

## CENTRAL ELECTRICITY REGULATORY COMMISSION

### Petition No. 29/2011

**Sub:** Petition under Electricity Act, 2003 and CERC (Terms and conditions of tariff) Regulations, 2009 regarding irrational and unlawful decision of the Western Region Power Committee to saddle Jindal Power Limited with the burden of sharing of transmission charges for the inter-regional links between Western Region and other regions on proportionate basis.

Date of hearing : 13.9.2011

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

Petitioner : Jindal Power Limited, Raigarh

Respondents : Gujarat Urja Vikas Nigam, Vadodara  
Madhya Pradesh Power Trading Co. Ltd., Jabalpur  
Chhattisgarh State Power Distribution Co. Ltd., Raipur  
Maharashtra State Electricity Distribution Co. Ltd.,  
Mumbai  
Maharashtra State Electricity Transmission Company,  
Mumbai  
Gujarat Electricity Transmission Company,  
Vadodara  
Electricity Deptt., Govt. of Goa, Panjim  
Electricity Deptt., UT of Daman and Diu, Daman  
Electricity Deptt., UT of Dadra and Nagar Haveli  
Power Grid Corporation of India Ltd., Gurgaon  
Western Regional Power Committee, Mumbai

Parties present : Shri Jayant Bhushan, Senior Advocate for JPL  
Shri P.J.Jani, GUVNL  
Shri Manoj Dubey, MPPTCL  
Shri Pramod Chowdhary, MPPTCL  
Shri Varun Agarwal, MSETCL  
Shri A.V.Dev, MSETCL

### Record of Proceedings

The learned senior counsel for the petitioner submitted that the petitioner has filed written submission vide its affidavit dated 10.8.2011. The learned counsel submitted as under:

- (a) As per Regulation 33 (3) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (hereinafter referred to as 'the tariff regulations 2009'), there is a liability on any person to pay the transmission charges if the person is a beneficiary and has an entitlement in the inter-State generating station either in its own region or the Eastern Region;
- (b) Referring to the definition of 'beneficiary' in clause 2 (e) and 'inter-State generating station' in clause 2(pp) of the Grid Code, the learned counsel submitted that the petitioner is neither a Central generating station nor a generating station in which two or more States have shares and hence, any consumer of the petitioner would not be a beneficiary;
- (c) Since the petitioner has all its injection and drawl points within Western Region and does not use inter regional links, no liability for transmission charges for inter regional links can be fastened upon it either in equity or by a plain reading of Regulation 33 (3) of the tariff regulation 2009;
- (d) Refuting the submission of MPPTCL that the intra-regional charges and inter regional charges cannot be differentiated, the learned senior counsel submitted that if merely by being liable to pay the intra regional charges, one becomes liable to pay inter-regional charges also, there is no reason why two charges would have been levied separately under Regulations 33 (1) and 33 (3) of the tariff regulations, 2009;
- (e) Responding to the submission that the petitioner used inter-regional links because it received UI charges from Northern Region constituents, the learned counsel submitted that the petitioner has been paid UI charges because it has injected more power into the grid than scheduled, thereby helping the grid at time of low frequency. Similarly, Northern Region constituents have paid UI charges because of overdrawl. This does not mean that petitioner's power has been directly taken by the Northern Region constituents;
- (f) The petitioner has not scheduled a single MW of power under long-term contracts and therefore, the question of receipt of UI charges on account of long term transactions does not arise. This aspect of the matter is squarely covered by the decision of the

Commission dated 24.2.2005 in Petition No. 89/2004-***Neyveli Lignite Corporation Vs Power Grid Corporation of India Ltd.***

(g) Referring to the provision in the Bulk Power Transmission Agreement dated 19.3.2008 regarding payment of charges for inter-regional links, the learned counsel submitted that such a provision cannot be used to fasten the liability of inter-regional transmission on the petitioner if none exists under law.

2. The representative of GUVNL and MPPTCL submitted that reference by the learned counsel of the petitioner to the order dated 24.2.2005 in Petition No. 89/2004 is a new fact at the stage of rejoinder and opportunity should be given to the respondents to respond to the same. They further submitted that the said decision is not applicable to the present case.

3. The Commission directed the GUVNL and MPPTCL to file their response to the petitioner's submission on the order dated 24.2.2005 in Petition No. 89/2004 by 30.9.2011, with an advance copy to the petitioner.

4. Subject to the above, order in the petition was reserved.

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