

COURT-2

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

RP No. 29 OF 2025 & IA No. 1534 OF 2025 & IA No. 335 OF 2026

Dated: 17th March, 2026

Present : Hon`ble Mr. Virender Bhat, Judicial Member
Hon`ble Mr. Ajay Talegaonkar, Technical Member (Electricity)

In the matter of:

Powergrid Corporation of India Limited Petitioner(s)

Versus

Central Electricity Regulatory Commission &Ors. Respondent(s)

Counsel on record for the Petitioner(s) : Anand K. Ganesan
Swapna Seshadri
Utkarsh Singh
Sneha Singh Baghel
Rupinder Kaur
Robin Singh
for App. 1

Counsel on record for the Respondent(s) :
for Res. 1

S. Vallinayagam
for Res. 2

Matrugupta Mishra
Swagatika Sahoo
Sonakshi
Sudha Reddy
Nipun Dave
Akanksha V. Ingole
Vanshika Saraf
Kushagra Kundan
Naman Poddar
for Res. 3

ORDER

By way of this Review Petition, the Review Petitioner i.e. Powergrid Corporation of India Limited has sought review of the judgement of this Tribunal dated 15th September, 2025 passed in Appeal Nos. 206 of 2017 and 332 of 2017.

Heard Ms. Swapna Seshadri, Learned Counsel for the Review Petitioner, Mr. Matrugupta Mishra, Learned Counsel for MPGL and Mr. S. Vallinayagam, Learned Counsel for TANGEDCO.

These two appeals had been filed assailing the order dated 29th July, 2016 of the Commission passed in Petition No. 127/TT/2014.

In the judgement under review, we have held as under:-

Issue No. 1: The LILO of both circuits of the Tuticorin JV–Madurai 400 kV Quad D/C line at Tuticorin Pooling Station was a permanent part of the transmission plan, as approved in the 30th SCM and sanctioned by the CERC in Petition No. 233/2009. Hence, the contention of TANGEDCO that this LILO was an interim arrangement is rejected.

Issue No. 2: The decision of the Commission to grant COD of assets under consideration is not correct as per law because the correct procedure has not been adopted, and consequent imposition of the transmission charge liability of these assets to generators is contrary to the provisions of law and is rejected.

Issue No. 3: As the assets covered under the Impugned Order were not a temporary arrangement, POWERGRID is not liable to bear its cost, and CERC Tariff Regulation 2014 12(2) third proviso is not applicable.

Issue No. 4: The construct of Point of Connection transmission charges is based on Usage; the transmission charges of this asset cannot be included in the PoC mechanism, as no power was flowing through these LILOs, and no benefit was occurring to the beneficiaries.

Issue No. 5: As evident, even after the availability of a dedicated transmission line of MPGL on 27.10.2016, the full power of the plant could not be evacuated, and LTA was not made operationalized till all upstream elements were commissioned later. Hence, the CoD of the LILO of the Tuticorin JV–Madurai 400 kV Quad D/C line needs to be reviewed, taking into consideration the delay in the upstream system. TANGEDCO, though a power procurer from MPGL under STOA/MTOA, did not use or benefit from the LILO and hence cannot be held liable for any part of the charges relating to it.

Finally, we had ordered as under:-

“Appeal No. 206 of 2017 and Appeal No. 332 of 2017 are upheld, and the Impugned Order dated 29.07.2016 passed by

the Central Electricity Regulatory Commission is set aside to the extent as observed herein above.

Neither TANGEDCO nor generators are liable to make any payment for the subject LILO during the relevant period (04.01.2015 to 27.10.2016).

The LILO is a permanent transmission system, therefore, POWERGRID is also entitled to transmission charges subject to the COD granted under the legal and relevant provisions.

The Captioned Appeals and pending IAs, if any, are disposed of in the above terms.”

Learned Counsel for the Review Petitioner strenuously argued that the direction of this Commission that COD of the LILO of the Tuticorin JV-Madurai 400 kV Quad D/C line needs to be reviewed is erroneous for the reason that none of the parties has objected the COD of the said line. We have heard the Learned Counsels in detail on this aspect and have gone through the judgement under review.

Learned Counsel for TANGEDCO has drawn our attention to para 8(a) of the Facts in Issue contained in the appeal filed by TANGEDCO i.e. Appeal No. 206 of 2017 which is extracted as under :-

“8(a) FACTS IN ISSUE

- (i) *“The declaration of COD in respect of the two assets is against the law laid down by this Hon’ble Appellate Tribunal in A. No. 123 of 2011. There is no upstream or*

downstream connectivity available for the two assets to be put into beneficial use by the respondent CTU.”

Perusal of the said paragraph in the appeal would clearly reveal that there was a challenge to the COD of the line in question and, therefore, the submission of the learned counsel for review petitioner that none of the parties had challenged this aspect does not hold any water.

This aspect has been deliberated in detail by this Tribunal in the impugned judgement under issue No. 2 and the discussion on the said issue spans over six pages from page number 143 to 149 of the judgement under review. Each and every contention raised by the parties during the argument have been noted and dwelled upon. We do not find any apparent error on the face of the judgement which may convince us to invoke the review jurisdiction as sought by the Review Petitioner.

However, we do concur with the submissions of the Learned Counsel for the Review Petitioner that since this Tribunal had, in the judgement under Review, held that the COD of LILO needs to be reviewed but the judgement is silent as to who would review it and in what manner.

In this regard, we find it necessary to remand the matter to the Commission on this limited aspect in order to take a decision about COD of the LILO in question in terms of what we have observed and held in the judgement under review.

Therefore, we hereby remand the matter to the Commission on the limited aspect of deciding the COD of the LILO in question in terms of our

observations and findings in the judgement under review with further direction to pass further consequential orders.

The Commission shall endeavour to pass a fresh order upon remand within four months from today upon granting fresh hearing to all the parties on this aspect.

Ajay Talegaonkar
Technical Member (Electricity)

Virender Bhat
Judicial Member

js/kns