

**Central Electricity Regulatory Commission
New Delhi**

Petition No. 267/MP/2024

Subject : Petition under Regulation 86 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulation 25 of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2024 seeking approval for establishment of Transmission Line Stores along with associated infrastructure for 400 kV D/C Teesta-III-Kishanganj Transmission Line of Sikkim Power Transmission Limited (formerly Teestavalley Power Transmission Limited).

Date of Hearing : **8.5.2025**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member

Petitioner : Sikkim Power Transmission Limited

Respondents : PTC India Limited and 13 Others

Parties Present : Shri Anand K. Ganeshan, Advocate, SPTL
Shri Vidhan Vyas, Advocate, STPL

Record of Proceedings

At the outset, the learned counsel for the Petitioner submitted that the instant Petition has been filed to seek approval for the Additional Capital Expenditure (ACE) projected to be incurred for the establishment of the permanent transmission line stores, along with the associated infrastructure, in accordance with the 2024 Tariff Regulations.

2. On the issue of maintainability, the learned counsel for the Petitioner mainly submitted that the instant Petition is maintainable since the claims regarding ACE fall within the original scope of the work, although these claims are being raised after the cut-off date, this is in accordance with the provisions of Regulations 25(1) of the 2024 Tariff Regulations. He further submitted that Regulation 25(1) (b) of the 2019 Tariff Regulations, recognise 'change in law or compliance with any existing law' with respect to ACE incurred or projected to be incurred within the original scope and after the cut-off date in respect of an existing project or a new project while the corresponding provision under Regulation 25(1)(b) of the 2024 Tariff Regulations provides 'change in law or compliance with any existing law which is not provided for in the original scope of work' in respect of ACE incurred or projected to be incurred in respect of an existing project or a new project.



3. Referring to the above inconsistency under the 2019 Tariff Regulations and the 2024 Tariff Regulations, the Petitioner placed reliance on the case of H.S. Vankani and Ors. V. State of Gujarat and Ors [reported in (2010) 4 Supreme Court Cases 301], wherein the Hon'ble Supreme Court in para 48 of its judgment observed that the Courts have to avoid a construction of an enactment that leads to an unworkable, inconsistent or impracticable results, since such a situation is unlikely to have been envisaged by the rule making authority.
4. In response to a specific query of the Commission, the learned counsel for the Petitioner submitted that the Petitioner has already constructed three temporary stores, one each in the States of Sikkim, and West Bengal. He added that the cost for constructing three permanent stores in these States is less than 10% of the admitted capital cost of the original project. He further submitted that the establishment of the transmission line stores with associated infrastructure complies with the Central Electricity Authority (CEA) guidelines for the availability of spares and inventories for the Power Transmission System (Transmission Lines & Substation/Switchyard) Assets, and Regulation 5(b) of the Central Electricity Regulatory Commission (Standards of Performance of Interstate Transmission Licensees) Regulations, 2012.
5. After the hearing, the Commission directed the Respondents to file their respective replies on maintainability, within a week with a copy to the Petitioner, who may file its rejoinder within a week thereafter.
6. Subject to the above, the Commission reserved the order on maintainability.

By order of the Commission

**sd/-
(T.D. Pant)
Joint Chief (Law)**

