

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

**Review Petition No. 09 of 2012
in Appeal No. 123 Of 2011**

Dated : 8th November, 2012

**Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member**

In the matter of:

Power Grid Corporation of India Ltd.,
B-9, Qutab Institutional Area,
Katwaria Sarai
New Delhi – 110 016

.... Review Petitioner

Versus

- 1. Punjab State Power Corporation Ltd.,**
The Mall,
Patiala – 147 001
- 2. Uttar Pradesh Power Corporation Ltd.,**
(Formerly Uttar Pradesh State Electricity Board)
Shakti Bhawan, 14, Ashok Marg,
Lucknow – 226 001
- 3. Rajasthan Rajya Vidyut Prasaran Nigam Ltd.,**
Vidyut Bhawan, Vidyut Marg
Jaipur – 302 005
- 4. Ajmer Vidyut Vitran Nigam Ltd.,**
400 KV GSS Building (Ground Floor),
Ajmer Road, Heerapura,
Jaipur-302005
- 5. Jaipur Vidyut Vitran Nigam Ltd.,**
400 KV GSS Building (Ground Floor),
Ajmer Road, Heerapura,
Jaipur-302005
- 6. Jodhpur Vidyut Vitran Nigam Ltd.,**
400 KV GSS Building (Ground Floor),
Ajmer Road, Heerapura,
Jaipur-302005

- 7. Himachal Pradesh State Electricity Board**
Vidyut Bhawan, Kumar House Complex
Building II
Shimla 171 004
- 8. Haryana Power Purchase Centre**
Shakti Bhawan
Sector 6, Panchkula
Haryana 134 109
- 9. Power Development Department**
Govt. of Jammu & Kashmir
Mini Secretariat
Jammu-171515
- 10. Delhi Transco Ltd.,**
Shakti Sadan, Kotla Road
New Delhi – 110 002
- 11. BSES Yamuna Power Ltd.**
Shakti Kiran Building,
Karkardooma,
New Delhi - 110 092
- 12. BSES Rajdhani Power Ltd.**
BSES Bhawan, Nehru Place
New Delhi – 110 019
- 13. North Delhi Power Ltd.,**
Power Trading & Load Dispatch Group
Cennet Building adjacent to 66/11
KV Pitampura – 3,
New Delhi – 110 034
- 14. Chandigarh Administration**
Sector -9
Chandigarh-191515
- 15. Uttarakhand Power Corporation Ltd**
Urja Bhawan
Kanwali Road, Dehradun-248001
- 16. North Central Railway,**
Allahabad through its Chief
Electrical Distribution Engineer,
Allahabad-211001

17. New Delhi Municipal Council

Palika Kendra, Sansad Marg,
New Delhi 110 002

18. Central Electricity Regulatory Commission

3rd & 4th Floor, Chanderlok Building,
36, Janpath
New Delhi – 110 001

.....Respondent(s)

Counsel for the Review Petitioner : Mr. M.G. Ramachandran
Ms. Swapna Seshadri

Counsel for the Respondent (s) : Mr. Pradeep Misra
Mr. Daleep Kr. Dhayani for

ORDER

This Review Petition has been filed by Power Grid Corporation of India Limited against the judgment dated 02.07.2012 passed by this Tribunal in Appeal No. 123 of 2011 relating to Commercial Operation Date ('COD') of 400 kV Barh-Ballia line.

2. The Tribunal in the Judgment dated 2.7.2012 has decided that the conditions required to be fulfilled for achieving COD in case of 400 kV Barh-Ballia line as per the Central Commission's Regulations were not fulfilled on 1.7.2010, the date on which COD was declared by the Respondent no.1/Review Petitioner

and mere 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 licensee, would not entitle the line for declaration of commercial operation.

3. In this petition, the Respondent no.1/Review Petitioner has made the following submissions:

i) In paragraph 14 of the Tribunal's judgment, it has been observed that the Tribunal had made specific query to the learned counsel for the Respondent no. 1 about the trial operation procedure and trial operation report of Barh-Ballia line but the Tribunal could not get any specific reply in this regard. In regard to the above query, the Review Petitioner had filed an affidavit on 1.5.2012 after filing of the written submissions on 25.4.2012 alongwith copy of the Daily Log Book maintained at Ballia Sub-station as on

30.06.2010 where the charging of Barh-Ballia 400 kV circuits had been recorded. Further in response to above, Punjab State Power Corporation Limited had filed a reply affidavit dated 07.05.2012. In view of above, the decision of the Tribunal proceeding on the basis that the Review Petitioner had not given specific reply to the trial operation procedure and trial operation report or reproduced any evidence to establish that the trial operation of the line was completed before the declaration of the COD on 1.7.2010 is not factually correct. It appears that the Tribunal had not taken into consideration the affidavit filed by the Review Petitioner on 01.05.2012 as well the reply affidavit on 7.5.2012 filed by the Punjab State Power Corporation Limited. Thus, clear evidence was produced in the form of Log Book maintained by the Review Petitioner in regard to the testing, charging

and trial operation of the Barh-Ballia line which appears to have not been considered by the Tribunal.

ii) In terms of second proviso of Regulation 3(12) of Tariff Regulations, 2009 charging of Barh-Ballia line only from Ballia end in the absence of non-completion of works at the other end of the line by the generating company, the line could be considered as ready for regular use but the regular service could not be undertaken for reasons attributable to others.

iii) Thus, there is an error apparent on the face of the record in the Judgment of the Tribunal dated 2.7.2012.

4. We have heard Mr. M.G. Ramachandran, learned counsel for the Review Petitioner and Mr. Pradeep Misra, learned counsel for the Punjab State Power Corporation Ltd.

5. The affidavit dated 01.05.2012 filed by the Review Petitioner was in the form of copy of Daily Log Book of 400 kV Ballia Sub-Station which is maintained by the Shift Engineers who operate the Sub-Station. The recording in the Log Book only indicate that 400 kV Barh-Ballia Circuit-I & II were test charged from Ballia end for sometime. It is not disputed that the 400 kV Barh-Ballia line was charged from Ballia end on 30.06.2010. The specific query to the learned counsel for the Review Petitioner as recorded in paragraph-14 of the Judgment was about the trial operation procedure and trial operation report of Barh-Ballia line. Admittedly, the trial operation procedure and trial operation report were not furnished by the Respondent no. 1/Review Petitioner. What was furnished in the Log Book of the operator of the Substation was about charging of the line from Ballia

end for sometime which has not been disputed. Thus, the Tribunal could not get any specific reply to the query raised to the Ld. Counsel for POWERGRID which has been recorded in Paragraph 14 of the judgment.

6. The specific issue dealt with in the Judgment by the Tribunal was whether a new transmission line charged from one end by the transmission licensee without the switchgear, protection system and metering arrangement at the other end not in the scope of works of the transmission licensee being ready and without flow of power on the line could be declared as commissioned for the purpose of raising the transmission charges on the beneficiaries? This has been answered by this Tribunal after referring to the relevant Regulations.

7. Respondent no. 1/Review Petitioner has specifically referred to second proviso to Regulation 3(12) (c) of Tariff Regulations which has been recorded in paragraph-12 of the Judgment. The Tribunal after considering the submissions of Respondent no. 1/Review Petitioner regarding applicability of Regulation 3 (12) has clearly held in Paragraph 13 of the judgment that this proviso is not applicable to the present case.

8. Thus, we do not find any error apparent on the face of the record in the Tribunal's Judgment dated 02.07.2012. The Tribunal infact has given the findings after considering the affidavit dated 01.05.2012 filed by Respondent no. 1/Review Petitioner which did not contain the specific information sought by the Tribunal regarding the trial

operation procedure and trial operation report of Barh-Ballia line.

9. Accordingly, the Review Petition is dismissed. No order as to cost.

10. Pronounced in the open court on this **8th day of November, 2012.**

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

Reportable/Non-Reportable

vs