooling station was connected/planned to be connected to the following upstream network:

<b>Voltage level</b>	<b>Generator</b>	<b>Connecting Transmission Line</b>
400 kV	Teesta-V	LILO of 400 kV D/C Teesta V-Siliguri line at Rangpo
400 kV	Teesta-III	LILO of 400 kV Ckt.-I Teesta-III-Kishanganj line at Rangpo
220 kV	Rongnichu	220 kV D/C Rongnichu-Rangpo line
220 kV	Teesta-VI	220 kV D/C Teesta-VI-Rangpo line
220 kV	Jorethang and Rangit-IV	via New Melli sub-station through 220 kV D/C Rangpo-New Melli line
132 kV	Chuzachen	LILO of 132kV S/C Rangpo-Gangtok line at Chuzachen
132 kV	Bhasmay	132kV D/C Bhasmay- Rangpo line

- g) The downstream network at Rangpo pooling station, it was submitted that power was also being supplied to Sikkim State with the following connectivity:  
 “Gangtok S/S via 132 kV Rangpo-Gangtok-II (commissioned since 29.11.2014)  
 Melli (Sikkim State) Sub-station via 132 kV Rangpo-Melli (earlier Rangpo-Gangtok-I) (commissioned since 30.03.2014/27.02.2016)”
- h) The Petitioner vide Affidavit dated 25.4.2017 in Petition No. 183/TT/2016 further submitted that:
- i. Power from the generating stations mentioned above was being pooled at Rangpo pooling station (and other generators associated with New Melli pooling station) and from there on, power was being wheeled to Siliguri and main pooling station at Kishanganj and further onto the regional upstream/downstream networks.
  - ii. The New Melli station had been discussed and approved in the Standing Committee Meeting of Power System Planning in Eastern Region held on 20.9.2010 and had been planned and implemented as a 220 kV GIS switching station with inter-connection with following generators:

*“Jorethang through 220 kV D/C Jorethang-New Melli line Rangit-IV, expected to be commissioned in September, 2019 (Unit-1) and October, 2019 (Unit 2 & 3), through 220 kV D/C Rangit-IV-New Melli line, which is expected to be completed by December, 2017.”*

- iii. Thereafter, power from the said generators was to be pooled at the Rangpo pooling station and New Melli GIS switching station through the 220 kV D/c New Melli-Rangpo transmission line which had been commissioned on 21.5.2015.
- iv. Asset-I i.e. the 220 kV D/C Rangpo-New Melli transmission line and associated bays at both ends had been planned to wheel power from generators (Jorethang and Rangit-IV associated with New Melli) towards Rangpo GIS. The said generators were to be connected by dedicated 220 kV D/C lines from respective generating stations to New Melli GIS switching station. The dedicated line works were under the scope of the respective generators.
- v. Among the two generators associated with New Melli GIS switching station, Jorethang (Respondent No.5 with 96 MW) had been commissioned in September, 2015 while Rangit-IV (Respondent No.6 with 120 MW) was yet to be commissioned. As such, power from Jorethang was being sent to Rangpo GIS via New Melli GIS switching station using subject Asset-I (i.e. 220 kV D/C Rangpo-New Melli transmission line and associated bays at both ends). There was mismatch as Asset-I was commissioned prior (COD of Asset-I: 21.5.2015) to COD of Jorethang generation (COD: September, 2015).
- vi. The Petitioner had continuously followed with the associated generators for timely matching the commissioning of their generation units and dedicated transmission lines with its network. It was desirable that consequent to finalization of the planning of the generation and corresponding downstream network, the dedicated/ connecting networks by generators were commissioned matching with their respective generation. However, at the time of implementation of the project, even after realizing that the connecting network was getting delayed, it was not possible to delay the completion/commissioning of the ISTS network beyond a certain period due to obvious financial/contractual reasons and obligations. The Petitioner completed its scope of works and charged



Asset-I in the month of May 2015 and the power flow was initiated after the unit-1 and unit-2 of Jorethang were commissioned by Respondent No.5 in the month of September, 2015.

- vii. The 220kV D/c Rangpo-New Melli transmission line was not utilized pursuant to its commissioning on 21.5.2015 due to delayed completion/commissioning of the generation/ dedicated network under the scope of the concerned generator, which was beyond the control of the Petitioner.
- i) The Commission vide Order dated 14.11.2017 decided the above Petition No -183/TT/2016 by approving the transmission tariff for the subject transmission assets. While doing so, this Commission condoned the time overrun of 17 months and 20 days (536 days) for each of the three Assets. With respect to the COD of the Assets, this Commission held as under:

*“16. .... The Jorethang generating station was commissioned in the month of September, 2015 and the associated dedicated line was commissioned in November, 2016. Jorethang (Dans Energy Limited) has requested the petitioner that the completed part section of dedicated line (from tower location 14) may be connected to the petitioners’ line (Tower location No 87) as an interim arrangement to evacuate its power from September, 2015. The interim arrangement has been approved in 17<sup>th</sup> SCM of ER held on 25.5.2015 at NRPC, New Delhi. This interim arrangement was commissioned in September, 2015 (SLD is given in Annexure-I and I (A)]. Hence, the 220 kV D/C Rangpo-New Melli line was put to use in September, 2015 on COD of Jorethang generating station and commissioning of interim arrangement as against the claimed COD on 21.5.2015. The other generating station Rangit-IV and its dedicated line are yet to be commissioned. It is noticed that although RLDC certificate of trial operation is available but the line cannot be considered as put to regular service as specified under the 2014 Tariff Regulations. Hence, we are not inclined to grant COD of Asset-I under the second proviso of Regulation 4(3) of the 2014 Tariff Regulations.*

*..... The COD of the 220 kV D/C Rangpo-New Melli Line and associated bays at Rangpo and New Melli alongwith one no. 220 kV Bus Coupler Bay each at Rangpo and New Melli shall be reckoned as 22.9.2015 matching with COD of Jorethang generating station. However, the IDC and IEDC in respect of Asset-I from 21.5.2015 to 21.9.2015 shall be borne by the developers of both the generating companies in the ratio of their LTAs and the IDC and IEDC for the said period shall be excluded from capital cost.*

*.....84. We have considered the submissions of the petitioner. As per the BPTA, the assets covered in the instant petition are constructed for evacuation of power from the two generating companies i.e. Jorethang and Rangit-IV. It is observed that LTA in case of the generators has not been operationalised. As such, the transmission charges shall be shared by the generating companies (i.e. Jorethang and Rangit-IV) in the ratio of the LTA granted. After operationalisation of the LTA granted to these generators, the transmission charges allowed in this order shall be included in PoC charges as shall be shared as provided under Regulation 43 of the 2014 Tariff Regulations and recovered as provided in the 2010 Sharing*





*Regulations. Further, in case of part operationalisation of LTA, the corresponding charges shall be included in PoC.”*

- j) The Respondent No. 5 (DANS) filed Review Petition No. 28/RP/2018 before this Commission and sought review of the aforesaid Order dated 14.11.2017 to the extent it directed, Respondent No.5 to pay the IDC/IEDC and the transmission charges as aforesaid for Asset-I. The contention raised was, inter alia, that the above directions issued by this Commission were contrary to Regulation 8 of the Central Electricity Regulatory Commission (Sharing of Inter State Transmission Charges and Losses) Regulations, 2010 (hereinafter, the “Sharing Regulations”) and Regulation 12 of the 2014 Tariff Regulations, besides being contrary to the earlier Orders passed by this Commission, the Appellate Tribunal for Electricity (APTEL) and the Supreme Court. Respondent No.5 further contended that it was not afforded a proper opportunity of being heard while subjecting it to the liability to bear transmission charges, IDC and IEDC for the above said transmission assets.
- k) The Petitioner filed its reply to the above Review Petition in which it submitted that a total quantum of 2259 MW was to be evacuated from the following 8 generation projects in Sikkim under LTA:

Sl. No.	Name of Developer/ Open Access applicant	LTA Quantum (MW)	Start date as per LTA Agreement (commence with HCPTC III)
1.	Teesta Urja Ltd. /PTC (Teesta-III)	1200	August, 2011
2.	Lanco Energy Pvt. Ltd. (Teesta-VI)	500	November, 2012
3.	DANS Energy Pvt. Ltd. (Jorethang)	96	April, 2012
4.	Jal Power Corporation (Rangit-IV)	120	June, 2013
5.	Madhya Bharat Power Corporation Ltd (Rongnichu)	96	September, 2014 and October, 2014
6.	Gati Infrastructure Ltd. (Chuzachen)	99	September, 2012
7.	Gati Infrastructure Bhasme Power Pvt. Ltd. (Bhasmey)	51	June, 2012
8.	Shiga Energy Pvt. Ltd. (Tashiding)	97	February, 2014 and March, 2014
		2259	

- l) The aforesaid LTAs were to be operationalized by the Petitioner only after the commissioning of Teesta III-Rangpo – Kishanganj 400 kV D/c quad line; in the meantime, power evacuation from the commissioned projects was taking place through short-term open access (STOA).
- m) The Petitioner vide its reply to the above Review Petition further reiterated/submitted that
- i. The New Melli sub-station had been planned and implemented as a 220kV GIS switching station with inter-connection with the generating station of Respondent No.5 through 220 kV D/c Jorethang-New Melli line along with Rangit-IV being implemented by Respondent No.6. Power from the generating station of Respondent No.5 was being pooled at 132/220/400 kV Rangpo Station through New Melli GIS switching station through the 220 kV D/c Rangpo-New Melli transmission line, which had been commissioned on 21.5.2015. However, the dedicated 220 kV D/c line within the scope of Respondent No.5 was commissioned only in November, 2016 and the generating station of Respondent No.5 was commissioned in September, 2015. During this intervening period (September 2015-November 2016), interim arrangement for evacuation of power from the generating station of Respondent No.5 as approved in 17th Standing Committee Meeting of Eastern Region held on 25.5.2015, was also provided by the Petitioner.
  - ii. The transmission system originally envisaged had undergone revisions from time to time based on technical considerations and was subsequently modified as under (as per submission made in the Reply):

*“(f) Further, in the 19th meeting of Standing Committee on Power System Planning of ER and 12th Connectivity and LTA meeting of ER, both held on 01.09.2017, it was agreed to modify the common and dedicated transmission system required for LTOA/LTA of Sikkim Phase-1 IPPs and Tashiding HEP. Accordingly, it was proposed to modify the transmission system required for LTOA/LTA of Sikkim Phase-1 IPPs and Tashiding HEP.*

*(g) Accordingly, power from Shiga Energy Pvt. Ltd. (Tashiding HEP-97MW) was also envisaged to be evacuated through the above mentioned comprehensive transmission system (HCPTC-III). The power from this IPP was also to be pooled at New Melli substation via transmission system of Govt. of Sikkim for onward transfer to the rest of the ISTS grid through New Melli–Rangpo 220kV D/c line. In this regard, the said IPP viz. Shiga Energy Pvt. Ltd. (Tashiding HEP-97MW) was also intimated about revision in its transmission system vide Respondent No.1’s letter dated 05.04.2018.....”*



- n) The Commission vide order dated 19.3.2019 disposed of the above Review Petition in the following terms:

*“12.....PGCIL has submitted that one more generator, Shiga Energy Pvt. Ltd. has commissioned its generating station and its power is pooled at New Melli Sub-station through the transmission system of Government of Sikkim for onward transmission to the ISTS. Accordingly, the IDC and IEDC charges pertaining to Asset-I for the period 21.5.2015 to 21.9.2015 may have to be shared by Shiga Energy Pvt. Ltd. as well besides Jorethang and Rangit IV. This aspect was not brought to the notice of the Commission in Petition No.183/TT/2016 as PGCIL in its affidavit dated 25.4.2017 in the Main Petition had submitted that Asset-I was envisaged for Jorethang and Rangit IV. It is observed that Asset-I was constructed for DANS Energy Pvt. Ltd., JAL Power Corp. Ltd., Shiga Energy Pvt. Ltd. and Rangit II. Therefore, the issue of sharing of the charges needs to be decided after hearing all the necessary parties. The Review Petitioner has also raised the issue of sharing of transmission charges for Asset-I, II and III up to operationalisation of LTA. Accordingly, we allow the review to the limited extent of reconsideration of the sharing of transmission charges for the three assets and set down the main petition for hearing on the aspect of sharing. PGCIL is directed to file an amended “Memo of Parties” in Petition No.183/TT/2016 making Shiga Energy Pvt. Ltd. and Rangit II and any other generator for whom the instant transmission assets are envisaged and serve a copy of the petition on them within 15 days of issue of this order.”*

Thus, the Commission directed to re-open the proceedings in Petition No.183/TT/2016 to re-consider the limited issue of the sharing of transmission charges for the three Assets of the Petitioner after hearing all the necessary parties.

Upon re-hearing the parties, the Commission disposed of the Petition No - 183/TT/2016 vide Order dated 5.2.2020.

- o) The Petitioner has filed the present Petition, craving leave to place before this Commission the relevant details for the purpose of determining the liability for payment of IDC and IEDC to the Petitioner for Asset-I for the period from 21.5.2015 to 21.9.2015. Towards this end, the Petitioner respectfully submits, the transmission system for power evacuation from IPPs in Sikkim had been discussed and approved for implementation for generating stations envisaged to come up by the year 2014 in Sikkim with an aggregate capacity of 2400 MW (Chuzachen: 99 MW, Teesta-III: 1200 MW, Jorethang: 96 MW, Tinting: 99 MW, Rongnichu: 96 MW, Bhasmey: 51 MW, Tashiding: 97 MW, Rangit-II: 66 MW,



Teesta-VI: 500 MW, Rangit-IV: 120 MW) in the 27th Meeting of the Standing Committee on Transmission System Planning held on 30.5.2009.

- p) A comprehensive transmission scheme for power evacuation had been evolved wherein power from generation projects coming up during 2011-13 in Sikkim was to be brought to Kishanganj (a pooling sub-station at West Bengal) through sub-stations at New Melli and Rangpo in Sikkim. The transmission system was divided into three parts for its implementation commensurate with the phases for proposed commissioning of the generating stations. Under Part-B (when the generation projects of Respondent No.5 and Respondent No.6 were to be commissioned), the following elements were included:
- i. Establishment of 220/132 kV, 3x100 MVA gas insulated sub-station at Rangpo;
  - ii. Establishment of 10x167 MVA, 1 phase, 400/220 kV gas insulated substation at New Melli; and
  - iii. Rangpo-New Melli 220 kV D/c line (with twin moose conductor).
- q) Initially, three generators being Teesta-VI (Respondent No.4), Jorethang (Respondent No.5), Rangit-IV (Respondent No.6), were proposed to be connected to the New Melli 220kV GIS switching station from which power was to be evacuated through the 220kV D/c New Melli – Rangpo line (Asset-I) where the power was to be pooled for onward transmission. However, the scope of work for the dedicated transmission lines for the phase-I generating stations went through a revision during the Standing Committee Meeting of Power System Planning in Eastern Region held on 20.9.2010 and it was decided to connect Teesta-VI (Respondent No.4) directly to the Rangpo pooling station through Teesta-VI-Rangpo 220kV D/c line with twin moose conductor. Thus, only Jorethang (Respondent No.5) and Rangit-IV (Respondent No.6) remained for being connected to the 220 kV New Melli GIS switching yard. Accordingly, at the time of filing Petition No.183/TT/2016 before this Commission, the Petitioner had submitted that the New Melli sub-station had been planned and implemented as a 220kV GIS switching station with inter-connection only with the generating station of Respondent No.5 through



220 kV D/c Jorethang-New Melli line along with Rangit-IV being implemented by Respondent No.6 and that power from the generating station of Respondent No.5 was being pooled at 132/220/400 kV Rangpo pooling station through New Melli GIS switching station through the 220 kV D/c Rangpo-New Melli transmission line.

- r) That in the 16<sup>th</sup> Meeting of Eastern Region Power Committee and 16<sup>th</sup> Meeting of the Technical Committee on Transmission (TTC) held on 17/18.12.2010, the associated transmission system (ATS) for power evacuation from IPPs in Sikkim was discussed as under:

“The latest scenario of Phase-I Gen Projects in Sikkim was the following:

Phase-1 Generation Projects in Sikkim

S.No.	Name of Generation Plant	Capacity/Power to be transferred	Tentative Beneficiaries	Expected Commissioning Schedule
1.	Teesta-III	200x6=1200 MW	PSEB-340 MW, HPGCL-200 MW, UPPCL-200 MW, Rajasthan Discom-100 MW,	Aug., 2011
2.	Teesta-VI	125X4=500 MW	MSEDCL (Maharashtra)	Nov., 2012
3.	Jorethang	48X2=96 MW	NR/WR	April, 2012
4.	Rangit-IV	40X3=120 MW	NR/WR	Nov., 2013
5.	Tashiding	48.5x2=97 MW	NR/WR	Oct., 2012
6.	Tingting	49.5X2=99 MW	NR/WR	Oct., 2012
7.	Rongnichu	48X2=96 MW	Chhattisgarh	NA
8.	Chuzachen	49.5X2=99 MW	PSEB, DVB, HSEB, BSEB	Sept., 2010
9.	Bhasmey	25.5X2=51 MW	NR/WR	June, 2012
10.	Total	2358 MW		

#Note: Tingting (99 MW) and Tashiding (97 MW) HEPs under state-II

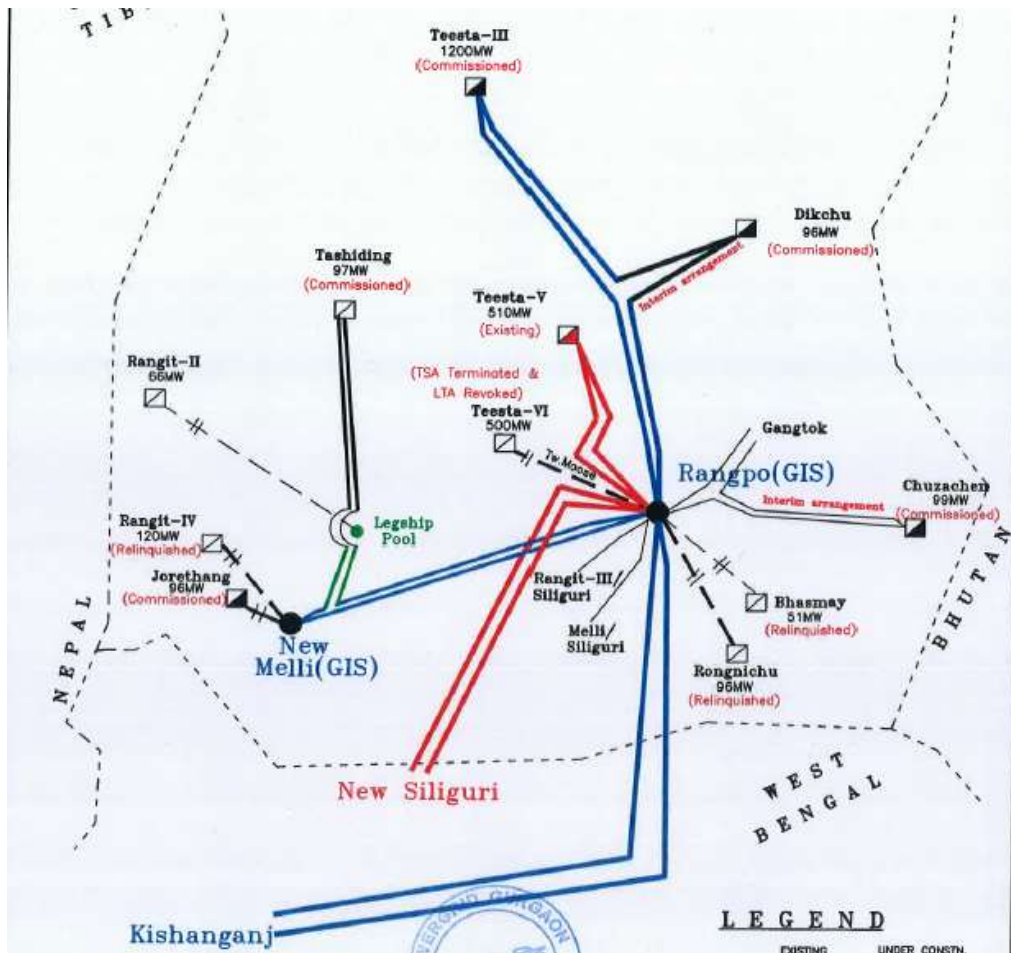
4.1 Project specific revised dedicated transmission system( Under the scope of Generation Project Developers):

A. Upto Pooling Station at New Melli/Kishanganj/Mangan (proposed at a later date):

1. Teesta-III: Teesta-III – Kishanganj 400 kV D/c line with Quad Moose conductor (being implemented by TPTL under JV route between TUL and PGCIL)



2. Teesta-IV: Teesta-IV – Rangpo 200 kV D/c line with Twin Moose conductor
  3. Jorethang & Rangit-IV: Jorethang–New Melli Switching station 220 kV D/C line with single moose conductor, one ckt via Rangit-IV.
  4. ATS for Tingting (99 MW) and Tashiding (97 MW) HEPs:  
Sikkim Govt. would establish the 220kV pooling point at Tingting/Tashiding and connecting 220 kV D/C twin moose upto New Melli switching station of PGCIL.”
- s) The transmission system for development under Part-A was planned for implementation by 2011-12 for evacuation of 1300 MW (i.e. Teesta-III: 1200 MW and Chuzachen: 99 MW) and the transmission system for development under Part-B was planned for implementation by 2012-13 when additional 1100 MW materialized in Sikkim. The New Melli-Rangpo D/c line (with twin moose conductor) was to be implemented under Part-B and accordingly, the pooling station at New Melli was to be connected to Jorethang and Rangit-IV with “Jorethang– New Melli Switching station 220 kV D/C line with single moose conductor, one ckt. via Rangit-IV”. The ATS for Tashiding (Respondent No.14 herein) and Tingting generation projects comprised of a 220 kV pooling station at Tingting/Tashiding to be established by the Government of Sikkim and connecting 220 kV D/c twin moose upto New Melli switching station.
- t) A schematic diagram of the various IPPs and the transmission system in the State of Sikkim is as follows:



- u) In the Standing Committee Meeting of the Eastern Region held on 27.12.2010, the following transmission system was proposed to be developed for evacuation of power from the generating stations in Sikkim:

**“II. In the light of above the following Transmission System shall be under the scope of POWERGRID**

- i. Pannan HEP - Mangan 400kV D/c line
- ii. Establishment of 4x105MVA, Single Phase, 400/132kV pooling station at Mangan.
- iii. Bop-Chungtang - Mangan 400kV D/c line with twin Lapwing conductor.
- iv. Establishment of 400/132kV ICTs and associated switchyard facility at BOP-Chungtang.
- v. LILO of Teesta-III – Kishanganj 400kV D/c line at Mangan
- vi. Mangan - Kishanganj 400kV D/c line with quad moose conductor
- vii. New Melli – Rangpo 220kV D/c with twin moose conductor (2nd line).

**III. In the light of above the following transmission System shall be under the scope of Govt. of Sikkim**

- i. Establishment of 220kV Gas Insulated Pooling Station near Tashiding



- ii. *Pooling station near Tashiding – New Melli 220kV D/c with twin moose conductor*
  - iii. *Gangtok – Mangan 132kV D/c line with Zebra conductor.”*
- v) Thus, the construction of New Melli-Rangpo 220 kV D/c line came to be within the scope of the Petitioner for onward evacuation of power pooled at New Melli pooling station from the generating stations of the Respondent No.5 (Jorethang) and Respondent No.6 (Rangit-IV); and the establishment of 220 kV gas insulated pooling station near Tashiding (of Respondent No.14) and a pooling station near Tashiding-New Melli 220 kV D/c line came to be within the scope of Government of Sikkim for power evacuation from the generating station of Respondent No.14.
- w) When the LTAs had been granted and the Bulk Power Transmission Agreement (BPTA) dated 24.2.2010 was entered with seven phase-1 generators [being Teesta-III, Teesta-VI, Jorethang (Respondent No.5), Rangit-IV (Respondent No.6), Rongnichu (Respondent No.4), Chuzachen (Respondent No.1) and Bhasmey (Respondent No.2)], the transmission system recorded therein for implementation by the Petitioner under Part-B was as under:
- “Part-B: Transmission System for development of pooling substations within Sikkim and transfer of power to a new pooling station Kishanganj in northern Part of West Bengal/Bihar***
- i. *Establishment of 220/132kV, 3x100MVA Gas Insulated substation at Rangpo*
  - ii. *Establishment of 10x167MVA, 1 phase, 400/220kV Gas Insulated substation station at New Melli*
  - iii. *LILO of Teesta III – Kishanganj 400kV D/c line(quad)at New Melli*
  - iv. *Rangpo – New Melli 220kV D/c line (with twin Moose conductor)*
  - v. *LILO of Gangtok-Rangit 132kV S/c line at Rangpo and termination of Gangtok-Rangpo/Chujachen and Melli – Rangpo/Chujachen 132kV lines (constructed under part-A through LILO of Gangtok-Melli 132kV S/c line upto Rangpo) at Rangpo substation*
  - vi. *LILO of Teesta V – Siliguri 400kV D/c line at Rangpo*
  - vii. *Kishanganj – Patna 400kV D/c (quad) line”*
- x) The BPTA categorically recorded that transmission charges for the above system were to be shared by the seven BPTA signatories. The Tashiding generating station of Respondent No.14 was not envisaged in the above BPTA





(as also in the corresponding LTA grant) as the same was to be implemented subsequently as decided in the 16<sup>th</sup> Meeting of Eastern Region Power Committee held on 17/18.12.2010, as set out hereinabove and as such, the transmission system for implementation under the scope of the Government of Sikkim was not mentioned therein.

- y) That as regards the phase-II generation projects, the Petitioner had initially signed a BPTA dated 19.10.2011 with two IPPs being Tashiding (Respondent No.14) and Tingting (TT Energy Pvt. Ltd.). The said BPTA recorded the transmission system for power evacuation as under:

*“Transmission system for transfer of power to be developed by ISTS Licensee (Completion Schedule shall be finalized with the ISTS Licensee through Tariff Based Competitive Bidding)*

Sl. No.	Name of Scheme & Elements
1.	Panan-Mangan 400kV D/c Line **
2.	Establishment of 4x105MVA, Singly Phase, 400/132kV Gas Insulated Pooling Station at Mangan
3.	LILO of Teesta-III – Kishanganj 400kV D/c line at Mangan
4.	Mangan-Kishanganj 400kV D/c line with quad moose conductor #
5.	New Melli-Rangpo 220kV D/c with twin moose conductor (2 <sup>nd</sup> )

.....

*Transmission System shall be under the scope of Govt. of Sikkim*

- i. *Establishment of 220kV Gas Insulated Pooling Station near Tashiding*
- ii. *Pooling station near Tashiding – New Melli 220kV D/c with twin moose conductor*
- iii. *Gangtok – Mangan 132kV D/c line with Zebra conductor.*

- z) Thus, power evacuation system for phase-II projects was decided to be implemented through a TBCB licensee and power from Tashiding and Tingting generating stations was to be routed through the pooling station near Tashiding under the scope of the Government of Sikkim.

- aa) The above said transmission system underwent revisions from time to time based on technical considerations. On 23.2.2015, the comprehensive scheme for strengthening of transmission and distribution system in North-Eastern



Region and Sikkim was discussed in a Meeting with the Central Electricity Authority (CEA). In the said Meeting, the representative of the Government of Sikkim informed that the establishment of Dikchu and Legship pooling station had been overlooked during the finalization of scope of work for the comprehensive transmission scheme for Sikkim. At both the pooling stations, power from a number of hydro projects in Sikkim was to be pooled; power from Tashiding generation station was to be pooled at Legship sub-station. The representative further requested to include construction of 220 kV D/c transmission line with HTLS/twin moose conductor from Legship 220 kV pooling station (State Government) to the New Melli 220 kV (PGCIL) pooling station and construction of 220/132 kV, 2x50 MVA pooling station at Legship under the said comprehensive scheme. After discussions, the revised scope of works for the comprehensive scheme was agreed considering the aforesaid additions/modifications. In this manner, the Legship pooling station and the 220kV D/c transmission line from Legship pooling station to New Melli sub-station (the “Legship-New Melli” transmission assets) also came to be included in the comprehensive transmission system scheme being implemented by the Government of Sikkim. It may be mentioned here that the said assets were ultimately constructed by the Petitioner on behalf of the Government of Sikkim acting “as its agent” and “Project Management Consultant” under an MoU dated 22.4.2015 with funds being directly released to the Petitioner by the Government of India to meet the actual cost of the project along with consultancy fee @12% of actual executed cost of the project; the said assets were ultimately charged on 24.12.2017.

- bb) That in the 18<sup>th</sup> Standing Committee Meeting of Eastern Region held on 13.6.2016, it was decided to delink the LILO of 2<sup>nd</sup> circuit of Teesta-III – Kishanganj 400kV D/c line at Rangpo from the scheme “Transmission System for Transfer of power from generation projects in Sikkim to NR/WR (Part-B)” for Phase-1 IPPs in Sikkim and take it up as a separate part (Part-B1) as “Transmission System for Transfer of power from generation projects in Sikkim to NR/WR (Part-B1)”. From the system studies, it was observed that power from the phase-I IPPs could be evacuated with LILO of one circuit of Teesta-III – Kishanganj line at Rangpo with N-1 security criteria. From further system



studies, it was observed that common transmission system identified for phase-I IPPs was also capable of evacuating power from Tashiding generating station of Respondent No.14 being implemented under phase-II. As such, the connectivity of Tashiding generating station was modified in the 19<sup>th</sup> Meeting of Standing Committee on Power System Planning in Eastern Region held on 1.9.2017 and in 12<sup>th</sup> Connectivity and LTA Meeting of Eastern Region held on 1.9.2017 wherein, the following was agreed:

*“2.1.9. After discussion, members agreed to the following:*

*(a) .....*

*(b) Modification of the common and dedicated transmission system required for LTOA/LTA of Sikkim Phase-I IPPs and Tashiding HEP to the system mentioned at para 2.1.6 and 2.1.7 above. It was decided to issue modification to already issued LTOA/ LTA intimations incorporating the approved transmission system. Upon revision, the applicant/ generation developer/transmission licensee/Govt. of Sikkim etc. shall sign the revised annexures of already signed BPTA.*

*(c) With completion of the common transmission system, LTOA/LTA of Sikkim Phase-I IPPs and that of Tashiding HEP may be operationalized and the applicants / generation developers / long term beneficiaries, as the case may be, shall be liable for payment of applicable transmission charges. In case of default by beneficiaries, LTA customer shall be liable for payment of transmission charges.”*

cc) In this manner, the Tashiding generating station of Respondent No.14 also came to be connected to the 220 kV New Melli GIS switching station for onward pooling of its power at the Rangpo GIS pooling station. Importantly, since the above modification took place only on 1.9.2017, there was no occasion for the Petitioner to have placed the same before this Commission in its Petition No.183/TT/2016, wherein Order had already been reserved by the Commission on 23.5.2017.

**dd)** With the modification of scope of works and connectivity of generating stations, the following hydro-electric power stations (HEPs) came to be connected to the New Melli GIS switching station as on 1.9.2017 whose power was to be pooled at Rangpo GIS pooling station through the 220kV New Melli-Rangpo transmission line [Asset-I in Petition No.183/TT/2016]:

- i. Jorethang HEP of Respondent No.5
- ii. Rangit IV HEP of Respondent No.6; and
- iii. Tashiding HEP of Respondent No.14



- ee) The scheduled commissioning date of Tashiding HEP of Respondent No.1 as per the BPTA was February, 2014 and March, 2014 for its two units and the generating station had achieved dry commissioning on 29.12.2016 and its dedicated line was commissioned on 4.1.2017.
- ff) Vide Order dated 14.11.2017 passed in Petition No.183/TT/2016, it was observed that since the 220 kV D/C Rangpo-New Melli transmission line was successfully charged only upon commissioning of the generating station of Respondent No.5 i.e. on 21.9.2015, the COD of the said line was approved as 22.9.2015 with a direction to Respondent No.5 and Respondent No.6 to bear the liability for payment of IDC and IEDC in respect of the said line from 21.5.2015 to 21.9.2015 in the ratio of their LTAs. This Commission thus duly recognized the entitlement of the Petitioner to recover IDC and IEDC for Asset I during the period of mismatch. The said entitlement is also recognized under the 2014 Tariff Regulations wherein provision is made in Regulation 11 for allowing IDC and IEDC in the event of delay in achieving the SCOD of a generating station for reasons not attributable to the transmission licensee.
- gg) The Regulation also provides that where transmission assets are prevented from regular service owing to reasons not attributable to the transmission licensee but on account of delay in commissioning of the upstream generating station, then the transmission licensee is entitled to approach this Commission for approval of its commercial operation date and to recover the IDC/IEDC either in the form of capitalization or bilaterally from the delayed generating station as the case may be.
- hh) Under its various Orders, this Commission has allowed the claim of IDC/IEDC to transmission licensees in cases of mismatch in commissioning following the above principle viz. Commission's orders dated 30.06.2015 and 24.07.2017 in the Petitions 99/TT/2013 and 210/TT/2016 respectively:
- i. In order dated 30.06.2015, the COD of the 400kV line bays at Biharshariff & Purnea sub-stations were shifted from 01.04.2013/01.05.2013 to

01.10.2013 matching with the COD of the associated TBCB line 400kV D/C Purnea – Biharshariff.

- ii. In order dated 24.07.2017, the COD of the 400kV line bays at Ranchi sub-station was shifted from 17.10.2016 to 07.01.2017 matching with the COD of the associated TBCB line 400kV D/C Ranchi – Purulia.
  
- ii) In its Order dated 5.2.2020 in Petition No. 183/TT/2016, the Commission has not decided the recovery of IDC/IEDC for Asset I of the Petitioner for the period from 21.5.2015 to 21.9.2015 stated to be due to lack of clarity and completeness of information on part of the Petitioner. By way of the present Petition, the Petitioner respectfully places on record all relevant information as regard scope and commissioning of the transmission system for power evacuation of IPPs in Sikkim. As such, its most respectfully prayed that this Commission may kindly allow the capitalization of the said IDC/IEDC of Asset-I i.e. 220 kV D/C Rangpo-New Melli line and associated bays at Rangpo and New Melli along with one No. 220 kV Bus Coupler Bay each at Rangpo and New Melli for the period 21.5.2015 (the actual date of commissioning) to 21.9.2015 (the date when the line has been put to use). Further, considering that the said Asset is meant for utilization by multiple generators and has been utilized for evacuation of power under STOA, and since the Commission in its order dated 05.02.2020 have determined that the transmission charges of this line is not to be levied on the Generators and the same is liable to be collected under POC. It therefore, follows that payment of IDC & IEDC for the period i.e. from 21.05.2015 to 21.09.2015 is also to be collected under PoC.

#### **Hearing dated 11.02.2022**

4. In response to a query of the Commission whether any liberty was granted to the Petitioner by the Commission for filing the instant petition and whether any true-up petition has been filed, the learned counsel for the Petitioner submitted that though no express liberty was granted by the Commission but the Commission in order dated 5.2.2020 in Petition No.183/TT/2016 had observed that due to lack of completeness in submissions of the Petitioner regarding the



number of generators who have been granted LTA, signed BPTA connecting at New Melli Sub-station, the issue of imposing liability cannot be determined. The learned counsel for the Petitioner submitted that the true up Petition No. 382/TT/2020 has been filed in respect of nineteen assets under “Transfer of Power from Generation Projects in Sikkim to NR / WR Part-B” in Eastern Region. She further requested the Commission to list Petition No. 382/TT//2020 and Petition No. 91/MP/2021 together.

5. The Petition was admitted during hearing held on 11.02.2022

**Hearing dated 26.07.2022**

6. Commission directed PGCIL to implead CTUIL as a party to the proceedings which was duly complied with by the Petitioner.

**Reply of Central Transmission Utility of India Limited (CTUIL)**

7. CTU vide affidavit dated 10.08.2022 submitted that all the generating companies, for which the stated 220 kV D/C New Melli-Rangpo line was planned, have been impleaded as the party (respondent) in the instant petition.

**Hearing dated 14.09.2022**

8. The Commission reserved the order in the matter during hearing held on 14.09.2022.



## **Additional Submission of Petitioner**

9. Petitioner vide affidavit dated 09.06.2023 has mainly submitted that the Petitioner in its memo of parties has impleaded all relevant parties including all the Generators for whom the subject transmission system ("Sikkim Part-B") was envisaged. However, upon further perusal of records related to the subject matter at our end, it came to light that the justification for not including TT Energy Pvt. Ltd. as a party to subject petition has been inadvertently missed. The justification for not including TT Energy Pvt. Ltd. has been submitted vide this affidavit which are as under:

- a) TT Energy Pvt. Ltd. {TingTing (99MW)} was granted LTA/LTOA by CTU vide their letter dated 26.05.2009 and subsequently signed LTAA dated 19.10.2011 which provided for a 2nd 220kV D/C New Melli – Rangpo (Twin Moose) line for the evacuation of their hydro generation.
- b) In the connectivity /LTA meetings dated 05.01.2013 and 27.08.2013 held with generators and constituents of Eastern Region, TT Energy Pvt. Ltd. gave intimation regarding scrapping of their TingTing (99 MW) generation. Therefore, LTA in this regard was cancelled subsequently.
- c) The said transmission system had undergone few revisions and was subsequently deliberated and finalized in the 12th connectivity & LTA meeting of Eastern Region held on 01.09.2017 held at Kolkata. The same was notified by CTU vide their letter dated 05.04.2018. That this revised transmission system for LTA/LTOA for various generation project in Sikkim as notified by CTU excluded the generator TT Energy Pvt. Ltd. and the evacuation line i.e. 2nd 220kV D/C New Melli – Rangpo (Twin Moose) line was not part of the scheme and the same eventually has not been implemented. Furthermore, it was finalized that the generation of SHIGA Energy Pvt. Ltd. was to be evacuated through 01st 220kV D/C New Melli – Rangpo (single HTLS) line.



d) From the above mentioned developments it became evident to the petitioner that both the Tingting Generation and its associated evacuation/ transmission system i.e. 2nd 220kV D/C New Melli – Rangpo (Twin Moose) line were scrapped or had fallen out of subject transmission scheme. Since neither the Tingting generator nor the associated transmission system i.e. 02nd 220kV D/C New Melli – Rangpo (Twin Moose) line had come up, thus M/s TT Energy Pvt. Ltd. was not considered as party to the current petition no. 91/MP/2021.

### **Analysis and Decision**

10. We have considered the submissions of the Petitioner and the Respondent and have also perused the facts on record. The only issue in the instant petition is treatment of IDC/IEDC for Asset-I (220 kV D/C Rangpo-New Melli Line and associated bays at Rangpo and New Melli alongwith one No. 220 kV Bus Coupler Bay each at Rangpo and New Melli) for the period 21.5.2015 (the date of commissioning) to 21.9.2015 (the date when the line has been put to regular use and considered as COD).
11. We observe that instant assets have been considered thrice before the instant petition and the instant petition is 4<sup>th</sup> petition in this regard as detailed below:
  - a) Firstly, the petitioner filed 183/TT/2016 seeking approval under Regulation 4(3)(2) of 2014 Tariff Regulations. The Petition No 183/TT/2016 was disposed of vide Order dated 14.11.2017 with liability of mismatch period on two generators – Jorethang and Rangit-IV which was brought on record by petitioner in Petition No. 183/TT/2016.





- b) Subsequently, Jorethang (DANS Energy Limited) filed a review petition No. 28/RP/2018 in Petition No. 183/TT/2016 stating that another generator Shiga Energy for whom the instant assets have been planned have not been made party to Petition No. 183/TT/2016 and have not been levied part of the IDC/IEDC. During proceedings of 28/RP/2018, Petitioner acknowledged that Shiga Energy should also have been made party to the proceedings since it may also have to bear the transmission charges. Vide Order dated 19.3.2019 in Petition No. 28/RP/2018, the Commission had directed to reopen the Petition No. 183/TT/2016 directing as follows:

*“Accordingly, we allow the review to the limited extent of reconsideration of the sharing of transmission charges for the three assets and set down the main petition for hearing on the aspect of sharing. PGCIL is directed to file an amended “Memo of Parties” in Petition No.183/TT/2016 making Shiga Energy Pvt. Ltd. and Rangit II and any other generator for whom the instant transmission assets are envisaged and serve a copy of the petition on them within 15 days of issue of this order”*

As per above, clear directions were given to Petitioner to implead Shiga Energy Pvt. Ltd. and Rangit II and any other generator for whom the instant transmission assets are envisaged.

- c) The Petition No. 183/TT/2016 was reopened and while disposing of the same vide Order dated 5.2.2020 following was observed :

*“29. We note that the Petitioner had clearly submitted that only 2 (Two) generators, namely, Jorethang (DEPL) and Rangit-IV (JALPCL) were getting connected to New Melli pooling station.*

*30. We observe from the Commission’s order dated 19.3.2019 in Petition No. 28/RP/2018 that during the hearing on 7.3.2019, PGCIL submitted that one more generator from Phase-II of the transmission system, namely, Shiga Energy Pvt. Ltd (SEPL) has commissioned its generating station and is also using the transmission system and hence may have to bear the transmission charges.*

*31. DEPL has submitted a copy of LTA grant dated 26.5.2009 after this Petition has been reopened, subsequent to order dated 19.3.2019 in Petition No. 28/RP/2018. As per the said LTA grant, it is observed that LTA has been granted to 9(Nine) entities, including Teesta-VI/LANCO, Jorethang/DEPL, Rangit-IV/JALPCL, Tingting/TT Energy, Tashiding/SEPL and others. The said LTA grant provides that 5 (Five) Generators, namely, Teesta-VI/LANCO, Jorethang/DEPL, Rangit-IV/JALPCL, Tingting/TT Energy and Tashiding/SEPL are connected to New Melli 220 kV D/c line with dedicated line up to pooling station at New Melli in the scope of generation developer.*

*32. DEPL has also submitted BPTA dated 24.2.2010 which provides that BPTA is signed by 7 (Seven) generators including Teesta-VI/LANCO,*



Jorethang/DEPL and Rangit-IV/JALPCL. As per the said BPTA, Teesta-VI/LANCO, Jorethang/DEPL and Rangit-IV/JALPCL have to connect to pooling station at New Melli.

33. We, thus, observe that the Petitioner PGCIL did not provide complete and true information vide affidavit dated 25.4.2017 on the Commission's query about upstream/downstream System. For example, information about SEPL was provided only during hearing of 28/RP/2018 and no information has been provided about Teesta-VI/LANCO which was supposed to connect at New Melli as per LTA grant dated 26.5.2009. We are, therefore, constrained to conclude that the Petitioner, PGCIL, has provided incomplete information in so far as upstream/ downstream system is concerned.

34. SEPL, vide its submission dated 17.05.2019, has submitted the LTA Agreement dated 19.10.2011. It is observed that the LTA Agreement is entered into by SEPL/Tashiding and TT Energy/Tingting which provides that both generators are to connect at Pooling Station near Tashiding via 220 kV D/c line and further it is mentioned that 220 kV GIS pooling station near Tashiding and 220 kV line from GIS pooling station near Tashiding to New Melli is covered under the scope of Govt. of Sikkim.

35. We observe that as per original LTA grant dated 26.5.2009, SEPL and Tingting were supposed to connect to New Melli Substation. There is no mention of scope of Government of Sikkim in the original LTA grant. However, scope of Government of Sikkim has been included in LTA Agreement dated 19.10.2011.

36. The Petitioner, PGCIL has submitted that on 23.2.2015, in a meeting with the Central Electricity Authority, the representative of Government of Sikkim informed that the establishment of Dikchu and Legship pooling station had been overlooked during the finalization of scope of work for the comprehensive scheme for Sikkim. At both the pooling stations, power from a number of hydro projects in Sikkim was to be pooled and power from Tashiding was to be pooled at Legship sub-station. The representative of Government of Sikkim further requested to include construction of 220 kV D/C transmission line with HTLS/ twin moose conductor from Legship 220 kV pooling station (State Government) to the New Melli 220 kV (PGCIL) pooling station and construction of 220/132 kV, 2x50 MVA pooling station at Legship under the comprehensive scheme. After discussions, the revised scope of works for the comprehensive scheme was agreed considering the aforesaid additions/ modifications. The Petitioner has submitted that in view of these discussions, the Legship pooling station and the 220kV D/C transmission line from Legship pooling station to New Melli sub-station (the "Legship-New Melli" transmission assets) also came to be included in the comprehensive transmission system strengthening scheme approved by the Government of India for the States of Arunachal Pradesh and Sikkim. It has further submitted that the construction of any asset under the Legship-New Melli transmission assets ceased to be within the scope of work of the Petitioner.

**37. We observe that submissions of Petitioner are not clear regarding the scope of Government of Sikkim for the transmission system from Legship to New Melli. It is also not clear as to whether the system was under scope of the Petitioner till 23.2.2015.**

**38. Due to lack of completeness in submissions of the Petitioner as regards the number generators who have been granted LTA and signed LTAA/BPTA for connecting at New Melli s/s and as to when scope of Government of Sikkim was included, we are not inclined to give any directions regarding liability of IDC and IEDC for the period 21.5.2015 to 21.9.2015. Accordingly, we direct that bills raised for IDC/IEDC in terms**



***of Commission"s order dated 14.11.2017 in the instant Petition shall be withdrawn and charges paid by generating stations, if any, shall be refunded by Petitioner within 15 days of issue of this Order."***

As per the above, apart from other generators, Tingting was also part of the LTA grant which was to connect with New Melli substation. It was also observed vide the aforesaid Order dated 5.2.2020 that the LTA Agreement is entered into by SEPL/Tashiding and TT Energy/Tingting which provides that both generators are to connect at Pooling Station near Tashiding via 220 kV D/c line and further it is mentioned that 220 kV GIS pooling station near Tashiding and 220 kV line from GIS pooling station near Tashiding to New Melli is covered under the scope of Govt. of Sikkim. Hence it was clear from LTA Agreement that both Tashiding and Tingting were supposed to connect to New Melli.

Further, the Commission found that Petitioner still did not implead all the generators and there was lack of completeness in submissions of the Petitioner. Accordingly, no directions were given regarding liability of the IDC/IEDC for the period 21.5.2015 to 21.9.2015.

- d) Petitioner has filed the instant petition seeking the IDC/IEDC along with complete details of scope of Govt of Sikkim and impleading the generators for whom the system was planned.

12. We observe that the Commission vide order dated 05.02.2020 in Petition No. 183/TT/2016 had not given directions for IDC/IEDC for period 21.5.2015 to 21.9.2015 due to lack of completeness in submissions of the Petitioner in respect of (i) when the scope of Government of Sikkim was included and (ii) the number of generators who have been granted LTA and signed LTAA/BPTA for connecting at New Melli substation. The submission made by the Petitioner in the instant petition, for these observations of the Commission in order dated 05.02.2020, have been perused and dealt with in succeeding paragraphs.



## Scope of Government of Sikkim

13. The Petitioner has submitted that scope of Government of Sikkim was included during 16<sup>th</sup> Meeting of Eastern Region Power Committee (ERPC) and 16<sup>th</sup> Meeting of the Technical Committee on Transmission (TTC) held on 17/18.12.2010 which was also proposed under agenda note in 12<sup>th</sup> Standing Committee meeting on Power System Planning in Eastern Region held on 28.12.2010. We observe from the MoM dated 20.01.2011 (taken from CEA website) of 12<sup>th</sup> Standing Committee meeting on Power System Planning in Eastern Region held on 28-12-10 that the scope of Government of Sikkim was agreed and approved by the Standing Committee. The relevant extract of the MoM of 16<sup>th</sup> ERPC & TTC held on 17/18.12.2010 and MoM dated 20.01.2011 of 12<sup>th</sup> Standing Committee meeting on Power System Planning in Eastern Region held on 28-12-10 are as under:

### Relevant Extract of 16<sup>th</sup> ERPC & TCC meeting

“4.1 Project specific revised dedicated transmission system :( Under the scope of Generation Project Developers)

- A. Upto Pooling Station at New Melli/Kishanganj/Mangan (proposed at a later date)

.....

4. ATS for Tingting (99 MW) and Tashiding (97 MW) HEPs:

- Sikkim Govt. would establish the 220kV pooling point at Tingting/Tashiding and connecting 220 kV D/C twin moose upto New Melli switching station of PGCIL.”

### Relevant Extract of 12<sup>th</sup> Standing Committee meeting

#### “3.2.6 STU System for power evacuation from Phase-II IPPs in Sikkim

- *Establishment of 220kV Gas Insulated Pooling/Switching Station near Tashiding*
- *Pooling station near Tashiding – New Melli 220kV D/c with twin moose conductor*

.....



*Above proposal were agreed by ER constituents.”*

We observe from the above that the scope of the Government of Sikkim was included during the 16<sup>th</sup> ERPC & TCC meeting held on 17/18.12.2010 and 12<sup>th</sup> Standing Committee meeting on Power System Planning in Eastern Region held on 28.12.2010.

**Generators who have been granted LTA and signed LTAA/BPTA for connecting at New Melli s/s**

14. Petitioner has submitted that a total quantum of 2259 MW was to be evacuated from the following 8 generation projects in Sikkim under LTA:

Sl. No.	Name of Developer/ Open Access applicant	LTA Quantum (MW)
1.	Teesta Urja Ltd. /PTC (Teesta-III)	1200
2.	Lanco Energy Pvt. Ltd. (Teesta-VI)	500
3.	DANS Energy Pvt. Ltd. (Jorethang)	96
4.	Jal Power Corporation (Rangit-IV)	120
5.	Madhya Bharat Power Corporation Ltd (Rongnichu)	96
6.	Gati Infrastructure Ltd. (Chuzachen)	99
7.	Gati Infrastructure Bhasme Power Pvt. Ltd. (Bhasmey)	51
8.	Shiga Energy Pvt. Ltd. (Tashiding)	97
		2259

15. Commission vide its Order dated 5.2.2020 in Petition No. 183/TT/2016 observed that there is lack of completeness in submissions of the Petitioner as regards the number of generators who have been granted LTA and signed LTAA/BPTA for connecting at New Melli s/s.



16. We observe that following generators who have been granted LTA under generation projects in Sikkim vide LTA intimation dated 26.5.2009 and as noted in ER SCM held on 14.9.2009 are as follows.

#### Phase-1 Gen Projects in Sikkim

Sl. No	Name of the Generation Plant	Capacity/ Power to be transferred	Tentative Beneficiaries	Expected Commissioning Schedule
1	Teesta-III	200x6 =1200 MW	PSEB-340MW, HPGCL-200MW, UPPCL-200MW, Rajasthan Discom-100MW	Aug., 2011
2	Teesta-VI	125x4=500 MW	MSEDCL (Maharashtra)	Nov, 2012
3	Jorethang	48x2 = 96 MW	NR/WR	Dec., 2011
4	Rangit-IV	40x3=120 MW	NR/WR	June, 2013
5	Tashiding	48.5x2 =97 MW	NR/WR	June, 2012
6	Tingting	49.5x2=99 MW	NR/WR	March, 2012
7	Rongnichu	48x2=96 MW	Chhattishgarh	March, 2012
8	Chuzachen	49.5x2=99 MW	PSEB, DVB, HSEB, BSEB	March, 2010
9	Bhasme	25.5x2 = 51 MW	NR/WR	March, 2012
<b>Total</b>		<b>2358 MW</b>		

As per the LTA intimation dated 26.5.2009, out of the above generation projects, generation projects planned to be connected at New Melli are Teesta-VI, Jorethang, Rangit-IV, Tashiding and Tingting.

17. The LTA Agreement with the said five generators (Teesta-VI, Jorethang, Rangit-IV, Tashiding and Tingting) have been signed in two parts. LTA Agreement dated 24.2.2010 was signed with 7 generators getting connected at various pooling stations out of which Teesta-VI and Jorethang, Rangit-IV were the ones getting connected to New Melli substation. The LTA Agreement provides for New Melli-Rangpo 220 kV D/C line.



18. Further, the LTA Agreement dated 19.10.2011 was signed with Tashiding and Tingting, which provided for a 2nd 220kV D/C New Melli – Rangpo (Twin Moose) line for the evacuation of their hydro generation.
19. Petitioner has submitted that during connectivity/LTA meetings dated 05.01.2013 and 27.08.2013 held with generators and constituents of Eastern Region, TT Energy Pvt. Ltd. had intimated about scrapping of Tingting (99 MW) generator and therefore LTA granted to TT Energy Pvt. Ltd. was canceled. Subsequently the revised transmission system was finalized in the 12th connectivity & LTA meeting of Eastern Region held on 01.09.2017 by excluding the Tingting generator and the evacuation line i.e. 2nd 220kV D/C New Melli – Rangpo (Twin Moose) line. Further, it was finalized that the generation of Shiga Energy Pvt. Ltd. (Tashiding HEP) was to be evacuated through 1<sup>st</sup> 220kV D/C New Melli – Rangpo (single HTLS) line.
20. Petitioner has submitted that from the above mentioned developments, it became evident to the petitioner that both the Tingting Generation and its associated evacuation/ transmission system i.e. 2nd 220kV D/C New Melli – Rangpo (Twin Moose) line were scrapped or had fallen out of subject transmission scheme. Since neither the Tingting generator nor the associated transmission system i.e. 2nd 220kV D/C New Melli – Rangpo (Twin Moose) line had come up, M/s TT Energy Pvt. Ltd. was not considered as party to the current petition 91/MP/2021.
21. Annexure-3 of the Long Term Access Agreement signed among CTU, Shiga Energy Pvt. Ltd. and TT Energy Pvt. Ltd. dated 19-10-2011 provides as under:

**“Annexure-3**



Transmission system for transmission of power to be developed by ISTS Licensee (Completion schedule shall be as finalized with the ISTS Licensee through Tariff Based Competitive Bidding)

Sl. No.	Name of Scheme & Elements
1	<i>Pannan - mangan 400kV D/c line**</i>
2	<i>Establishment of 4x105MVA, single phase, 400/132kV Gas Insulated Pooling Station at Mangan</i>
3	LILO of Teesta-III – Kishanganj 400kV D/c line at Mangan
4	Mangan- Kishanganj 400kV D/c line with quad moose conductor#
5	<b>New-Melli – Rangpo 220kV D/c with twin moose conductor (2<sup>nd</sup>)</b>

\*\* These line would be taken up upon receipt of LTA application and issued of LTA intimation to Pannan and Lethang HEP

# This line would be taken up upon receipt of LTA application for additional generation projects in the upper part of Sikkim

As per the above, the transmission line envisaged for Shiga Energy and TT Energy was “**New-Melli – Rangpo 220kV D/c with twin moose conductor (2<sup>nd</sup>)**”.

22. We observe from the submissions of petitioner and documents on record that the transmission scheme of New Melli-Rangpo 220 kV D/C lines was earlier envisaged for Teesta-VI, Jorethang, Rangit-IV, Tashiding and Tingting.

Out of these 5 generators, Teesta-VI was later planned to be connected to Rangpo as per 19<sup>th</sup> ERSCM held on 1.9.2017 and revised intimation was issued by CTU vide its letter dated 5.4.2018. Further, out of two D/c New Melli-Rangpo 220 kV D/C lines, only one 220 kV D/C line was finally implemented for Jorethang, Rangit-IV and Tashiding. 2<sup>nd</sup> D/C line was scrapped as Tingting was scrapped and Shiga was shifted to 1<sup>st</sup> D/C line. Accordingly, the generators which were finally required to be connected at New Melli were Jorethang, Rangit-IV and Tashiding.

23. In view of the above discussions, we direct that IDC and IEDC in respect of Asset-I from 21.5.2015 to 21.9.2015 shall be borne by the developers of





Jorethang, Rangit-IV and Tashiding HEPs in the ratio of their LTAs and shall be excluded from capital cost.

24. The Petition No. 91/MP/2021 is disposed of in terms of the above.

**Sd/  
(P. K. Singh)  
Member**

**Sd/  
(Arun Goyal)  
Member**

**Sd/  
(I. S. Jha)  
Member**

