

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 361/TT/2018 and

Petition No. 93/TT/2020 (Remand back from APTEL)

Coram:

Shri Jishnu Barua, Chairperson

Shri Ramesh Babu V, Member

Shri Harish Dudani, Member

Date of Order: 21.03.2025

In the matter of:

Approval under regulation-86 of CERC (Conduct of Business) Regulations'1999 and CERC (Terms and Conditions of Tariff) Regulations'2014 for determination of Transmission Tariff from DOCO to 31-03-2019 for Asset-1: LILO of 400 kV S/C Neelmangla-Hoody Transmission Line at new 400/220 kV GIS Substation at Yelahanka with 1X63 MVA 420kV Bus Reactor along with associated bays and equipment's and Asset-2: 2X500 MVA, 400/220kV ICT's along with associated bays and equipment's at 400/220 kV Yelahanka Substation under System Strengthening XII in Southern Region.

And

Approval under Regulation 86 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and truing up of transmission tariff of 2014-19 period under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 and determination of transmission tariff of 2019-24 period under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 under "Transmission system associated with System Strengthening-XII" in Southern Region.

Power Grid Corporation of India Limited,

'SAUDAMINI', Plot No-2,

Sector-29, Gurgaon-122001 (Haryana).

....Petitioner

Vs.

- 1. Karnataka Power Transmission Corporation Limited,
Kaveri Bhavan, Bangalore – 560 009.**
- 2. Transmission Corporation of Andhra Pradesh Limited,
Vidyut Soudha, Hyderabad – 500082.**



3. **Kerala State Electricity Board,**
Vaidyuthi Bhavanam, Pattom,
Thiruvananthapuram – 695 004.
4. **Tamil Nadu Generation and Distribution Corporation Limited,**
(Formerly Tamil Nadu Electricity Board -TNEB),
NPKRR Maaligai, 800, Anna Salai, Chennai – 600 002.
5. **Electricity Department,**
Government of Pondicherry, Pondicherry – 605 001.
6. **Eastern Power Distribution Company of Andhra Pradesh Limited,**
P&T Colony, Seethmmadhara,
Vishakhapatnam, Andhra Pradesh.
7. **Southern Power Distribution Company of Andhra Pradesh Limited,**
Srinivasasa Kalyana Mandapam Backside,
Tiruchanoor Road, Kesavayana Gunta, Tirupati – 517 501.
Chittoor District, Andhra Pradesh.
8. **Central Power Distribution Company of Andhra Pradesh Limited,**
Corporate Office, Mint Compound,
Hyderabad – 500 063, Telangana.
9. **Northern Power Distribution Company of Andhra Pradesh Limited,**
Opp. NIT Petrol Pump, Chaitanyapuri, Kazipet,
Warangal – 506 004, Telangana.
10. **Bangalore Electricity Supply Company Limited,**
Corporate Office, K.R.Circle,
Bangalore – 560 001, Karnataka.
11. **Gulbarga Electricity Supply Company Limited,**
Station Main Road, Gulbarga, Karnataka.
12. **Hubli Electricity Supply Company Limited,**
Navanagar, PB Road, Hubli, Karnataka.
13. **MESCOM Corporate Office,**
Paradigm Plaza, AB Shetty Circle,
Mangalore – 575 001, Karnataka.
14. **Chamundeswari Electricity Supply Corporation Limited,**
927, L J Avenue, Ground Floor, New Kantharaj Urs Road,
Saraswatipuram, Mysore – 570 009, Karnataka.
15. **Electricity Department,**
Government of Goa,
Vidyuti Bhawan, Panaji, Goa – 403 001.



16. **Transmission Corporation of Telangana Limited,**
Vidhyut Sudha, Khairatabad,
Hyderabad, 500082.

17. **Tamil Nadu Transmission Corporation,**
NPKRR Maaligai, 800, Anna Salai,
Chennai – 600 002.

...Respondents

Parties Present:

(In Petition No. 361/TT/2018)

Shri Shubham Arya, Advocate PGCIL
Shri Mohd. Mohsin, PGCIL
Shri Zafrul Hassan, PGCIL
Shri Angaru Naresh Kumar, PGCIL
Shri Arjun Malhotra, PGCIL

(In Petition No. 93/TT/2020)

Shri Shubham Arya, Advocate, PGCIL
Shri Shubham Arya, Advocate PGCIL
Shri Mohd. Mohsin, PGCIL
Shri Zafrul Hassan, PGCIL
Shri Angaru Naresh Kumar, PGCIL
Shri Arjun Malhotra, PGCIL
Shri V. M. Kannan, Advocate, KPTCL
Shri Shahbaz Hussain, Advocate, KPTCL
Shri Stephania Pinto, Advocate, KPTCL
Shri Sumanth Gowga, Advocate, KPTCL
Shri Harimohana. N., Advocate, KPTCL
Shri Mayank Singh, Advocate, KPTCL
Shri Swapnil Verma, CTUIL
Shri Siddharth Sharma, CTUIL
Shri Kaurya Bhardwaj, CTUIL
Shri Lashit Sharma, CTUIL

ORDER

The present petition has been filed by the Petitioner, Power Grid Corporation of India Ltd. ("PGCIL"), seeking approval of transmission tariff for Asset-1: LILO of 400 kV S/C Neelmangla-Hoody Transmission Line at the new 400/220 kV GIS Substation at Yelahanka with 1X63 MVAR 420 kV Bus Reactor along with associated bays and equipment's and Asset-2: 2X500 MVA, 400/220 kV ICT"s along with associated bays and equipment's at 400/220 kV Yelahanka Substation (hereinafter referred as



“transmission asset”) under “System Strengthening XII in Southern Region” for the 2014-19 tariff period under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (hereinafter referred to as “the 2014 Tariff Regulations”).

And

The Petitioner, Power Grid Corporation of India Limited, a deemed transmission licensee, has filed the instant petition for truing up of transmission tariff for the period from COD to 31.3.2019 under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (hereinafter referred to as “the 2014 Tariff Regulations”) and determination of transmission tariff for the period from 1.4.2019 to 31.3.2024 under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (hereinafter referred to as “the 2019 Tariff Regulations”) in respect of the following assets under Transmission System associated with System Strengthening- XII in the Southern Region (hereinafter referred to as the “transmission project”).

Asset-1: LILO of 400 kV S/C Neelmangla-Hoody Transmission Line at new 400/220 kV GIS Sub-station at Yelahanka with 1X63 MVAR 420 kV Bus Reactor along with associated bays and equipment;

Asset 2: 2X500 MVA, 400/220 kV ICTs along with associated bays and 02 Numbers 220 kV bays at 400/220 kV Yelahanka Sub-station;

Asset 3: 04 Numbers 220 kV bays at 400/220 kV Yelahanka Sub-station (hereinafter referred to as the “transmission assets”).

2. The Respondents are distribution licensees, power departments, power utilities, and transmission licensees, who are procuring transmission services from the Petitioner, mainly beneficiaries of the Southern Region.

3. KPTCL submitted that the Commission, vide its order dated 8.11.2019 in Petition No. 361/TT/2018, allowed the COD of three transmission assets of the



Petitioner as 1.4.2018 under Regulation 4(3) (ii) of the 2014 Tariff Regulations as the downstream system under the scope of KPTCL was not ready. The Commission, while allowing the tariff for the 2014-19 period, observed that the transmission charges of the transmission assets from the COD shall be borne by KPTCL till the commissioning of the downstream transmission system.

4. KPTCL further submitted that the Commission vide its order dated 31.10.2022 in Petition No. 93/TT/2020 trued up the transmission tariff for the 2014-19 period as determined in Petition No. 361/TT/2018 and also determined the tariff for the 2019-24 period in respect of the aforesaid transmission assets. The Commission, in its aforesaid order dated 31.10.2022, affirmed its order dated 8.11.2019 in Petition No.361/TT/2018 with reference to payment of the transmission charges payable by KPTCL. He further submitted that against the aforesaid two orders of the Commission, KPTCL preferred two Appeals before the Appellate Tribunal for Electricity (the APTEL), i.e., Appeal No. 658/2023 and Appeal No. 495/2023. The APTEL, vide its common order dated 4.3.2024 in the said Appeals, remanded the matter back to the Commission with the observation to look into the aspect of whether the transmission charges shall be borne completely for the mismatch period by KPTCL after affording reasonable opportunity to the parties.

Background

5. The Petitioner has filed Petition No. 361/TT/2018 for the determination of the tariff for:-

Asset-1: LILO of 400 kV S/C Neelmangla-Hoody Transmission Line at new 400/220kV GIS Substation at Yelahanka with 1X63 MVAR 420kV Bus Reactor along with associated bays and equipment,



Asset-2A: 2X500 MVA, 400/220 kV ICTs along with associated bays and 02 No. 220 KV bays at 400/220 kV Yelahanka Substation,

Asset-2B: 04 No. 220 KV bays at 400/220 kV Yelahanka Substation

6. The Petitioner has claimed the COD of Asset-1, Asset-2A, and Asset-2B as 1.4.2018 under Regulation 4(3)(ii) of the 2014 Tariff Regulations as the associated downstream transmission system under the control of the KPTCL is not ready. The Commission vide order dated 08.11.2019 has approved the COD of Asset-1, Asset-2A, and Asset-2B as 1.4.2018 under Regulation 4(3)(ii) of the 2014 Tariff Regulations. With respect to the sharing of transmission charges, the Commission vide order dated 9.11.2019 is held as under:

“69. We have considered the submissions of the petitioner and respondent. The COD of the Assets covered in the instant petition has been approved as 1.4.2018 under proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations due to non-commissioning of the Assets covered under the scope of KPTCL. Hence, the transmission charges from the COD of the instant assets shall be borne by KPTCL till commissioning of the downstream transmission system. Thereafter, the billing, collection and disbursement of the transmission charges approved shall be governed by the provisions of Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010, as amended from time to time, as provided in Regulation 43 of the 2014 Tariff Regulations.”

7. As against the order dated 9.11.2019 in Petition No. 361/TT/2018, the respondent, KPTCL, has filed Review Petition No. 5/RP/2020. The Commission, vide order dated 09.04.2022, disposed of the Review Petition. The relevant extracts of the order dated 09.04.2022 in Review Petition No. 5/RP/2020 are as follows:

“10. We have considered the submissions of the Review Petitioner, PGCIL and TANGEDCO. The Review Petitioner has prayed for review of the impugned order on the ground that the Commission had not taken cognizance of their letter dated 17.7.2019 wherein it had submitted its views / comments on bilateral billing to them due to delay in commissioning of the downstream assets.

11. The Commission, vide RoP dated 24.5.2019 in Petition No. 361/TT/2018 directed the Respondent/Review Petitioner as follows:

“The Commission observed that it would like to hear KPTCL before approving the COD of the instant assets under Regulation 4(3) of the 2014 Tariff Regulations and directed KPTCL and all the respondents to file their reply.”

12. Thus, the Commission had specifically observed that it would like to hear KPTCL. However, none appeared on behalf of the Review Petitioner on 8.8.2019 when the



matter was heard by the Commission and order in the matter was reserved. Further, instead of filing reply on affidavit substantiating its position with supporting documents, the Review Petitioner chose to send a letter dated 17.7.2019 in the matter without any supporting documents. In view of the above facts, Review Petitioner's submission that it was a bona fide belief of KPTCL that no formal objection/ reply was required to be filed in Petition No. 361/TT/2018 has no merit. Accordingly, the case referred to by the Review Petitioner, namely, "The Selection Committee for Admission to the Medical and Dental College, Bangalore Vs M.P. Nagaraj" of Karnataka High Court is not applicable in the instant matter as the Review Petitioner was given sufficient chance to argue its case before the Commission.

13. The Commission has consistently held that the defaulting party has to bear the transmission charges in case of any mismatch. In the instant case, on the basis of the submissions made by PGCIL, the Commission came to the conclusion that KPTCL is responsible for the mismatch and held that it has to bear the transmission charges

14. Now by way instant Review Petition, the Review Petitioner contends that the delay in commissioning of Yelahanka Transmission System by PGCIL forced it to take alternate steps to provide electricity to Bengaluru City. The Review Petitioner has submitted that the time over-run is mainly because of RoW issues and due to unprecedented urbanization in the Bengaluru City. The Review Petitioner has further submitted that the Review Petitioner has made alternate arrangements to meet its requirements and PGCIL has utilised the Review Petitioner's facilities to execute the transmission assets under its scope.

15. In terms of Order 47 Rule 1 of Code of Civil Procedure, 1908, a review is maintainable on the following grounds:

- (i) discovery of new and important matter or evidence which was not within knowledge of the Review Petitioner or could not be produced after the exercise of due diligence,
- (ii) Mistake or error apparent on the face of the record;
- (iii) Any other sufficient reason.

16. We have perused the materials on record and we are of the considered view that the case of the Review Petitioner does not fall under any of the three categories mentioned above to qualify for review and the Review Petitioner is arguing the matter on merits which is not allowed in a review petition. The Hon'ble Supreme Court in *Parison Devi vs Sumitri Devi* [1997 (8) SCC 715] observed that a review cannot be an appeal in disguise. The relevant portion of the observations of the Hon'ble Court in the said judgement is extracted hereunder:

"A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error."

17. Further, the Hon'ble Supreme Court in *Kamlesh Verma vs. Mayawati and others*, [2013 (8) SCC 320], while examining the scope of review has observed as under:

"8. Again, in *Meera Bhanja v. Nirmala Kumari Choudhury*, 1995 (1) SCC 170, while quoting with approval a passage from *Aribam Tuleswar Sharma v. Aribam Pishak Sharma*, 1979 (4) SCC 389, this Court once again held that review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC. 9. Under Order 47 Rule 1 CPC a judgment may be open to review *inter alia* if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be „reheard and corrected“. A review petition, it must be remembered has a limited purpose and cannot be allowed to be „an appeal in disguise“."

18. Thus, a Review Petition cannot be an appeal in disguise as held by the Hon'ble Supreme Court. In light of the above discussions, the instant review petition is beyond the ambit of review and hence dismissed.



19. This order disposes of Petition No. 5/RP/2020.”

8. The Petitioner has filed Petition No. 93/TT/2020 for the truing-up of tariff for the 2014-19 tariff period and tariff for the 2019-24 Tariff Period. The Commission vide order dated 31.10.2022 had trued-up the tariff for the 2014-19 tariff period and granted tariff for the 2019-24 tariff period. With respect to the sharing of transmission charges, the Commission, vide order dated 9.11.2019, had held as under:

“105. We have already approved the COD of the transmission assets covered in the instant petition as 1.4.2018 under proviso (ii) of clause (3) of Regulation 4 of the 2014 Tariff Regulations due to non-commissioning of the associated transmission assets covered under the scope of KPTCL. Hence, the transmission charges from the COD of the transmission assets till execution of the downstream transmission system shall be borne by KPTCL as per order dated 8.11.2019 in Petition No. 361/TT/2018. Thereafter, the billing, collection and disbursement of the transmission charges approved shall be governed by the 2010 Sharing Regulations and the 2020 Sharing Regulations as provided in Regulation 43 and Regulation 57 of the 2014 and 2019 Tariff Regulations respectively. The liabilities of the DICs for arrears of the transmission charges determined through this order shall be computed DIC-wise in accordance with the provisions of respective Sharing Regulations and shall be recovered from the concerned DICs through bill under Regulation 15(2)(b) of the 2020 Sharing Regulations.”

9. The Commission, vide its order dated 31.10.2022 in Petition No. 93/TT/2020, had trued up the transmission tariff for the 2014-19 period as determined in Petition No. 361/TT/2018 and also determined the tariff for the 2019- 24 period in respect of the aforesaid transmission assets. The Commission, in its aforesaid order dated 31.10.2022, affirmed its order dated 8.11.2019 in Petition No. 361/TT/2018 with reference to the sharing of the transmission charges payable by KPTCL.

10. Aggrieved by the orders, i.e., order dated 8.11.2019 in Petition No. 361/TT/2018 and order dated 9.4.2022 in Petition No. 5/RP/2020, and 31.10.2022 in Petition No. 93/TT/2020, the respondent KPTCL has filed Two Appeals, i.e. Appeal No. 658/2023 and Appeal No. 495/2023 before the Appellate Tribunal for Electricity (the APTEL). The APTEL, vide its common order dated 4.3.2024 in the said appeals, remanded the matter back to the Commission with the observation to look into the aspect whether



the transmission charges shall be borne completely for the mismatch period by KPTCL. The Relevant Extract of judgement dated 4.3.2024 is as follows:

“Considering the fact that the issues in Appeal Nos.658/2023 and 495/2023 are identical, and the second captioned appeal is relating to truing up orders. A common order is being passed in both the appeals.

After hearing both the parties, and going through the affidavit filed by the appellant /KPTCL, we find it appropriate to remand the matter to Central Electricity Regulatory Commission (CERC) for reconsideration on the aspect whether transmission charges shall be borne completely for the mis-match period by KPTCL (the appellant). The said proposition has not been objected to by the respondent. However, we make it clear that the remand shall be subject to the following conditions:

- i) The capital cost and tariff determined by the CERC for the instant asset is not liable to be revisited as the same is not the subject matter of the challenge raised in the present appeal.*
- ii) The amounts already paid by the appellant / KPTCL to respondent No.1/PGCIL would be subject to the outcome of the remand proceedings before the Ld. CERC.*
- iii) The bill dated 01.11.2023 is the last Bilateral Bill raised upon KPTCL where after there would be no Bilateral Bill upon KPTCL in terms of the Sharing Regulations, 2020. Therefore, the bills for transmission charges of the instant assets in question are being / will be raised in terms of the CERC (Sharing of Inter-State Transmission Charges and Losses) (Second Amendment) Regulations, 2023, and in terms of any further amendment.*

CERC, shall hear the matter after affording reasonable opportunity to the parties, in accordance with law.

The appeal along with pending applications, if any, is disposed of in above terms.”

11. Accordingly, the matter was heard on dated 27.6.2024, and the Commission directed the Respondents to file their responses and the Petitioner to file the Rejoinder, if any. The Commission also directed KPTCL to submit the present status of its downstream transmission system and, in case its downstream system is commissioned, the details of COD, etc. The Commission further directed the Petitioner to implead CTUIL as Respondent and subsequently directed CTUIL to submit the details of bilateral bills raised on KPTCL.

12. The hearing in this matter was held on 28.08.2024, and the order was reserved.

13. Having heard the representatives of the Petitioner, learned counsels of KPTCL and CTUIL, and having perused the material on record, we proceed to dispose of the petition.



Analysis and decision

Submission of KPTCL

14. KPTCL, vide affidavit dated 1.8.2024, has submitted the following:

- (a) The maximum load recorded from August 2020 to July 2021 is about 1200 amps, whereas the UG GTP established that the UG cables have the capacity to evacuate 1261 amps/per UG cable at any given point. Furthermore, the maximum load that can be recorded at the said Asset is 2360 (90% of two transformers, with each having a capacity of 1312 amps). Therefore, it is unmistakable that the UG cables installed by KPTCL have the capacity to evacuate more power than the maximum load that can be recorded from the upstream works of the petitioner.
- (b) The CERC (Sharing of Transmission Charges and Losses in Interstate Transmission) Regulation, 2010, read with Tariff Regulation, 2014, does not permit the transmission charges on the assets to be paid in any mechanism except the PoC mechanism. Further, it was submitted that in view of the fact that Power Flow commenced on 13.10.2018 by virtue of the commissioning of the 2 runs of 2000 Sqmm UG cables, no parties were prejudiced as the entire transmission system was put to use. The Commercial Operation date of a project simply translates to the date of Power Flow/injection into the Grid. The Asset-2A commissioned by Respondent KPTCL on 13.10.2018 evacuated the entire power transmitted through the upstream work of the PGCIL/Petitioner and enabled all the concerned beneficiaries to avail of the maximum benefit of the infrastructure.
- (c) KPTCL addressed a letter dated 17.7.2019, highlighting the facts of the case and also showcasing the fact that the 2 UG cables can service the entire

upstream works of the petitioner. That the delay of several years, i.e., 2106 days on the part of the petitioner in commissioning of Asset-1, Asset-2A, and Asset-2B has been condoned by this Hon'ble Commission on the ground of RoW issues vide Para (35) in the order dated 8.11.2019 in Petition No. 361/TT/2018. It is undisputed that the upstream work and downstream work were to be executed in the same location. Therefore, similar RoW issues have impacted the works of the KPTCL in executing the downstream work in the same locality. When years of delay on the part of the petitioner in Commissioning upstream work was considered and condoned, the same treatment had to be meted out to the KPTCL. The KPTCL commissioned the UG cables in view of the right of way issues hindering the commissioning of the Downstream system. In view of the transmission system being put to use, bilateral billing out not be allowed.

15. The Commission, vide RoP dated 28.8.2024, directed the petitioner to submit whether the 1000 MVA transformer capacity can be transferred through the existing 2 nos of underground cables. The Commission also directed the petitioner to submit the following information.

- (i) The purpose of construction of 6 nos of 220 kV Bays for 2x500 MVA ICTs at 400/220 kV Yelahanka substation and RPC/SCM approval for 6 nos of 220 kV Bays at 400/220 kV Yelahanka Substation.
- (ii) The power transfer capability of each 220-kV bay at 400/220 kV Yelahanka Substation.
- (iii) Whether the unutilized 4 no. of 220 kV bay can be utilized by connecting with the existing 220 kV Bus so that all 6 no. of bays can be used for drawl of power from 2x500 MVA ICTs. If so submit the details of the same.

16. In response, the petitioner, vide affidavit dated 25.09.2024, submitted the following:

(i) In the 27th SCM held on 03.03.2009, detailed deliberation on the proposal of KPTCL for inter-connection at 220 kV Yelahanka was undertaken. In the said deliberations, KPTCL had proposed inter-connection from Yelahanka SS with their S/S at Hebbal, Bangalore International Airport, DB Pura, and Neelmangla. Considering the proposal of KPTCL to lay down 220kv downstream lines from Yelahanka to various places, the committee agreed that 6 Nos. of bays would be implemented by POWERGRID as regional works, and balance bays will be implemented as deposit works for KPTCL, i.e. (the ownership of balance bays is with KPTCL). The relevant extract of the meeting is provided below:

“8. Transmission proposals from KPTCL

8.1 Establishment of connectivity to Yelahanka 2x500 MVA, 400/220kV S/S (POWERGRID)

..... Insofar as the inter-connection at 220 kV Yelahanka is concerned, KPTCL had tentatively proposed inter-connection with their S/S at Hebbal, Bangalore International Airport, DB Pura, and Nelamangala. Accordingly, adequate bays should be provided at 220kV by Powergrid for KPTCL. Out of the above 220kV bay requirements, six bays would be as part of the regional system and the balance would be implemented as deposit work for KPTCL.”

The same was also concurred in the 9th SRPC meeting held on 06.03.2009.

“24.5 The Committee agreed for 400 kV GIS and 220 kV AIS at Yelahanka as regional project and the LILO of 400 kV Nelamangala-Hoody line and Somanahalli-Hoody line at Yelahanka. Adequate bays would be provided at 220 kV by PGCIL for KPTCL. Of the above, six 220 kV bays would be part of regional system, and balance would be implemented as deposit work for KPTCL.”

(ii) It is submitted that the rating of the 220-kV bus bar is 4000A and the 220kV Bay equipment rating is 1600A; as such, the power transfer capability of each bay is 610MVA(Approx.) ($\sqrt{3} * 1.6 * 220$).

(iii) All the 6 number line bays, including 4 Nos of unutilized bays, are already connected with the Existing Double main and Transfer Bus, including line side equipments. Out of the 6 Nos 220 kV line bays, the 2 Nos. of 220 kV line bays have already been utilized as KPTCL has commissioned one of its downstream lines. It is humbly submitted that the remaining 4 Nos. of bays can be utilized only when KPTCL commissions its balance 220 kV downstream lines.

17. KPTCL, vide affidavit dated 15.10.2024, has submitted the following:

(i) Underground Cables constructed by Respondent No. 1 are capable of evacuating the entire load of the upstream works

(a) To overcome the RoW issues, the KPTCL has constructed two nos. of 220 kV downstream line bays using high-capacity underground cables, which are capable of evacuating the entire power transmitted through the assets of the Petitioner. Therefore, no prejudice has been caused to the Respondent as the assets of the Petitioner have been fully serviced.

(b) The maximum load recorded at the assets of the Petitioner from August 2020 to July 2021 is about 1200 amps, whereas the UG GTP established that the UG cables have the capacity to evacuate 1261 amps/per UG cable at any given point. Furthermore, the maximum load that can be recorded at the said Asset is 2360 (90% of two transformers, with each having a capacity of 1312 amps). Therefore, it is unmistakable that the UG cables installed by KPTCL have the capacity to evacuate more power than the maximum load that can be recorded from the upstream

works of the petitioner. Wherefore, the full load planned for evacuation through six nos. of terminal bays is met by the said 2 Nos of 2000 Sqmm UG cables installed by the Respondent KPTCL.

- (c) KPTCL, in the 32nd and 33rd SRPC meetings, had informed the stakeholders of the transmission system about the ROW issues at Singanayakahalli, and those cables would be commissioned by the end of August 2018. The Petitioner was aware of the construction of the UG cables and the commencement of power flow on 13.10.2018 and ought to have disclosed the same during the course of the proceeding in 361/TT/2018.
- (ii) Bilateral Billing is not Permissible in View of the Commencement of Power Flow
 - (a) The CERC (Sharing of Transmission Charges and Losses in Interstate Transmission) Regulation, 2010, read with Tariff Regulations, 2014, does not permit the transmission charges on the assets to be paid in any mechanism except the PoC Mechanism.
 - (b) The order of this Hon'ble Commission in 43/MP/2016 provides for liability of payment of transmission charges on the entity on whose account an element of the transmission system is not put to use. However, in the instant case, the transmission system was put to use.
- (iii) Current Status of the Transmission System
 - (a) UG cables installed by the KPTCL have the capacity to evacuate 1261 amps/per UG cable at any given point. Furthermore, the maximum load that can be recorded at the said asset is 2360 amps (90% of Two

transformers). Therefore, the UG cables can transfer an entire load of a 1000 MVA transformer.

- (b) Further, out of the 6 nos of bays, the Respondent KPTCL has utilized 2 Nos of 220 kV bays by laying two runs of 2000 Sqmm UG cable. Further, one of the 6 number of bays is proposed for utilization for a residential load of Dr. Shivaram Karanth BDA layout. The same was approved in the 32nd CMETS meeting of CTU held on 29.6.2024. Accordingly, the remaining 3 No's bays shall be utilized by KPTCL as and when the requirement of load arises and also under network expansion/strengthening of KPTCL.

(iv) Payment remitted to Petitioner under Bilateral Billing

- (a) KPTCL has paid an amount of Rs. 27,53,33,722/- as transmission charges for the period between 1.4.2018 and 12.10.2018 to the Petitioner. Upon commissioning of the 2 UG cables on 13.10.2018, the Respondent KPTCL has paid RS. 17,03,42,633/- towards transmission charges to the PGCIL. The last bill under the bilateral arrangement was raised by the Petitioner for the billing month of November 2023.
- (b) During the hearing dated 28.8.2024, the learned counsel of the KPTCL has submitted that 2 Nos. underground cables, which are connected to the Petitioner's 2 Nos bays, can evacuate all the Power transmitted through the Petitioner's transmission assets. He also submitted that the fact of laying the underground cables was brought to the Petitioner's notice at the 32nd and 33rd SRPC meetings. He also submitted that the Total length of the two UG cables is approximately 20 km and that they

are capable of drawing 1200 amps of power. The said two cables are currently underutilized.

Submission by CTUIL vide affidavit dated 24.7.2024

18. The CTUIL has submitted that as per CERC's order dated 08.11.2019 & 31.10.2022 under Petition No. 361/TT/2018 & 93/TT/2020, respectively, total bilateral Bills amounting to Rs. 42,63,17,362/- has been raised by the CTUIL upon KPTCL from April 2018 to December 2023. Further, CTUIL submitted that, at present, there are no outstanding payable pending dues from KPTCL against the said bilateral bills. The detail of Bilateral Bills by CTUIL is as follows:

List of bilateral bills raised on KPTCL by POWERGRID/CTUIL as per CERC Orders dtd 08.11.2019 & 31.10.2022 under Petition nos. 361/TT/2018 & 93/TT/2020 respectively

Status as on 16.07.2024

S.No.	Bill Particulars	Name of the asset	Bill No.	Bill date	Bill amount
1	Transmission charges for the period from 01.04.2018 to 30.11.2019	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101286	04-12-2019	5,38,63,312
2	Bill for Jan'20 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101320	06-01-2020	27,37,316
3	Transmission charges for the period from 01.04.2018 to 12.10.2018	(1) LILLO of 400kV S/C Neelmangla Hoody Transmission Line at new 400/220kV GIS Substation at Yelahanka with 1X63 MVAR 420kV Bus Reactor along with associated bays and equipment under System Strengthening XII in Southern Region (2) 2X500MVA, 400/220kV ICT's along with associated bays and 02 No: 220kV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101321	06-01-2020	27,53,33,722
4	Bill for Feb'20 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101361	05-02-2020	27,37,316
5	Bill for Mar'20 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101397	04-03-2020	25,60,715
6	Bill for Apr'20 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101445	07-04-2020	27,37,316
7	Bill for May'20 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101479	05-05-2020	26,56,273
8	Bill for Jun'20 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101528	05-06-2020	27,44,815
9	Bill for Jul'20 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101584	06-07-2020	26,56,273
10	Bill for Aug'20 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101614	04-08-2020	27,44,815
11	Bill for Sep'20 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101670	04-09-2020	27,44,815
12	Bill for Oct'20 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101720	06-10-2020	26,56,273
13	Bill for Nov'20 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101778	05-11-2020	27,44,815
14	Bill for Dec'20 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101820	07-12-2020	26,56,273



S.No.	Bill Particulars	Name of the asset	Bill No.	Bill date	Bill amount
15	Bill for Jan'21 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101875	13-01-2021	26,15,820
16	Bill for Feb'21 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101913	02-02-2021	27,10,419
17	Bill for Mar'21 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	92101961	03-03-2021	27,10,419
18	Surcharge bill raised against late payment done to bills dtd 04.03.2020 & 04.08.2020	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	98070425	12-04-2021	23,424
19	Bill for Apr'21 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400023	19-04-2021	24,48,121
20	Bill for May'21 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400052	04-05-2021	27,10,419
21	Bill for Jun'21 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400087	02-06-2021	26,22,986
22	Bill for Jul'21 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400127	05-07-2021	27,10,419
23	Bill for Aug'21 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400160	03-08-2021	26,22,986
24	Bill for Sep'21 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400195	03-09-2021	27,10,419
25	Bill for Oct'21 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400243	05-10-2021	27,10,419
26	Bill for Nov'21 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400324	03-11-2021	26,22,986
27	Bill for Dec'21 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400365	06-12-2021	27,10,419
28	Bill for Jan'22 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400407	04-01-2022	26,22,986
29	Bill for Feb'22 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400446	03-02-2022	27,10,419
30	Bill for Mar'22 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400480	02-03-2022	27,10,419
31	Bill for Apr'22 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400525	01-04-2022	24,48,121
32	Bill for May'22 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400557	02-05-2022	27,10,419
33	Bill for Jun'22 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400600	02-06-2022	26,22,986

S.No.	Bill Particulars	Name of the asset	Bill No.	Bill date	Bill amount
34	Bill for Jul'22 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400656	01-07-2022	27,10,419
35	Bill for Aug'22 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400699	01-08-2022	26,22,986
36	Bill for Sep'22 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400746	01-09-2022	27,10,419
37	Bill for Oct'22 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400793	03-10-2022	27,10,419
38	Bill for Nov'22 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400843	01-11-2022	26,22,986
39	Bill for Dec'22 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400889	01-12-2022	19,54,189
40	Bill for Jan'23 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400932	02-01-2023	18,91,151
41	Bill for Feb'23 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94400975	01-02-2023	19,54,189
42	Bill for Mar'23 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94401023	01-03-2023	19,54,189
43	Bill for Apr'23 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94401068	03-04-2023	17,65,074
44	Bill for May'23 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94401112	01-05-2023	19,54,189
45	Arrear bill for the period from Apr'18 to Sep'22 as per CERC Order dtd 31.10.2022 under Petition no. 93/TT/2020	(1) LIL of 400kV S/C Neelmangla Hoody Transmission Line at new 400/220kV GIS Substation at Yelahanka with 1X63 MVAR 420kV Bus Reactor along with associated bays and equipment under System Strengthening XII in Southern Region (2) 2X500MVA, 400/220kV ICT's along with associated bays and (2) No. 220kV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region (3) 04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94401151	22-05-2023	-2,13,04,878
46	Bill for Jun'23 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94401165	01-06-2023	18,88,274
47	Bill for Jul'23 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94401209	03-07-2023	19,51,216
48	Bill for Aug'23 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94401255	02-08-2023	18,83,115



S.No.	Bill Particulars	Name of the asset	Bill No.	Bill date	Bill amount
49	Bill for Sep'23 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94401307	01-09-2023	19,45,885
50	Bill for Oct'23 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94401355	03-10-2023	19,45,885
51	Bill for Nov'23 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94401408	01-11-2023	18,83,115
52	Bill for Dec'23 billing month	04 No. 220 KV bays at 400/220kV Yelahanka Substation under System Strengthening XII in Southern Region	94401455	01-12-2023	19,45,885
TOTAL					42,63,17,362

Note: At present, there are no payable outstanding dues from KPTCL against the above billing

19. We have considered the submissions of the KPTCL, PGCIL, and CTUIL.

20. As per the decision of the APTEL judgment dated 4.3.2024 in Appeal No. 658/2023 and Appeal No. 495/2023, the capital cost and tariff approved by the Commission vide order dated 8.11.2019 in Petition No. 361/TT/2018 and order dated 31.10.2022 in Petition No. 93/TT/2020 is reaffirmed.

21. As per the APTEL judgment dated 4.3.2024 in APPEAL No. 658/2023 and Appeal No. 495/2023, the question arises for our consideration is

“whether transmission charges shall be borne completely for the mismatch period by KPTCL?”

22. The details regarding the nomenclature of the transmission assets, their SCOD, the date of commercial operation (COD) of the transmission assets are as follows:

Nomenclature of the assets in the order dated 8.11.2019 in Petition No. 361/TT/2018	Nomenclature of the assets in the instant petition	COD*
Asset-1	Asset-1	1.04.2018
Asset-2A	Asset-2	
Asset-2B	Asset-3	

*The Commission vide order dated 8.11.2019 in Petition No. 361/TT/2018 has approved the COD of the transmission assets under proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations as the associated downstream transmission system under the scope of KPTCL is not ready.

23. APTEL, vide order dated 2.7.2012 in Appeal No.123 of 2011 (Punjab State Power Corporation Ltd vs Power Grid Corporation of India Ltd), has held as under:

“20. Summary of our findings: According to Tariff Regulations, the COD of a transmission line shall be achieved when the following conditions are met.

(i) The line has been charged successfully,



- (ii) its trial operation has been successfully carried out, and
(iii) it is in regular service.

The above conditions in the case of 400 kV Barh-Balia line were not fulfilled on 01.07.2010, the date on which COD was declared by the Respondent no.1. Merely charging of the line from one end without the switchgear, protection and metering arrangements being ready at the other end, even if not in the scope of works of the transmission license, would not entitle the line for declaration of commercial operation.

21. In view of the above, the Appeal is allowed, the impugned order is set aside and matter is remanded back to the Central Commission for re-determining the COD and tariff of 400 kV Barh-Balia double circuit line after hearing all concerned within 3 months of the date of this judgment. No order as to costs."

24. APTEL's aforementioned judgement dated 2.7.2012 in Appeal No. 123 of 2011 has been upheld by the Hon'ble Supreme Court vide judgment dated 3.3.2016 in Civil Appeal No. 9193 and Civil Appeal No. 9302 of 2012. The relevant portion of the Hon'ble Supreme Court judgment dated 3.3.2016 is as follows:

"11. From the above definition, it is clear that switchgear and other works are part of transmission lines. In our opinion, Regulation 3 (12) of the Regulations, 2009 cannot be interpreted against the spirit of the definition "transmission lines" given in the statute. It is evident from record that it is not a disputed fact that switchgear at Barh end of Barh-Balia line for protection and metering were to be installed by NTPC and the same was not done by it when transmission line was completed by the appellant. As such the appellant might have suffered due to delay on the part of NTPC in completing the transmission lines for some period. But beneficiaries, including respondent No. 1, cannot be made liable to pay for this delay w.e.f. 01.07.2010 as the energy supply line had not started on said date.

12. We are apprised at the bar that meanwhile during the pendency of these appeals, in compliance of the interim order, after hearing all the concerned parties, C.E.R.C. has decided the matter on 30-06-2015, and transmission line has been now declared successfully charged w.e.f. 01-09-2011 and the commercial operation has started on said date. However, the order dated 30-06-2015 passed by CERC is stated to be operative subject to decision of this Court in the present appeals, due to the interim order passed by this court.

13. Since we are in agreement with the Tribunal that in the present case, respondent No. 1 and the beneficiaries could not have been made liable to pay the tariff before transmission line was operational, we find no infirmity in the impugned order. Therefore, the appeals are liable to be dismissed. Accordingly, both the appeals are dismissed without prejudice to the right of the appellant, if any, available to it under law, against NTPC. There shall be no order as to costs".

25. In the light of the judgements of the APTEL and Hon'ble Supreme Court as quoted above, the legal principle that emerges is that a transmission line can be put to regular use only when the sub-station and bays at both ends of the transmission line are operational. In other words, a transmission line cannot be said to be in regular

use if the sub-station and bays at one (or both) end(s) are not operational and, in that case, the beneficiaries cannot be made liable to pay transmission charges of such transmission line. Therefore, as per the principle decided in the judgement of the Hon'ble Supreme Court, where the transmission licensee has completed implementation of its transmission system within its scope of work but it cannot put it to use on account of delay on the part of the other transmission licensee or generating company (defaulting party), in that case, the transmission licensee shall have the right against the defaulting party as available under law.

26. It is observed that the matter for inter-connection at 220 kV Yelahanka with Grid was discussed in the 27th Standing Committee on Power System Planning of Southern region held on 03rd March 2009, and it was agreed that adequate bays should be provided at 220 kV by the petitioner for tentatively proposed inter-connection of 220 kV Yelahanka with KPTCL S/s at Hebbal, Bangalore International Airport, DB Pura and Neelmangla. The Relevant extract of the 27th Standing Committee on Power System Planning of the Southern region is as follows:

8. Transmission proposals from KPTCL

8.1 Establishment of connectivity to Yelahanka 2x500 MVA, 400/220kV S/S (POWERGRID)

In the 26th meeting of Standing Committee the proposal for establishment of 400/220 kV S/S at Yelahanka was agreed to as a part of the regional transmission system. It is now being informed by the Powergrid that a portion of the land acquired by KPTCL and being transferred to Powergrid has some encroachment. The modalities of removing encroachment would take considerable time and keeping in view the urgent requirement of the S/S, it is proposed by Powergrid that out of the available un-encroached portion it was possible to implement the 400kV portion as Gas Insulated Substation (GIS) and the 220kV portion as AIS. It was proposed to take up the approval of SRPC in the forthcoming meeting to adopt 400kV GIS.

Regarding the inter-connection of Yelahanka with the grid it was agreed to loop in loop out (LILO) the Nelamangala-Hoody line 400kV line and the Somanahalli-Hoody 400kV line at Yelahanka S/S. Further, as a part of evacuation from BTPS, KPTCL would construct a Hiriyur - Yelahanka 400kV D/C line. It was also proposed to provide space at the Substation for accommodating future inter-connection, if required.

Insofar as the inter-connection at 220 kV Yelahanka is concerned KPTCL had tentatively proposed inter-connection with their S/S at Hebbal, Bangalore International Airport, DB Pura and Nelamangala. Accordingly, adequate bays should be provided at 220kV by Powergrid for KPTCL. Out of the above 220kV bay requirements, six bays would be as part of the regional system and the balance would be implemented as deposit work for KPTCL.

27. Further, it is observed that the matter was also discussed in the 9th meeting of SRPC held on 6.3.2009, and after discussion, the committee agreed on 400 kV GIS and 220 kV AIS at Yelahanka as a regional project and decided that adequate bays would be provided at 220 kV by the Petitioner for KPTCL. Out of this, six 200 kV Bays would be part of the regional system, and the balance would be implemented as deposit work for KPTCL. The relevant extract of the 9th meeting of SRPC is as follows:

24. **ESTABLISHMENT OF 2x500 MVA, 400/220 kV YELAHANKA SUBSTATION**

- 24.1 ED (OS), PGCIL vide letter dated 19.02.2009 (refer Annexure-XII) had stated that with regard to acquiring of land for 400 kV substation at Yelahanka, there were certain problems that were being experienced. KPTCL has acquired 35 acres of land and offered to POWERGRID recently. Since the land was of irregular shape, for establishment of conventional 400 kV substation, additional land of 2.5 acres would be required. The proposed land was observed to have some encroachments on the western side. The additional 2.5 acres of land required was under litigation in the High Court of Karnataka. Unless the encroachment is removed and additional 2.5 acres of land is acquired, establishment of conventional substation would not be possible. It had also been informed that after study, it had been found feasible to establish the substation with 400 kV as Gas Insulated Substation (GIS) and 220 kV side as AIS. Beneficiaries had been requested to concur for establishment of 400 kV GIS pending ratification in the Standing Committee on Power System Planning.
- 24.2 In the Meeting, MS, SRPC informed that in the TCC meeting held on previous day, constituents had agreed for 400 kV GIS and 220 kV AIS at Yelahanka.
- 24.3 Following was furnished by SP&PA Division, CEA vide their letter dated 4.3.2009 based on the decisions taken in the 27th SCSRSP held on 3rd March 2009:

"In the 26th meeting of Standing Committee, the proposal for establishment of 400/220 kV S/S at Yelahanka was agreed to as a part of the regional transmission system. It is now being informed by the Powergrid that a portion of the land acquired by

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KPTCL and being transferred to Powergrid has some encroachment. The modalities of removing encroachment would take considerable time and keeping in view the urgent requirement of the S/S, it is proposed by Powergrid that out of the available un-encroached portion it was possible to implement the 400 kV portion as gas insulated S/S and the 220 kV portion as AIS insulated S/S. It was proposed to take up the approval of SRPC in for forthcoming meeting to adopt 400 kV GIS.

Regarding the interconnection of Yelahanka with the grid it is proposed to LILO the 400 kV Yelahanka as well as Nelamangala-Hoody line at Yelahanka. Further as a part of evacuation from BTPS, KPTCL would construct a 400 kV Yelahanka-Hiriyur D/C line. It is also proposed to provide space at the Substation for accommodating future interconnection if required.

Insofar as the interconnection at 220 kV Yelahanka is concerned, KPTCL had tentatively proposed interconnection with their S/S at Hebbal, Bangalore International Airport, DB Pura and Nelamangala. Accordingly adequate bays should be provided at 220 kV by Powergrid for KPTCL. Of the above, six bays would be as part of the regional system and the balance would be implemented as deposit work for KPTCL.

Members may please approve the proposals of 400 kV GIS and 220 kV AIS at Yelahanka as regional project and also for LILO of 400 kV lines at Yelahanka."

24.4 Member (PS), CEA emphasized on the need for 400 kV GIS in the present circumstances to avoid time and cost overruns.

24.5 The Committee agreed for 400 kV GIS and 220 kV AIS at Yelahanka as regional project and the LILO of 400 kV Nelamangala-Hoody line and

Somanahalli-Hoody line at Yelahanka. Adequate bays would be provided at 220 kV by PGCIL for KPTCL. Of the above, six 220 kV bays would be as part of regional system and balance would be implemented as deposit work for KPTCL.

24.6 Further, as part of evacuation from BTPS, KPTCL would construct 400 kV Yelahanka-Hiriyur D/C line. Space would be provided at the substation for accommodating future inter-connection if required.

28. Therefore, as per the above, the 6 No's 220 kV Bays at Yelahanka were agreed upon and approved in SRPC meetings for implementation by the Petitioner as a regional project for interconnection of Yelahanka substation to different

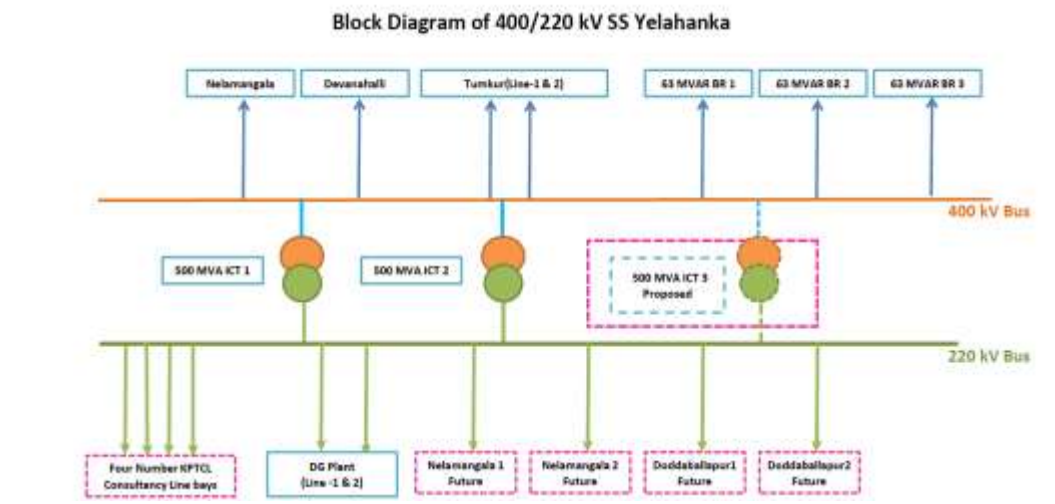
places/Substation i.e., S/s at Hebbal, Bangalore International Airport, DB Pura and Neelamangla through downstream systems to be constructed by KPTCL.

29. KPTCL has contended that several RoW issues have impacted the works of the KPTCL in executing the downstream work, and to overcome the RoW issues, the KPTCL has constructed 2 nos. of 220 kV downstream line bays using high capacity 2 No's underground cables, which are capable of evacuating the entire power transmitted through the assets of the Petitioner. The KPTCL has also submitted that the maximum load recorded at the assets of the Petitioner from August 2020 to July 2021 is about 1200 amps, whereas the UG Cables GTP established that the UG cables have the capacity to evacuate 1261 amps/per UG cable at any given point. Furthermore, the maximum load that can be recorded at the said Asset is 2360 amps (90% of two transformers, with each having a capacity of 1312 amps). Therefore, it is submitted that the UG cables installed by KPTCL have the capacity to evacuate more power than the maximum load that can be recorded from the upstream works of the petitioner. Therefore, the full load planned for evacuation through six nos. of terminal bays is met by the said 2 Nos of 2000 Sqmm UG cables installed by the Respondent KPTCL.

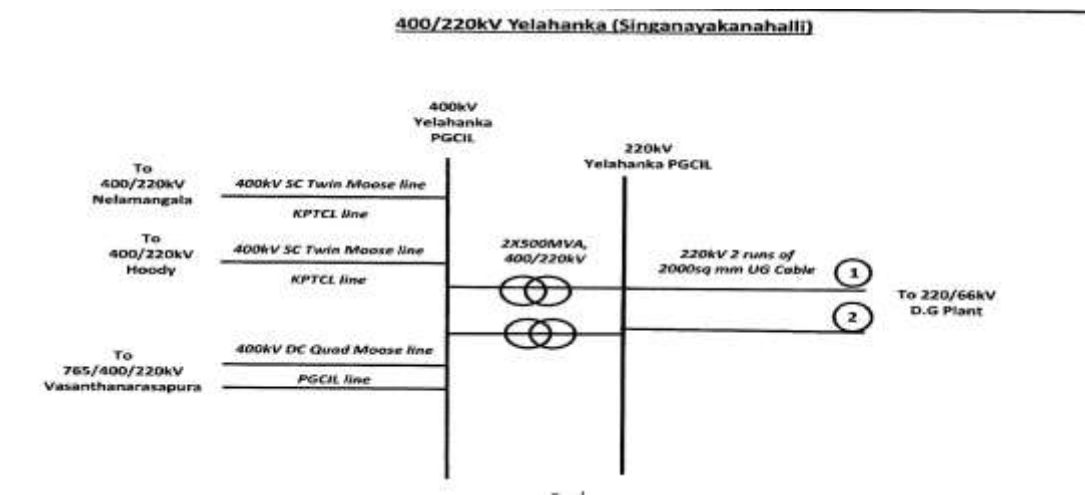
30. KPTCL has further submitted that out of the 6 Nos of bays, the Respondent KPTCL has utilized 2 Nos of 220 kV bays by laying two runs of 2000 Sqmm UG cable. Further, one of the 6 number of bays was proposed for utilization for a residential load of Dr Shivaram Karanth BDA layout. The same was approved in the 32nd CMETS meeting of CTU held on 29.6.2024. Accordingly, the remaining 3 Nos bays shall be utilized by KPTCL as and when the requirement of load arises and also under network expansion/strengthening of KPTCL.

31. The Petitioner has further submitted that the rating of the 220 kV bus bar is 4000A and the 220kV Bay equipment rating is 1600A; as such, the power transfer capability of each bay is 610MVA(Approx.) ($\sqrt{3} * 1.6 * 220$). Further, it is submitted by the petitioner that all the 6 number 220 kV line bays are already connected with the Existing Double main and Transfer Bus, including line side equipments.

32. We have considered the submission of KPTCL and PGCIL. The respondent KPTCL has not contested the approval of Asset-1, Asset-2A, and Asset-2B as 1.4.2018 under provision (ii) of clause 3 of Regulation 4 of the 2014 Tariff Regulations. The single Line Diagram (SLD) and Block Diagram of 400 kV Yelahanka Substation is as follows:



Block diagram of the 400 kV Yelahanka Substation is as follows:



33. From the above block diagram, it is noted that presently, 2x500 MVA ICTs and 10 nos. of 220 kV line bays are existing at Yelahanka Substation. Out of the 10 nos. of 220 kV line bays 6 nos. were implemented under ISTS, and balance 4 nos. are implemented by KPTCL. Out of the 6 nos. of 220 kV ISTS line bays, only 2 nos. are being utilized through the termination of 220 kV UG cables.

34. Regarding the specific query of the Commission, vide its RoP dated 04.09.2024, whether the unutilized 4 nos. of 220 kV bays can be utilized by connecting with the existing 220 kV Bus so that all 6 no. of bays can be used for drawl of power from 2x500 MVA ICTs, KPTCL had submitted that the remaining 4 Nos. of bays can be utilized only when KPTCL commissions its balance 220 kV downstream lines.

35. KPTCL submitted that the full load planned for evacuation through six nos. of terminal bays is to be met by the said 2 Nos of 2000 Sqmm UG cables installed by the Respondent KPTCL. We would however, like to observe that with N-1 planning criteria, in case of an outage of one 220 kV cable, the evacuation of power from the Yelhanka substation would be limited to 480 MVA. Accordingly, an additional 220 kV outlet need to be planned from the Yelhanka 400/220 kV substation for the evacuation of power with reliability.

36. Therefore, as above, we are of the considered view that even after the installation of 2 Nos of 2000 Sqmm UG cables of capacity 1261 Amp /Cable in the downstream system by the KPTCL, only 2 Nos of 220 kV Bays are being utilised and, thus, the current status of the project does not fulfil the purpose for which the original scheme was approved.

37. Further, as submitted by the KPTCL, the utilization of one another 220 kV Bay for a residential load of Dr. Shivaram Karanth BDA layout was also approved in the 32nd CMETS meeting of CTU held on 29.6.2024 and the remaining 3 Nos bays shall be utilized by KPTCL as and when the requirement of load arises and also under network expansion/strengthening of KPTCL. Therefore, still, 3 Nos of 220 kV Bays at Yelahanka Substation constructed by the petitioner under ISTS are unutilized due to the non-availability of the downstream system under the scope of KPTCL.

38. Therefore, the Commission is of the view that the asset already commissioned by KPTCL needs to be put to use by implementing the downstream network. From submissions in para 26 and 27, it is seen that out of a total of 10 nos. of 220 kV bays already implemented at the Yelhanka 400/220 kV substation, only two nos. of 220 kV bays have been put to use. In view of this, the Commission directs the Petitioner, KPTCL, and CTUIL to discuss the matter jointly for alternative effective utilization of balance 220 kV bays, which are not put under use, at Yelahanka Substation.

39. As far as bilateral billing is concerned, the respondent KPTCL has not contested the approval of the COD of Asset-1, Asset-2A, and Asset-2B as 1.4.2018 under provision (ii) of clause 3 of Regulation 4 of the 2014 Tariff Regulations. Therefore, the billing period between 01.04.2018 and 30.09.2023 can be divided into two periods, namely, period one from 01.04.2018 to 12.10.2018 and period two from 13.10.2018 to 30.09.2023. As per KPTCL submission, it has paid transmission charges for an

amount of Rs. 275333722/- for period one, i.e., 1.4.2018 to 12.10.2018, and Rs 170342633/- for period two, i.e., 13.10.2018 to 30.09.2023. APTEL has remanded back the matter to CERC for reconsideration on the aspect of whether transmission charges shall be borne completely for the mismatch period by KPTCL.

40. The mismatch details of the transmission assets covered under the instant transmission project is as follows:

Nomenclature of the assets in order dated 8.11.2019 in Petition No. 361/TT/2018	Nomenclature of the assets in the instant petition	Asset Name	COD	COD of the downstream system of KPTCL
Asset-1	Asset- 1	LILO of 400 kV S/C Neelmangla-Hoody Transmission Line at new 400/220 kV GIS Sub-station at Yelahanka with 1X63 MVAR 420 kV Bus Reactor along with associated bays and equipment	1.04.2018	12.10.2018
Asset-2A	Asset- 2	2X500 MVA, 400/220 kV ICT's along with associated bays and 02 Numbers 220 kV bays at 400/220 kV Yelahanka Sub-station	1.04.2018	12.10.2018
Asset- 2B	Asset- 3	04 Numbers 220 kV bays at 400/220 kV Yelahanka Sub-station	1.04.2018	Not commissioned yet.

As can be seen from the above table, the transmission charges for Assets 1,2 and 3 were raised on a bilateral basis to KPTCL for the period 1.4.2018 to 12.10.2018 as its COD was approved under provision (ii) of regulation 4(3) of the 2014 Tariff Regulations. On commissioning of the downstream transmission system by KPTCL, i.e., 2 No's of 2000 Sqmm UG cables of capacity 1261 Amp /Cable in the downstream system, only Asset 1 and Asset 2 were put into use. Accordingly, transmission charges for Assets 1 and 2 were not raised on a bilateral basis to KPTCL but were included under PoC charges from 13.10.2018 onwards. Asset

3, including 4 nos. of 220 kV bays, was not put to use as no further downstream systems were commissioned by KPTCL for utilisation of the 4 nos. of 220 kV bays. Therefore, bilateral billing has been done by CTUIL to KPTCL for the 4 nos. of 220 kV bays during the period 13.10.2018 to 30.09.2023. Beyond 30.09.2023, no bilateral billing has been done for the 4 nos. of 220 kV bays.

In view of the fact that the four nos. of 220 kV bays would be put to use on implementation of the downstream network by KPTCL and during the bilateral billing period, the bays have remained unutilised; the Commission is of the view that transmission charges for the 4 nos. of 220 kV bays for the mismatch period shall be borne completely by KPTCL.

Sharing of transmission charges w.e.f. 1.10.2023:

41. CTUIL, vide affidavit dated 24.7.2024, has submitted that as per CERC order dated 08.11.2019 & 31.10.2022 under Petition No. 361/TT/2018 & 93/TT/2020 respectively, total bilateral billing of **₹ 4263.18 Lakh** has been raised to KPTCL from April 2018 to December 2023. CTUIL submitted that, at present, there are no outstanding payable pending dues from KPTCL against the said bilateral bills.

42. The Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) (First Amendment) Regulations, 2022 (First Amendment Regulations) has been notified on 07.02.2023 the provisions of the said amendment have been brought into force from 1.10.2023. The relevant extracts of the First Amendment of Sharing Regulations, 2020 are as under:

“(d) paid by the respective drawee DIC(s) of the State whose intra-state transmission system is delayed, till such intra-State transmission system achieves COD”

43. Therefore, we have approved the COD of the transmission assets covered in the instant petition as 1.4.2018 under provision (ii) of Regulation 4(3) of 2014 Tariff



Regulations due to non-commissioning of the associated downstream system, w.e.f. 1.10.2023, the billing collection and disbursement of the transmission charges shall be governed as per the aforementioned CERC (Sharing of Inter-State Transmission Charges and Losses) (Second Amendment) regulation, 2023.

44. This order disposes of Petition No. 361/TT/2018 and 93/TT/2020 in terms of the above findings and discussions.

sd/-
(Harish Dudani)
Member

sd/-
(Ramesh Babu V.)
Member

sd/-
(Jishnu Barua)
Chairperson

