

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No. 161 of 2006

Dated : February 8, 2007

Present:

Hon'ble Mr. Justice Anil Dev Singh, Chairperson
Hon'ble Mr. A.A. Khan, Technical Member

M.P. State Electricity Board

-Appellant

V/s.

Power Grid Corporation of India & Ors.

-Respondents

For the Appellant : Mr. D. Khandelwal
For Respondents : Mr. M.G. Ramachandran with
Mr. Anand K. Ganesan, Advs. for PGCIL
Mr. Ajit S. Bhasme & Mr. Varun Thakur, Advs.
for MSEB

ORDER

It is pointed out that certain typographical errors have crept in paras 2 and 3 of our Judgment, dated December 22, 2006, which read as under:

2. "In the Tariff Order dated 17.07.2003 passed by the Central Commission at para-9 of the said tariff order have stated that the Appellant, PGCIL has claimed FERV with the following method:

"4.8 Principle of sharing of Transmission charges of the inter-regional asset including HVDC system by the beneficiaries.

The Transmission Charges of the inter-regional assets including HVDC system shall be shared in the ratio of 50:50 by the two contiguous regions. These Transmission Charges shall be recovered from the beneficiaries by pooling 50% of the Transmission Charges for such inter-regional assets with the Transmission Charges for transmission system of the respective regions".

3. Further the same Tariff Order at para 12 in case of IBRD loan has calculated the FERV amount as under:

“7. Full annual transmission charges shall be recoverable at 95 per cent Availability of operation. Payment of transmission charge below 95 per cent shall be on pro-rata basis. There shall not be any payment of annual transmission charges for availability level below 95 per cent. The transmission charge shall be calculated on monthly basis. In case of more than one beneficiaries of the transmission system, the monthly transmission charge leviable to each beneficiary shall be computed as per the following formula.

$$\text{Transmission charges} = \frac{TC}{12} \times \frac{EB}{ES}$$

Where TC = Annual Transmission Charges payable by the beneficiaries.

EB = Monthly energy sale from Central Sector Stations as may come in the system to each beneficiary individually as per Regional Energy Account.

ES = Total monthly energy sale from Central Sector Stations.”

2. We find that the typographical errors in paras 2 and 3 of the Judgment have occurred due to wrong reproduction of extracts from paras 9 and 12 of the tariff order, dated July 17, 2003.

3. Para 9 of the tariff order, dated July 17, 2003, reads as follows:

“The petitioner has claimed FERV with the following method:

Outstanding loan as on 31.3.2001 (in foreign currency) x (exchange rate as on 31.3.2001 – exchange rate as on date of commercial operation/1.4.92).”

4. Para 12 of the tariff order, dated July 17, 2003, states as follows:

“ FERV amount calculated in the above manner is shown below:

<i>IBRD</i>	
<i>Outstanding balance as on 31.3.2001 (in USAD)</i>	<i>1143.93</i>
<i>Exchange Rate as on 31.3.2001</i>	<i>46.88</i>
<i>Exchange Rate as on DOCO/01.04.1992</i>	<i>39.17</i>
<i>FERV on the outstanding loan as on 31.03.2001 (in Rs.)</i>	<i>8819.70</i>

5. Therefore, part of para 2 of our Judgment, dated December 22, 2006, which is in italics, is required to be substituted by para 9 of the tariff order, dated July 17, 2003, which in italics. Similarly, para 3 of the Judgment, which is in italics, is required to be substituted by para 12 of the tariff order, dated July 17, 2003, which is in italics. Therefore, paras 2 and 3 of our Judgment, dated December 22, 2006, are corrected to read as under:

(2) “ In the tariff order, dated 17.07.2003 passed by the Central Commission at para-9 of the said tariff order have stated that the Appellant, PGCIL has claimed FERV with the following method:

Outstanding loan as on 31.3.2001 (in foreign currency) x (exchange rate as on 31.3.2001 – exchange rate as on date of commercial operation/1.4.92).”

(3) “ Further the same tariff order at para 12 in case of IBRD loan has calculated the FERV amount as under:

<i>IBRD</i>	
<i>Outstanding balance as on 31.3.2001 (in USAD)</i>	<i>1143.93</i>
<i>Exchange Rate as on 31.3.2001</i>	<i>46.88</i>
<i>Exchange Rate as on DOCO/01.04.1992</i>	<i>39.17</i>
<i>FERV on the outstanding loan as on 31.03.2001 (in Rs.)</i>	<i>8819.70</i>

6. The aforesaid corrections carried out in the Judgment shall be effective from the date of the original Judgment viz., dated December 22, 2006, and the Judgment shall be read accordingly.

(A.A.Khan)
Technical Member

(Anil Dev Singh)
Chairperson

Dated: February 8, 2007