

**Central Electricity Regulatory Commission
New Delhi**

Coram: Dr. Pramod Deo, Chairperson
Shri S. Jayaraman, Member
Shri V.S. Verma, Member
Shri M. Deena Dayalan, Member

Date of Hearing: 15.11.2011

Petition No. 140/2011

Subject: Petition under section 29 of the CERC (Fee and Charges or Regional Load Despatch Centre and other related matters) Regulations, 2009 read with Regulations 24, 111, 114, & 115 of the CERC (Conduct of Business) Regulations 1999 for making appropriate provision in the RLDC Charges Regulations for billing of RLDC Charges directly by POSOCO to the long term customers of the power stations.

Petitioner: National Thermal Power Corporation Ltd. (NTPCL)

Respondents: POSOCO & 38 others

Petition No. 129/2011

Subject: Reimbursement of one time registration fees and annual charges (Market Operation Charges and System Operation Charges) levied by POSOCO/PGCIL to Generating stations of petitioner as per CERC (Fee and Charges or Regional Load Despatch Centre and other related matters) Regulations, 2009

Petitioner: National Hydro Power Corporation Limited (NHPCL)

Respondents: WBSEDCL & 26 others

Petition No. 198/MP/2011

Subject: Petition under section 29 of the CERC (Fee and Charges or Regional Load Despatch Centre and other related matters)

Regulations, 2009 read with Regulations 24, 111, 114, & 115 of the CERC (Conduct of Business) Regulations 1999 for making appropriate provision in the RLDC Charges Regulations for billing of RLDC Charges directly by POSOCO to the long term customers of the power stations.

Petitioner: NTPC SAIL Power Company Private Limited (NSPCL)

Respondents: POSOCO Ltd. & 6 others

Petition No. 180/MP/2011

Subject: Petition under section 29 of the CERC (Fee and Charges or Regional Load Despatch Centre and other related matters) Regulations, 2009 read with Regulations 24, 111, 114, & 115 of the CERC (Conduct of Business) Regulations 1999 for making appropriate provision in the RLDC Charges Regulations for billing of RLDC Charges directly by POSOCO to the long term customers.

Petitioner: PGCIL

Respondents: HPSEB & 52 others

Petition No. 171/MP/2011

Subject: Reimbursement of registration fees and annual charges on monthly basis (Market Operation Charges and System Operation Charges) levied by POSOCO/PGCIL on generating stations as per CERC (Fee and Charges or Regional Load Despatch Centre and other related matters) Regulations, 2009 dated 18.9.2010 and amended on 28.3.2011.

Petitioner: SJVNL

Respondents: PSEB & 9 others

Petition No. 165/MP/2011

Subject: Miscellaneous Petition under section 29 "Power to Relax" of the CERC (Fee and Charges or Regional Load Despatch Centre and other related matters) Regulations, 2009 for recovery of System Operation Charges (RLDC Charges) for the period 2009-14.

Petitioner: Powerlinks Transmission Ltd. (PTL)

Respondents: RRVPNL & 23 others

Parties present: Shri R.B. Sharma, Advocate for BSEB, JSEB, GRIDCO & BSES
Shri G. Basu, NSPCL
Shri S.D. Jha, NTPC-SAIL
Ms. Nita Jha, PTL
Shri Ajay Bagri, PTL
Shri Arvind Singh, PTL
Shri Arun Kumar, PGCIL
Shri Jyoti Prasad, NRLDC
Shri R.K. Bansal, POSOCO
Shri S.K. Meena, NHPCL
Shri Amrik Singh, NHPCL
Shri V.K. Padha, NTPC
Shri Naresh Anand, NTPC
Shri Sanjay Agarwal, NTPC
Ms. Shilpa Agarwal, NTPC
Shri M.M. Mondal, PGCIL
Shri Rajeev Gupta, PGCIL
Shri Nitin Garg, UPPCL
Shri Manoj Dubey, MPPTCL

RECORD OF PROCEEDINGS

Through these petitions, the petitioners National Thermal Power Corporation Limited (NTPCL), Powerlinks Transmission Ltd. (PTL), NHPC Limited, Powergrid Corporation Ltd. (PGCIL), Sutlej-Jhelum Vidyut Nigam Ltd. (SJVNL), NTPC-SAIL Power Company Private Limited (NSPCL) and National Hydro Power Corporation Limited (NHPCL) have prayed to (i) make appropriate provision in the (Fee and Charges or Regional Load Despatch Centre and other related matters) Regulations, 2009 (hereinafter referred to as "RLDC Regulations) for billing of RLDC fees directly by Power System Operation Company (POSOCO) and (ii) till the RLDC Regulations are modified and implemented, the petitioner may be allowed to bill and recover the RLDC fees from the beneficiaries in proportion to fixed charges billed during the period.

2. Replying to a query of the Commission, the representative of NTPC submitted that it has prayed for removal of difficulties in reimbursement of the RLDC fees, paid by them, from the beneficiaries. The Commission has unconstrained powers to amend the Regulations under Regulation 44 of the 2009 tariff regulations to grant relief.

3. The learned counsel for BSEB submitted that as per section 28 (4) of the Electricity Act the Regional Load Despatch Centre can levy and collect such fee

and charges only from the generating companies or the licensees and not from the distribution companies. Thus, the generating companies and transmission licensees are liable to pay the RLDC fees and the liability cannot be passed through tariff to the beneficiaries.

4. The representative of MPPTCL submitted that "Power to Relax" provided in Regulation 29 of the RLDC Regulations can be used only to relax the regulations already provided in the RLDC Regulations. There is no provision for reimbursement of RLDC fees, in the RLDC Regulations, by the beneficiaries to the generating companies or the transmission licensees and hence there is no question of using the "Power to Relax" regulation. He also submitted that a similar view was taken by the Commission in its order dated 21.10.2011 in Petition No.106/2011 pertaining to water charges levied by Jammu & Kashmir(J&K).

5. The learned counsel for BSEB submitted that the petitioner has not clarified whether the petition is to invoke the "Power to Relax" or to amend the RLDC Regulations. In response, the representative of NTPC submitted that they have approached the Commission to remove the difficulty for which the Commission has powers.

6. The Commission directed the petitioner to file written submissions, if any by 20.12.2011. The order in the petition was reserved.

Sd/-
(T.Rout)
Joint Chief (Law)
7.12.2011