

**Central Electricity Regulatory Commission
New Delhi**

**Petition No. 220/2009
With
IA Nos. 57/2009,
58/2009 and 24/2010**

**Coram: Dr. Pramod Deo, Chairperson
Shri S.Jayaraman, Member
Shri V.S.Verma, Member**

Date of hearing: 16.2.2010

Date of Order: 28.7.2010

In the Matter of

Resolving the issue of Control Area jurisdiction in respect of Mundra APL Power Station.

And in the matter of

Western Regional Load Despatch Centre, Mumbai

.....**Petitioner**

Vs

State Load Despatch Centre, Gotri, Gujarat
Adani Power Limited, Gurgaon
Guajrat Urja Vikas Nigam Limited

..... **Respondents**

Western Regional Power Committee, Mumbai
Northern Regional Load Despatch Centre, New Delhi
National Load Despatch Centre, New Delhi

.....**Proforma Respondents**

The following were present:

1. Shri M.G.Raoot, WRLDC
2. Shri P.Pentayya, WRLDC
3. Shri Manjit Singh, WRPC
4. Shri S.G..Tenpe, WRPC
5. Shri M.G.Ramchandran, Advocate, GETCO and GUVNL
6. Shri M.M.Chaudhari, GETCO, SLDC
7. Shri R.K.Madan, APL
8. Shri A.K.Asthana, APL
9. Shri Rahul Sharma, APL
10. Shri S.R.Narasimhan, NRLDC
11. Shri K.P.Jangid, GUVNL
12. Shri P.J.Jani, GUVNL

ORDER

The petitioner, Western Regional Load Despatch Centre, has filed this petition for indulgence of the Commission for finalising the control area jurisdiction of Mundra APL for dispute free settlement and for appropriate directions to State Load Despatch Centre, Gotri not to stop provision of SEM data to the Petitioner for weekly energy accounting.

2. The reply to the petition was filed by the SLDC, Gotri, the first respondent herein. Subsequently, through IA No. 57/2009, the petitioner has placed on record the minutes of WRPC meeting dated 9.10.2009. Gujarat Urja Vikas Nigam Limited (GUVNL) in its capacity as the holding company for all other functional entities within the State of Gujarat and performing the function of bulk purchase and bulk supply of power filed I.A. No. 58/2009 seeking impleadment as a respondent in the present petition. The document filed by the petitioner vide IA No. 57/2009 has been taken on record and accordingly, the IA stands disposed of. GUVNL has been impleaded as a respondent in the petition and accordingly IA 58/2009 stands disposed of.

3. The petitioner has submitted that the Commission in its order dated 7.5.2008 in Petition No. 58/2008 (suo-motu) has clarified the control area jurisdiction and demarcation of responsibilities between RLDCs and SLDCs. Subsequently, the Commission amended the Indian Electricity Grid Code (Grid Code) vide notification dated 30.3.2009 which came into effect from 1.4.2009. Sub-clauses (1) to (3) of Clause 6.4 of the Grid Code after amendment provided for demarcation of responsibilities and control area jurisdiction between RLDCs and SLDCs.

4. The Petitioner has submitted that M/s Adani Power Ltd. (hereinafter "Second Respondent") in its letter dated 7.10.2008 reported that Mundra APL power project was being developed in three stages. Out of the total capacity of 4620 MW, Second Respondent has entered into two separate long-term power purchase agreement of 1000 MW each with GUVNL, 1424 MW power was committed to Haryana on long-term basis and long-term open access has been obtained from the CTU for sale of 200 MW to MSEDCL. Second Respondent was in the process of finalising sale of power to other states.

5. The petitioner has submitted that the issue of determining the control area jurisdiction for Mundra APL power station (hereinafter "generating station") was discussed in the 51st Commercial committee meeting of WRPC forum held on 15.12.2008 and it was decided that control area jurisdiction and scheduling responsibility of Mundra APL would lie with WRLDC by interpreting the directions of the Commission in order dated 7.5.2008 in Petition No.58/2008.

6. The Petitioner has further submitted that Second Respondent has commissioned 400 kV Mundra-Sami-Dehgam D/C line for connecting to CTU network. It was subsequently decided to carry out initial synchronisation of first unit of the generating station through 220 kV Mundra-Nanikhakar line of GETCO. Thus the evacuation facilities of the generating station would comprise 400 kV Mundra-Sami-Dehgam D/C line and one circuit of 220 kV Mundra-Nanikhakar line with the other circuit being used for start-up power supply to the generating station. In accordance with the decision in the 51st Commercial Committee meeting of WRPC,

the Petitioner assumed the responsibility of control area over the generating station and coordinated for metering, communication and synchronisation of units and 400 kV and 220 kV evacuating lines. The Petitioner has submitted that the first respondent objected to considering 220 kV Nanikhakar as the drawal point of GUVNL in the energy accounting methodology and disputed the decision taken in the 51st CCM regarding the control area jurisdiction. All efforts to resolve the dispute at the WRPC forum have proved futile due to non-cooperation of first respondent. In the above backdrop, the Petitioner has approached the Commission for decision on the control area jurisdiction of the generating station for dispute free settlement.

7. The first respondent in its reply dated 22.10.2009 has submitted that it was decided in the 50th Commercial Committee Meeting of the WRPC that the generating station of Second Respondent would be under the control area jurisdiction of SLDC-Gujarat to which SLDC-GETCO had submitted its readiness to take the responsibility. However, subsequently, on the basis of information submitted by Second Respondent in the 51st Commercial Committee Meeting of WRPC, the earlier decision was reversed and control area was decided as "WRLDC-Mumbai" despite the opposition of the First Respondent. It has been submitted that the generating station does not meet the criteria stipulated in Clause 6.4 of the Grid Code to be placed under the jurisdiction of RLDC as the permanent share tie-up outside the State is 1424 MW only with Haryana Discoms which works out to 37.98%. First Respondent has further submitted that though it has been requesting WRPC/WRLDC to review the decision of control area, the same has not been decided so far. First Respondent has prayed before the Commission to consider SLDC-Gujarat as control centre to coordinate scheduling, accounting and monitoring of Mundra Power Station; to pass suitable order as regards the interface points of

CTU and STU(GETCO); to direct WRLDC to stop issuing NOC for scheduling of infirm generation through short term access; stop issuing open access without existence of connectivity; and to issue directives to the Petitioner to compensate STU(GETCO) for granting open access without consent of SLDC-Gujarat.

8. The Second Respondent in its reply dated 3.11.2009 has submitted that the generating station has a planned capacity of 4620 MW to be developed in three phases. Out of 4620 MW, the Second Respondent has entered into two separate long term PPAs of 1000 MW each with GUVNL and another two separate PPAs of 712 MW each with Discoms of Haryana. Second Respondent has also obtained long term open access for 200 MW from CTU and is in the process of sale of balance power to other States. The Second Respondent has submitted that the in the 50th Commercial Committee Meeting of WRPC, control area jurisdiction of the generating station was decided to be with SLDC-Gujarat based on incomplete information regarding the installed capacity as the Second Respondent was not invited in the meeting. Second Respondent in its letter dated 7.10.2008 brought to the notice of WRPC that the installed capacity of the generating station was 4620 MW alongwith the PPAs executed and its plan for future sale of power. Based on the information, it was agreed by all including the First Respondent in the 51st Commercial Committee Meeting of WRPC that the control area jurisdiction and scheduling responsibility would be under WRLDC. It has been submitted that the Commercial Committee in its 51st Meeting, while deciding the control area jurisdiction, had adopted the same principles based on which the decisions in respect of other IPPs were taken.

9. The petition was heard on 5.11.2009 and 16.2.2010.

10. The representative of the petitioner submitted that clause 6.4.1 of the IEGC provided for three situations where the RLDCs shall have the control area jurisdiction. There is no confusion about the first two i.e. generating stations owned by Central Government organizations (excluding station where full share is allocated to the host state) and Ultra Mega Power Projects which have capacity of 4000 MW or more. He explained that the wording and arithmetic of the third situation i.e. "other generating stations of 1000 MW or larger size in which States other than the host State have permanent share of 50% or more", though it appears to be simple, its interpretation is difficult since there is no definition of 'permanent share' in IEGC. He further submitted that in the new power market evolving in the country, there are many outlets for sale of power- long term, medium term, short term and through power exchange on permanent basis. However, commenting on the next provision in clause 6.4.1 of IEGC i.e. "Generating stations not meeting the above criteria regarding plant size and share of other States shall be scheduled by the SLDC of the State in which it is located", the representative of the Petitioner admitted that going by the wordings of this provision, power from the generating station should be scheduled by the First Respondent, because when the first unit gets commissioned, it is not possible that the full capacity of the IPP can be tied up in the long term.

11. The representative of the Petitioner submitted that the provisions of the regulations need to be interpreted pragmatically. He submitted that going by the spirit of the regulations, the intent of the developer to dispose off the untied capacity should be given due weightage, otherwise IPPs may lose interest in the power sector in the country. He further submitted that the regulations have fixed the floor limit of 1000 MW for deciding the jurisdiction of RLDC and all Ultra Mega Power Plants are given to RLDCs. In other words, all generating stations with more than

4000 MW power should go to RLDC. He further submitted that the associated transmission lines being developed by the generator for evacuation of power outside the State should also be considered. The representative also submitted that the generating station is connected to two regions, namely, Northern Region and Western Region and RLDC is better equipped to deal with grid contingency, tripping and line loading etc.

12. The representative of the Petitioner also submitted that in the 50th Commercial Committee meeting of the Western Region, the plant capacity declared by the developer was 2640 MW and since GUVNL had PPAs for 2000 MW, it was decided that control area should go to SLDC. However, during 51st meeting of the Commercial Committee, the developer informed that the ultimate capacity of the generating station was 4620 MW and provided EPC contract documents etc. in support of the claim. Since GUVNL's share of 2000 MW was less than 50% of the ultimate capacity of 4620 MW, it was transparently decided that command area jurisdiction should come to RLDC to which SLDC Gujarat also agreed. He submitted that the Commission's order dated 7.5.2008 in Petition No. 58/2008 (suo-motu) provided for two criteria for determination of the control area i.e. installed capacity and substantial permanent allocation of power. He further submitted that permanent allocation is not defined in IEGC and it does not necessarily mean long term open access only. For the purpose of permanent allocation, other market outlets such as medium term, short term and power exchange should be given equal footing; otherwise all merchant power plants will only be scheduled by SLDCs. He submitted that synchronisation of any IPP should not be delayed due to complexity in deciding the control area jurisdiction. In case of the generating station, considering the configuration, investment made in the evacuation system with direct tie up with

the transmission systems of other regions and the huge reliability potential, the control area jurisdiction should be with the RLDC.

13. Learned counsel for the Second Respondent submitted that the genesis of the issue regarding control area jurisdiction and the solution to the issue lies in the order dated 7.5.2008 in Petition No.58/2008(Suo Motu). The learned counsel submitted that examples cited in paras 8 and 10 of the said order provide insight into the mind of the Commission. The learned counsel referred to the following observation in para 11 of the said order:

“As for the approach to be adopted in future, it would be logical and in line with the foregoing for RLDCs to coordinate the scheduling of Ultra-Mega power projects, and of other large privately-owned power plants (of 1000 MW or larger size) in which States other than the host State have substantial permanent shares (50% or more). We need to emphasise on plant size (1000 MW and above) and share of other States (50% or more), to retain the philosophy of decentralization as also for operational expediency. Such plants may already be planned to be connected directly into the CTU network, and metering of the plants’ injection may have already been contemplated by the CTU.”

The learned counsel submitted that the two conditions that are required to be fulfilled for scheduling of power by RLDC are plant size of more than 1000 MW and permanent share of 50% or more of other States. It was urged that the words “permanent shares’ need to be interpreted in the context of each and every case, the overall object of the Act and the National Electricity Policy. He further submitted that under the liberalised regime ushered in under the Act, ‘permanent’ shall also include sale on short term basis in the Power Exchange as this is the business model being encouraged under the Act. The learned counsel submitted that the interpretation supplied by SLDC to the word ‘permanent’ to mean long term PPA would be contrary to the provisions of the Act and regulations of the Commission which provide for long term, medium term and short term sale of power. The learned

counsel emphasised that other factors like coordination with the inter-regional systems and energy accounting of the plant of such a size will be better handled by RLDC.

14. The learned counsel for the Second Respondent further submitted that PPA with GUVNL has been terminated. In response to a reply by the learned counsel for First Respondent that the notice of termination has been challenged before the Gujarat Electricity Regulatory Commission (GERC), the learned counsel submitted that the Second Respondent has not received any notice from GERC in this regard. He submitted that after termination of the PPA, the generating station has an arrangement to supply 1000MW to GUVNL which is less than 50% of the current contracted capacity of the generating station. The learned counsel concluded that as per the order dated 7.5.2008 in Petition No.58/2008 (suo-motu), the yardstick of 50% permanent share should be decided with reference to the size of the project and not the current capacity.

15. Learned counsel for the First Respondent submitted that during the pendency of the present petition involving two statutory authorities for resolving the difficulty with regard to control area, the Second Respondent has unilaterally terminated the PPA with GUVNL on 14.2.2010 in a manner unknown to law and on that basis wants to support the interpretation of the Petitioner on the issue of control area jurisdiction. He submitted that the matter regarding termination of PPA is presently pending with GERC. The learned counsel submitted that the statement "other than the host State have substantial permanent shares (50% or more)" in para 11 of the order dated 7.5.2008 does not mean that the host State shall be required to have more than 50% of share in the capacity of the generating station in order that the control area

jurisdiction shall be exercised by SLDC. This expression has to be cumulatively read with the expression in the subsequent sentence "to retain the philosophy of decentralization and operational expediency". Therefore, the criteria for deciding the control area of RLDC as per the said order are the plant size of 1000 MW or more and 50% of share of the States other than the host State. It needs to be established that more than 50% of the power from the generating station has been tied up for sale outside the State. The learned counsel submitted that only 330 MW is being produced from the generating station out of which GUVNL is getting 250 MW and therefore, States other than the host State have less than 50% share in the scheduled generation. Learned counsel submitted that based on the interpretation of the regulations, the Petitioner does not have any case.

16. In reply to a query of the Commission as to whether there is any operational problem if control area jurisdiction is given SLDC, the representative of the Petitioner submitted that since the generating station is connected to the Northern Region and Western Region, SLDC may find it difficult to coordinate with the other regions in case of system contingency. The petitioner also expressed the apprehension that if the control area remained with the SLDC, the cost of power from the project would go up with additional charges of STU and SLDC. The representative of the Petitioner submitted that the interpretation of the order dated 7.5.2008 should be with reference to the ultimate capacity of the plant and not the operational capacity of the plant.

17. We have perused the documents on record and heard the representative/counsels of the parties. The main issue that arises for our consideration is the interpretation of our order dated 7.5.2008 and the provisions of

clause 6.4.1 of IEGC in the context of control area jurisdiction of RLDC and SLDC over the power plants of 1000 MW or more developed by IPPs.

18. Based on a communication received from ED (SO & NRLDC) for directions regarding the control area jurisdiction of RLDC in the changed scenario in the power sector, the Commission decided to issue an order suo motu to clarify the jurisdiction of RLDCs vis-à-vis SLDCs in the matter of scheduling, despatch and metering of generating station. Accordingly, the Commission issued the order dated 7.5.2008 in Petition No.58/2008 (suo-motu) clarifying the control area jurisdiction of RLDC and SLDC. The relevant portion of the order is extracted as under:

“7. Coming to the matter of scheduling and despatch, the approach followed in India since introduction of Availability Tariff (ABT) in 2002-2003 can be summarized as follows :

- (i) Each State power system has been treated as a notional control area;
- (ii) To define precisely, a State power system is the system bounded or enclosed by the metering interfaces between the STU and CTU/ISGS/other STUs;
- (iii) The SLDCs monitor, supervise and control the State power system, and are totally responsible for scheduling and dispatch of all intra-State generation, as also the load management within their State;
- (iv) The SLDCs also decide and/or coordinate the schedule for drawal of States' entitlements in Central generating stations, i.e. the generating stations belonging to Central Government owned or controlled corporation (NTPC, NHPC, etc.). The RLDCs basically coordinate the scheduling of Central generating stations which are contracted to supply power to more than one State, commonly referred to as ISGS (Inter-State generating stations);
- (v) The ISGS are allowed to self-despatch, i.e. deviate from the given schedule, at their discretion under the UI mechanism and subject to certain provisions in the Indian Electricity Grid Code (IEGC);
- (vi) Certain generating stations owned by Central Government corporation are dedicated to one State only. They are scheduled by the concerned SLDC only, even though their tariff is determined by the CERC (as specified in the Act); and
- (vii) CERC has further specified in IEGC that in case the State in which an ISGS is located has a predominant share in that ISGS, the concerned parties may mutually agree (for operational convenience) to assign the responsibility for scheduling of the ISGS to the State's LDC.

8. The underlying theme in the above approach is decentralization of responsibilities to the extent possible. This has many advantages. On one hand, it imparts autonomy to the States and reduces the scope for heart-burning and disputes. On the other hand, it allows the RLDCs to concentrate on grid security aspects. In recent years, the RLDCs' workload has increased considerably on account of scheduling and accounting of inter-State open access transactions. The latter have to be handled very meticulously, so as not to have disputes later on.

9. In section 32(2) of the Electricity Act 2003, it is clearly provided that "That State Load Despatch Centre shall –

“5 (a) be responsible for optimum scheduling and dispatch of electricity within a State, in accordance with the contracts entered into with the licensees or the generating companies operating in that State;.....”

10. The responsibility demarcation described in para 7 and 8 is in consonance with the quoted Act provision, with an agreed rider that ISGS are considered as lying outside the States' power systems. There are also some exceptions to the general rules, reflecting flexibility in the matter.

(i) While most Central generating stations are directly connected to the CTU's transmission system and can be taken to be a part of the regional power system, some (like most nuclear stations) connect only into the local State systems. However, since many States have shares in these, it is operationally expedient to have their scheduling coordinated by the RLDCs.

(ii) Central generating stations like Kayamkulam and FariFaridabad CCPPs are connected to the grid through lines belonging to CTU. However, since they are dedicated fully to the local State, it is operationally expedient to have them scheduled directly by the concerned SLDC.

11. As for the approach to be adopted in future, it would be logical and in line with the foregoing for RLDCs to coordinate the scheduling of Ultra-Mega power projects, and of other large privately-owned power plants (of 1000 MW or larger size) in which States other than the host State have substantial permanent shares (50% or more). We need to emphasise on plant size (1000 MW and above) and share of other States (50% or more), to retain the philosophy of decentralization as also for operational expediency. Such plants may already be planned to be connected directly into the CTU network, and metering of the plants' injection may have already been contemplated by the CTU. This would be another reason for RLDC to be coordinating their scheduling. Power plants not meeting the above criteria regarding plant size and share of other States should be scheduled by the SLDC of the State in which they are located.

12. The above is being specified as a general guideline. There could be exceptions, for reasons of operational expediency, by a mutual agreement between the concerned RLDC and SLDC.”

19. It is clear from para 11 of the order dated 7.5.2008 as extracted above, that the Commission decided in favour of RLDCs to coordinate the scheduling of Ultra Mega Power Projects and other large privately owned power plants of 1000 MW or

larger size in which States other than the host State have substantial permanent share of 50% or more. The Commission further emphasised on two elements such as plant size of 1000 MW capacity and above, and share of 50% or more of States other than host State which shall be taken into consideration while deciding the jurisdiction of RLDC. The plants not meeting the above criteria are to be scheduled by SLDC in order to “retain the philosophy of decentralization as also for operational expediency”. Therefore, any plant of 1000 MW and above in which the States other than the host State have a share of 50% or more was placed under the control area jurisdiction of RLDC.

20. The Commission initiated action to amend the Indian Electricity Grid Code, 2006 in which it was proposed to incorporate the directions given in the guidelines issued vide order dated 7.5.2008 in Petition No. 58/2008 (suo-motu). Accordingly, by virtue of Indian Electricity Grid Code (Amendment) Regulations, 2009, notified on 30.3.2009, clause 6.4 of the IEGC regarding demarcation of responsibility between RLDC and SLDC has been substituted. Clause 6.4.1 of IEGC is extracted as under:

“1. RLDCs shall coordinate the scheduling of generating stations owned by Central Government organizations (excluding stations where full share is allocated to host state), Ultra-Mega power projects and other generating stations of 1000 MW or larger size in which, States, other than the host State have permanent shares of 50% or more. Generating stations not meeting the above criteria regarding plant size and share of other States shall be scheduled by the SLDC of the State in which they are located. However, there may be exceptions for reasons of operational expediency, subject to approval of CERC.”

After notification of the above amendment to the Grid Code, our guidelines issued vide order dated 7.5.2008 in Petition No. 58/2008 (suo-motu) have been subsumed in the IEGC.

21. The amended provisions of IEGC provide that the scheduling of power from the generating station shall be coordinated by RLDCs only in the following circumstances:

- (a) Generating stations owned by the Central Government organisations (excluding stations where full share is allocated to the host States).
- (b) Ultra mega power projects
- (c) Other generating stations of 1000 MW or larger size in which States other than the hosted have permanent share of 50% or more.

Generating station not meeting the above criteria regarding the plant size and share of other States are to be scheduled by SLDC of the State in which they are located.

22. The petitioner as well as Respondent No.. 2 have strenuously argued that the requirement of “permanent share of 50% or more” should be determined with reference to the ultimate plant capacity, taking into consideration the intention of the developer to dispose off the untied power through the medium-term, short-term and power exchange. The IEGC does not define the word “permanent share”. Therefore, the meaning of term has to be gathered from dictionary meaning. P. Ramanatha Aiyar's The Law Lexicon (second edition 1997) defines the word permanent as under:

“The meaning of the word ‘permanent’ according to Lexicographers, is continuing in the same state, or without any change that destroys form or character, remaining unaltered or unremoved, abiding, durable, fixed, lasting, continuing”.

Seen in the above context, the term “permanent share” used in the IEGC would mean the share remaining constant throughout the useful life of the plant

which is represented through the long-term contracts entered into by the generating stations for supply of power from the plant. Therefore, the sale of power through the short-term and power exchange cannot be construed as permanent share since the quantum and periodicity of such transactions vary from time-to-time. Therefore, for the purpose of determining the permanent share of 50% or more of the States other than the host State, only the long-term PPAs shall be taken into consideration.

23. In case of the generating project of Respondent No. 2, it is being developed in three stages: Stage I of 1,320 MW (4 x 330 MW), Stage II of 1,320 (2 x 660 MW) and Stage III of 1,980 MW (3 x 660 MW). Taking the above into consideration, with respect to Stage – I & II of total capacity 2640 MW, more than 50 % of the share has been tied up by Mundra APL to be sold to Gujarat through long-term PPA. In other words, Gujarat has permanent share of 2000 MW in the first two stages of Mundra Power Project, which is less than 50% of total project capacity of 4620 MW. However, the long-term PPAs tied up for sale to parties outside the State, at present, are also less than 50%. The rationale behind the Clause 6.4.1 of IEGC is that States **other** than the host State should have **permanent** share of 50% or more, and not that the host state should have a permanent share of 50% or more.

24. PPAs for the first two stages of the project have been tied up at present. Though Second Respondent is constructing the Transmission Corridor from its project to Haryana in Northern Region, it does not conclusively establish that the power from the project would be sold to the constituents of the Northern Region under long term access. The Second Respondent has confirmed during the hearing that it has kept its option open to sell the untied power as Merchant Power without entering into long-term agreements. As already observed by us, unless PPAs are

signed for sale of power through long-term access, such sale cannot be considered as part of the permanent share. It has also come to our notice that as per the Minutes of Meeting between GETCO, GUVNL and M/s Adani Power Ltd. held on 3.9.2009, the control area for Phase-I and II of the Project has been agreed to be SLDC - Gujarat.

25. In view of our discussions in the preceding paragraphs, we are of the view that the control area of the generating station should have been with SLDC - Gujarat in accordance with the provisions Clause 6.4.1 of the IEGC in force at that point of time.

26. The Petitioner has submitted that since the generating station is connected to the Northern Region and Western Region, SLDC may find it difficult to coordinate with the other regions in case of system contingency. It is obvious that any line which joins two Regions is an inter-Regional line and would be operated as such, under the combined jurisdiction of the RLDCs of the two Regions, irrespective of ownership. The generating station would have to be operated independent of the operation of the transmission line. Therefore, we see no difficulty in the generating station coming under the control area jurisdiction of the State. As far as WRLDC's contention of power becoming costlier due to levy of STU charges (transmission charges and transmission losses) in case it comes under the control area jurisdiction of the SLDC is concerned, the same would depend on the utilization of the transmission system of the STU, i.e. GETCO, and not on the control area jurisdiction of SLDC.

27. We would like to clarify that the Commission is aware of the new types of contracts being entered into by the IPPs with the States, electricity traders and the bulk consumers, and that these contracts can be modified from one type to another depending on the requirement. Therefore, the Commission has reviewed the provisions of control area jurisdiction in the IEGC recently. In the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010, the following provisions have been made with regard to the control area jurisdiction:

“2. The following generating stations shall come under the respective Regional ISTS control area and hence the respective RLDC shall coordinate the scheduling of the following generating stations :

a) Central Generating Stations (excluding stations where full Share is allocated to host state),

b) Ultra-Mega power projects

(c) In other cases, the control area shall be decided on the following criteria:

(i) If a generating station is connected only to the ISTS, RLDC shall coordinate the scheduling, except for Central Generating Stations where full Share is allocated to one State.

(ii) If a generating station is connected only to the State transmission network, the SLDC shall coordinate scheduling, except for the case as at (a) above.

(iii) If a generating station is connected both to ISTS and the State network, scheduling and other functions performed by the system operator of a control area will be done by SLDC, only .if state has more than 50% Share of power, The role of concerned RLDC, in such a case, shall be limited to consideration of the schedule for inter-state exchange of power on account of this ISGS while determining the net drawal schedules of the respective states. If the State has a Share of 50% or less, the scheduling and other functions shall be performed by RLDC.

(iv) In case commissioning of a plant is done in stages the decision regarding scheduling and other functions performed by the system operator of a control area would be taken on the basis of above criteria depending on generating capacity put into commercial operation at that point of time. Therefore it could happen that the plant may be in one control area (i.e. SLDC) at one point of time and another control area (i.e. RLDC) at another point of time. The switch over of control area would be done expeditiously after the change, w.e.f. the next billing period.”

IA No.24/2010

28. The Petitioner has filed IA No.24/2010 after notification of Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010. It has been submitted that as per the provisions of 6.4.2 (c) (iii) and (iv) of the regulations, the generating station which has a capacity of 660 MW currently would come under SLDC's jurisdiction. Second Respondent in its reply to the IA has submitted that there are a number of operational and commercial issues such as data communication from APL to SLDC, compatibility of energy meters and scheduling and accounting scheme which needed to be discussed and resolved before change over of the control area takes place and has prayed that the control area of the generating station should continue with RLDCs till the disposal of these issues.

29. As per the provisions of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 also, which has come into force w.e.f. 3.5.2010, the control area jurisdiction shall be with SLDC – Gujarat. Therefore, we direct the Petitioner, First and Second Respondents to take expeditious action for smooth changeover of control area jurisdiction from WRLDC to SLDC-Gujarat, with effect from the next billing period from the date of issue of this order.

30. The petition stands disposed of accordingly.

Sd/-

**[V.S.VERMA]
MEMBER**

Sd/-

**[S. JAYARAMAN]
MEMBER**

Sd/-

**[Dr. PRAMOD DEO]
CHAIRPERSON**