

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:

- 1. Shri Ashok Basu, Chairman**
- 2. Shri K.N. Sinha, Member,**
- 3. Shri Bhanu Bhushan, Member**

Petition No. 45/2004

In the matter of

Disputes with regard to implementation of the Central Electricity Regulatory Commission (Open Access in interstate transmission) Regulations, 2004 dated 30th January 2004 and procedures framed thereunder.

And in the matter of

Malana Power Company Ltd., Village Chowki, Post Office Jari,
Dist. Kullu

.... **Petitioner**

Vs

1. Power Grid Corporation of India Ltd., Gurgaon
2. Northern Regional Load Despatch Centre, New Delhi
3. Northern Regional Electricity Board, New Delhi
4. Power Trading Corporation of India Ltd., New Delhi..... **Respondents**

ORDER

The grievances projected by the applicant in the present application are two-fold. In the first place, the applicant feels aggrieved by levy and recovery by Respondent 2, NRLDC of the transmission charges for the State Transmission Utility in HP, scheduling and system operation charges of HP SLDC and 2% handling and service charges of its own. The second grievance arises out of para 4.5 of the procedure for reservation of transmission capacity to short-term open access customers finalised by Respondent 1 in its capacity as the Central Transmission Utility as issued under its circular No. CSO/OA/01 dated 31.3.2004. Accordingly, the applicant has made the following prayers:

“(i) Direct NRLDC not to and/or restrain NRLDC from levying and recovering the following charges from MPCL or its beneficiaries:

- (a) Transmission Charges for STU in HP,
- (b) Scheduling & System Operation Charges of HP SLDC,
- (c) 2% Handling and Service Charges on the above.

(ii) Direct NRLDC to permit revisions in schedules within a day even for short-term customers which are dependent upon power supplied by the run of the river Hydel Projects (must run project) such as MPCL and/or strike down Clause 4.5 of the Procedure”.

2. So far as the first grievance is concerned, it is stated that the surplus of the power generated at the applicant’s generating station at Mallana in the State of HP is sold to PTC at Kunnihar sub-station in the State of HP. The power from the generating station to Kunnihar sub-station is transported on the transmission network owned by HPSEB, for which the applicant is paying wheeling charges, transmission losses, and other charges to HPSEB in accordance with a long-term agreement signed between the parties. After sale of power at Kunnihar sub-station to PTC, it is the responsibility of the PTC or its customer to transport power to the State of destination, outside the State of HP. Presently, the power is sold by PTC to HVPNL. Therefore, according to the applicant, the charges for STU system in HP, scheduling and operation charges of HP SLDC and consequently the handling and service charges of Respondent 2 are not payable by it.

3. The issue raised by the applicant has also been considered separately by the Commission based on the representations made by some of the stakeholders. The Commission in its order dated 20.5.2004 has clarified that the charges to be collected

by the nodal RLDC shall not include charges for the transmission system owned by the State Electricity Board or the State Transmission Utility or the scheduling and system operation charges for State Load Despatch Centre where the transmission system owned by the State Electricity Board or the State Transmission Utility is effectively getting internalised to the party to the transaction.

4. In view of the proviso to Regulation 17 *ibid* read with the clarification dated 20.5.2004, the applicant is not liable to pay the charges on account of the State Transmission Utility in HP, scheduling and system operation charges of HP SLDC and consequently, the related handling and service charges of Respondent 2. Thus the applicant's contention already stands clarified.

5. Now we consider the other grievance of the applicant. According to para 4.5 of the procedure for reservation of transmission capacity to short-term open access customers, issued by Respondent 1 in its capacity as the CTU, the schedule for the short-term open access transactions cannot be revised during the course of the day of operation. The applicant has prayed that Respondent 2 be directed to permit revisions in schedules within a day for short-term customers, like the applicant, since the generation schedule may have to be revised keeping in view the geographical conditions, availability of water and other similar factors beyond the control of the applicant.

6. It is noticed that Respondent 4, PTC had held discussions with Respondent 2 on 30.4.2004 on inter-state open access regime. In the said meeting it was decided

that para 4.5 of the procedure needed to be deleted. It was also decided that a request for revision of schedule in the course of the day would be entertained if routed through SLDCs. Thus, prima facie, the other grievance of the applicant also stands redressed. In any case, if the applicant has any subsisting grievance on the procedure framed by Respondent 1, the former shall make a representation to the latter who will consider the representation in right earnest and try to redress the grievance, if found to be justified.

7. In the light of the above, the grievances of the applicant do not survive any longer and accordingly the petition stands disposed of. The applicant has paid the initial fee of Rs.10,000/-. The balance of filing fee of Rs.90,000/- shall be deposited by the applicant within two weeks of receipt of copy of this order.

Sd/-
(BHANU BHUSHAN)
MEMBER

Sd/-
(K.N. SINHA)
MEMBER

Sd/-
(ASHOK BASU)
CHAIRMAN

New Delhi dated the 7th June 2004