

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

I.A No.27/IA/2022

in

Petition No. 141/TT/2019

Coram:

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

Date of order: 04.01.2023

In the matter of:

Application under Regulation 111, 112, 113 and 116 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 read with Section 79(1)(c) and (d) of the Electricity Act, 2003.

And in the matter of:

Odisha Power Transmission Corporation Limited
Janpath, Bhubaneswar-751022, Odisha.

....Applicant/Petitioner

Verses

1. Power Grid Corporation of India Limited
Soudamini, Plot No-02,
Sector-29, Gurugram, Haryana
2. Jharkhand State Electricity Board,
HEC Engineering Building,
Dhurwa, Ranchi - 834009
3. West Bengal State Electricity Distribution Company Limited,
Bidyut Bhavan, 8th Floor,
Bidhanagar Kolkata-700091.
4. GRIDCO Ltd,
Janpath, Bhubaneswar-751022.

....Respondents



For Applicant/Petitioner : Shri R. K Mehta, Advocate, OPTCL
Ms. Himanshi Andley, Advocate, OPTCL

For Respondents : None

ORDER

Odisha Power Transmission Corporation Limited (OPTCL), has filed the present Interlocutory Application (IA) No. 27/IA/2022 in Petition No. 141/TT/2019 inter-alia seeking recalling of the order dated 27.5.2020 in Petition No. 141/TT/2019 and for approval of transmission tariff for nine non-ISTS lines carrying ISTS power for 2014-19 period for inclusion of the lines in the computation of Point of Connection (PoC) charges in accordance with Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2010 (hereinafter referred to as “2010 Sharing Regulations”)

2. The Petitioner has made the following prayers I.A:

- (a) *Recall the order dated 27.05.2020 in Petition No. 141/TT/2019;*
- (b) *Condone the delay in furnishing the information and proof of publication;*
- (c) *Dispose of Petition No. 141/TT/2019 on merits;*
- (d) *Allow the prayers made in Petition No. 141/TT/2019;*
- (e) *Pass such other order as may be deemed just and proper.”*

Background

3. The brief background is as follows:

- a. The Petitioner had initially filed Petition No 25/TT/2018 for approval of transmission tariff of eleven non-ISTS lines carrying ISTS power for the period 2014-19 for inclusion in computation of PoC charges in accordance with the Central Electricity Regulatory Commission (Terms and Condition of Tariff) Regulations 2014 (hereinafter referred to as “2014 Tariff Regulations”). However, OPTCL did not furnish the required certificate from Eastern Regional Power



Committee (ERPC) in support of its claim that the said lines carried ISTS power. Accordingly, OPTCL was directed to submit the same. However, OPTCL did not submit certificate from ERPC. Hence, the Commission disposed of Petition No.25/TT/2018 vide order dated 17.9.2018 with a liberty to OPTCL to file a fresh petition alongwith the certificates from the EPRC certifying that the instant transmission lines owned by it are carrying ISTS power. The relevant extract of the order dated 17.9.2018 is as follows:-

“9. We have perused the matter. It is observed that the Commission had granted one month’s time to the petitioner for complying with the requirement of ERPC certificate. It has also been clearly stated by the Commission that after this time, the matter shall be disposed of on the basis of the information available on record. However, the petitioner has placed on record the letter by ERPC dated 30.8.2018 wherein ERPC has informed the petitioner that the ERLDC has sought more time to carry out the load flow study.

10. Accordingly, it is understood that the RPC would like to undertake further load flow study before issuing any certification for the instant assets.

11. In this scenario, as the tariff determination for the instant assets is not possible in absence of the RPC certification, we are not inclined to keep this petition pending. Accordingly, we decide to dispose of the same with a liberty to the petitioner to file afresh petition after the ERPC certification is available.”

b. Pursuant to the directions of the Commission, the Petitioner filed Petition No. 141/TT/2019 alongwith the ERPC certificate, for approval of transmission tariff for the period from 2014-15 to 2018-19 for nine non-ISTS lines carrying ISTS power for inclusion of the lines in the computation of Point of Connection (PoC) charges in accordance with the 2010 Sharing Regulations.

c. The Commission vide Record of Proceeding (RoP) dated 13.2.2020 in Petition No. 141/TT/2019 had directed the Petitioner to submit certain information by 20.3.2020. OPTCL neither submitted the information, even after lapse of more than two months, nor sought any extension of time to file the information. Hence, the Commission vide order dated 27.5.2020 in Petition No. 141/TT/22019



disposed of the said petition. The relevant portion of the order dated 27.5.2020 is as follows:

“8. OPTCL has not submitted the information sought vide RoP dated 13.2.2020 even after lapse of more than two months from the due date. Further, OPTCL has not sought any time extension to file the information. In our view, details as sought vide ROP dated 13.2.2020 are material requirements for deciding the petition Not having submitted the required information or having sought any time extension for filing the information even after more than two months have elapsed, demonstrates that either OPTCL is not in a position to furnish the requisite information or is not interested in pursuing the instant petition. Therefore, we dispose of the instant petition.

9. As regards OPTCL’s request to refund the application fees amounting to Rs.25,73,700/- deposited against Petition No. 25/TT/2018, the same shall be adjusted towards the application fees to be paid by OPTCL in future.

10. Accordingly, the Petition No.141/TT/2019 is disposed of.”

4. OPTCL has filed the present I.A No.27/2022 for recall of order dated 27.5.2020 in Petition No.141/TT/2019 alongwith the information sought by the Commission and proof of publication of the Public Notice in the newspaper. OPTCL has submitted that the information sought could not be filed because of the Covid-19 Pandemic. OPTCL has prayed to approve the Annual Fixed Charge (AFC) / Yearly Transmission Charge (YTC) in respect of the nine numbers of ERPC certified non-ISTS lines of OPTCL for the period 1.4.2014 to 31.3.2019.

5. During the hearing on 20.12.2022, the learned counsel for OPTCL submitted that due to lockdown on account of COVID-19 pandemic, the Petitioner could not publish and submit the proof of publication of the notice in the newspaper and the other information as directed by the Commission vide RoP dated 13.2.2020 in Petition No.141/TT/2019 within the time granted by the Commission. Accordingly, he requested the Commission to recall its order dated 27.5.2020 in Petition No.141/TT/2019.



6. We have considered the submissions of OPTCL. OPTCL through the instant IA is seeking recall of the order dated 27.5.2020 in Petition No.141/TT/2019 and approve transmission tariff for 2014-19 tariff period for the nine non-ISTS transmission lines owned by OPTCL, which are carrying ISTS power. We have considered that by this present IA, we cannot restore the Petition No. 141/TT/2019 and the reliefs sought by the Petitioner cannot be granted through the instant IA. The petitioner is at liberty to file a fresh petition for the relief in accordance with law.

7. As regards OPTCL's prayer for refund of the application fees amounting to Rs.25,73,700/- deposited in Petition No. 25/TT/2018, the Commission in order dated 27.5.2020 in Petition No.141/TT/2019 has already observed that the same shall be adjusted towards the application fees to be paid by OPTCL in future.

8. This order disposes of IA No. 27/IA/2022 in Petition No. 141/TT/2019 in view of the above discussions and findings.

sd/-
(P. K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(I. S. Jha)
Member

