

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)**

**IA NO. 354 OF 2016 IN
DFR NO. 1393 OF 2016**

Dated: 29th August, 2016

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member**

In the matter of:-

Adani Transmission (India) Ltd.

...Appellant(s)

Vs.

Central Electricity Regulatory Commission & Ors.

...Respondent(s)

Counsel for the Appellant(s) : Mr. Hemant Singh
Mr. Saahil Kaul

Counsel for the Respondents(s) : Mr. Rajiv Srivastava
Mr. Shirdar Prasad for R.31

ORDER

**IA NO. 354 OF 2016
*(Appl. for leave to appeal)***

In this application, the Applicant/Appellant has prayed that the Applicant may be granted leave to file the present appeal under Section 111 of the Electricity Act, 2003.

It is stated by the Applicant that M/s Adani Power Limited ("**APL**") has set up a 4620 MW Power Plant comprising four subcritical units of 330 MW and five supercritical units of 660 MW at Mundra, Kutch District, Gujarat (Mundra Power Project). In order to evacuate power from Mundra Power Project to Northern Region (NR) and Western Region (WR), APL

implemented transmission system consisting of (i) 500 kV bipole Mundra – Mohindergarh HVDC Transmission Line including associated 400 kV lines, terminal substations & bays and (ii) 400 kV D/c Mundra – Dehgam Transmission Line including associated system. Thereafter, APL sought a Transmission Licence vide its Application dated 21.02.2012 from the Central Commission. Central Commission granted a Transmission Licence No. 20/Transmission/2013 CERC dated 29.07.2013 for the transmission system implemented by APL.

It is pointed out by the Applicant that the Central Commission by Order dated 29.07.2013 directed APL to assign its transmission business in the name of the Applicant. In compliance with the said directions, a separate company was created through the process of demerger. The High Court of Gujarat had also accorded sanction for the Scheme of Demerger.

The Applicant is aggrieved by the impugned order on account of the fact that the Central Commission has reduced tariff claimed by the said Applicant/APL on account of following issues:

- i) Date for commencement of tariff;
- ii) Capital cost reduction for AC Substation Portion of the Licensed Asset;
- iii) Reduction of loan outstanding by cumulating depreciation till the date of license.

The impugned order is titled as “**Adani Power Limited Vs. Powergrid Corporation of India and Others**”. Therefore, for enabling the Applicant to file the present appeal this application is filed. The Applicant

has in the circumstances prayed that leave to file the present appeal may be granted.

All the Respondents have been served and affidavit of service is filed. Mr. Rajiv Srivastava appears on behalf of Respondent No.31. Nobody is representing the other Respondents though served.

We have heard Mr. Hemant Singh, learned counsel for the Applicant and Mr. Rajiv Srivastava, learned counsel for Respondent No.31.

Having perused the application, we are of the opinion that the Applicant's prayer deserves to be granted. Therefore, the Applicant is granted leave to file the present appeal. Application is disposed of.

Registry is directed to number the application/appeal and list the matter on 01.09.2016.

(I.J. Kapoor)
Technical Member
ts/kt

(Justice Ranjana P. Desai)
Chairperson