

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 74/MP/2013**

- Subject : Petition under section 79 of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Grant of Connectivity, long term access and medium term open access and inter-state transmission and related matters) regulations, 2009 as amended from time to time read with Central Electricity Regulatory Commission (unscheduled interchange charges and other related matters) Regulations 2009 as amended on 28.4.2010.
- Date of hearing : 30.7.2013
- Coram : Shri V.S.Verma, Member  
Shri M. Deena Dayalan, Member
- Petitioner : Lanco Budhil Hydro Power Private Limited, Gurgaon
- Respondents : Northern Regional Power Committee (NRPC), New Delhi  
Northern Regional Load Despatch Centre (NRLDC), New Delhi
- Parties present : Shri Pinaki Misra, Sr. Advocate for petitioner  
Shri Archit Virmani, Advocate for petitioner  
Shri B.S. Bairwa, NRPC  
Shri Anzum Parwej, NRPC  
Shri A.M Pavgi, PGCIL

**Record of Proceedings**

Learned senior counsel of the petitioner submitted that the present petition has been filed for seeking revision of the UI Accounts for injection of infirm power by the petitioner's plant into the grid from 25.5.2012 to 29.8.2012. Learned senior counsel submitted that petitioner has set up a 70 MW Hydro Power Project in the State of Himachal Pradesh. After construction of the project, on 13.4.2012 a connection agreement was signed with NHPC and PGCIL. Upon connection to the CTU, the petitioner synchronized its plant on 25.5.2012 and started injection on testing basis into the grid up to 29.8.2012.

2. Learned senior counsel submitted that the respondent has failed to point out provision of the Electricity Act, 2003 or any regulations framed thereunder which states

that the station`s installed capacity is to be treated as “zero” prior to declaration of its commercial operation. The accounts of the petitioner has not been prepared in accordance with Regulation 5(1) of the UI Regulations, 2009. Learned senior counsel submitted that NRPC has relied on the Central Electricity Regulatory Commission (Unscheduled Interchange charges and related matters (second amendment ) Regulations, 2012 which came into effect from 17.9.2012 (prospectively). Since the said UI regulations has been stayed by the Hon`ble High Court of Madras, the same are not applicable to the petitioner. Accordingly, the petitioner is entitled to UI charges for the infirm power injected into the grid during the period from 25.5.2012 to 29.8.2012.

3. The representative of NRPC submitted that the installed capacity was considered as 'zero' since the generating station was not declared under commercial operation. He further submitted that NRPC was in the process of revising the accounts. However, the same was kept on hold due to filing of the petition by the petitioner. The representative of NRPC further submitted that the UI accounts for the past weeks would be revised based on the Commission's direction.

4. After hearing the parties, the Commissions reserved order in the petition

By the order of the Commission,

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