

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 329/TT/2023

- Subject** : Petition for determination of transmission tariff from COD to 31.3.2024, in respect of asset i.e. two 132 kV GIS line bays at Nirjuli Sub-station for termination of LILO of one circuit of Pare HEP-North Lakhimpur (AEGCL) 132 kV D/C line (Line works under TBCB) under "North Eastern Region Strengthening Scheme-IX" transmission project.
- Date of Hearing** : 29.4.2024
- Coram** : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
- Petitioner** : Power Grid Corporation of India Limited
- Respondents** : Assam Electricity Grid Corporation Limited and 7 others
- Parties Present** : Mrs. Swapna Seshadri, Advocate, PGCIL
Shri Utkarsh Singh, Advocate, PGCIL
Ms. Sneha, Advocate, PGCIL
Shri Gaurav Dudeja, Advocate, MUMML
Shri Dhruval Singh, Advocate, MUMML
Shri Sandeep Rajpurohit, MUMML
Shri Zafrul Hasan, PGCIL
Shri Mohd. Mohsin, PGCIL

Record of Proceedings

The instant petition has been filed by Power Grid Corporation of India Limited for determination of transmission tariff from COD to 31.3.2024 of two 132 kV GIS line bays at Nirjuli Sub-station for termination of LILO of one circuit of Pare HEP-North Lakhimpur (AEGCL) 132 kV D/C line (line works under TBCB) under "North Eastern Region Strengthening Scheme-IX" transmission project.

2. The learned counsel for the Petitioner submitted that the scheduled COD of the transmission asset was 30.5.2023, and it was put into commercial operation before the scheduled COD, i.e. on 1.4.2023. She submitted that the associated transmission line is under the scope of Mumbai Urja Marg Limited (MUMML), and the transmission was put into commercial operation before its SCOD at the request of MUMML. She submitted that the COD of the transmission asset is claimed as 1.4.2023 under Regulation 5(2) of the 2019 Tariff Regulations, as the transmission asset could not be put to use due to the non-readiness of the inter-connected transmission line of MUMML. The learned counsel for the Petitioner submitted that MUMML was aware of the SCOD and referred to the minutes of the 199th OCC meeting held on 22.2.2023, along with MUMML's representation made through various CEA monthly reports.



3. The learned counsel for MUML submitted that the Respondent neither requested for nor agreed to the early commissioning of the transmission asset, and the timelines were on a best-effort basis. He submitted that the Petitioner did not give the one-month prior notice regarding the COD of the transmission asset as mandated in Regulation 5(2) of the 2019 Tariff Regulations. He submitted that the notice issued by the Petitioner under Regulation 5(2) of the 2019 Tariff Regulations on 30.3.2023 while COD was 1.4.2023, i.e., just one day before. He further submitted that as per Regulation 6(2) of the 2019 Tariff Regulations, the COD of a transmission asset cannot be declared before the SCOD of the associated transmission line. Therefore, the Petitioner's request for approval of the COD under Regulation 5(2) of the 2019 Tariff Regulations may not be approved. He submitted that its transmission line was put into commercial operation on 5.8.2023.
4. The learned counsel for the Petitioner emphasised that the transmission was put into commercial operation early at the MUML's request and as agreed upon in the OCC Meeting held on 22.2.2023. She submitted that Regulation 6(2) of the 2019 Tariff Regulations was deleted by the Commission with effect from 19.2.2021, and no corresponding provision has been made in the 2020 Sharing Regulations. Therefore, MUML cannot place any reliance on the deleted Regulation 6(2) of the 2019 Tariff Regulations.
5. The learned counsel for the Petitioner referred to APTEL's order dated 2.5.2023 in Appeal 352 of 2022 and submitted that MUML has not shown that any prejudice is caused to it due to non-issue of notice under Regulation 5(2) of the 2019 Tariff Regulations.
6. The Commission allowed the parties to file their written submissions by 17.5.2024 with a copy to the other parties and observed that no further extension of time would be granted.
7. Subject to the above, the Commission reserved the order in the matter.

By order of the Commission

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

