

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 254/MP/2023**

**Subject** : Petition under Section 79(1)(d) of the Electricity Act, 2003 read with Regulation 3(9)(a) and 8(5)(ii) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 and Regulation 3(10)(a) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019.

**Date of Hearing** : 15.3.2024

**Coram** : Shri Jishnu Barua, Chairperson  
Shri P. K. Singh, Member

**Petitioner** : Powerlinks Transmission Limited (PTL)

**Respondent** : Power Grid Corporation of India Limited (PGCIL) & 23 Ors.

**Parties present** : Shri Venkatesh, Advocate, PTL  
Shri Nihal Bhardwaj, Advocate, PTL  
Shri Shivam Kumar, Advocate, PTL  
Shri Ved Jain, PTL  
Shri Ankit Gupta, PTL  
Ms. Nita Jha, PTL  
Shri Jatin Mahani, PTL  
Shri Anup Pitale, PTL

**Record of Proceedings**

The learned counsel for the Petitioner submitted as follows:

- (a) The instant petition has been filed in terms of the directions passed by the Commission vide order dated 1.11.2021 in Petition No. 588/TT/2020.
- (b) The petition has been filed primarily on three issues: (a) declaring that the introduction of GST and amendment of the Income Tax Act read with IndAS Rules constitutes a Change in Law event, (b) consequential relief to compensate for additional cost due to introduction of GST and amendment of Income Tax Act read with IndAS Rules and (c) clarification regarding the period of applicability of Transmission Majoration Factor (TMF) on the Petitioner's project.



- (c) In the 2014-19 period, GST was not applicable for the transfer of material and services from one state to another. Therefore, the additional cost incurred during the transfer of material and services from one state to another falls under the 'Change in Law' category, and the same may be allowed as Additional O&M Expenses over and above the Normative O&M Expenses.
- (d) The impact of additional O&M Expenses was about ₹33 lakh during the 2014-19 tariff period, and additional tax on taxable services due to GST was about ₹70 lakh in one year during 2017-18.
- (e) None of the Respondents have filed any reply in the matter.
- (f) Requested to allow to file/upload a note of arguments on the e-portal.

2. As a last opportunity, the Commission directed the Respondents to file their replies, on an affidavit by 1.4.2024 with an advance copy to the Petitioner, and the Petitioner, to file its rejoinder if any, on an affidavit by 15.4.2024. The Commission further directed the parties to strictly comply with the above direction within the specified timeline and observed that no extension of time would be granted.

3. The matter will be listed for final hearing on 6.6.2024.

**By order of the Commission**

sd/-  
(V. Sreenivas)  
Joint Chief (Law)

