

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 127/MP/2013
With I.A No.16/2013**

Subject : Petition under Section 79(l)(f) of the Electricity Act, 2003 read with Regulation 32 of the CERC (Grant of Connectivity, Long term Access and Medium Term Open Access in Inter-State Transmission and related matters) Regulations, 2009.

Date of hearing : 30.7.2013

Coram : Shri V.S.Verma, Member
Shri M. Deena Dayalan, Member

Petitioner : EMCO Energy Limited, Mumbai

Respondent : Power Grid Corporation Limited, Gurgaon

Parties present : Shri Rajiv Yadav, Advocate, EMCO

Record of Proceedings

Learned counsel for the petitioner submitted that the petitioner owns and operates 300 MW thermal power plant in the State of Maharashtra and currently engaged in operationalizing the additional 300 MW capacity. The total 600 MW capacity was earlier conceptualized as a single project comprising of 2 units. Learned counsel submitted that the present dispute has arisen on account of respondent levying Point of Connection charges on the petitioner without having completed the requisite transmission network in terms of the Bulk Power Transmission Agreement (BPTA) entered into on 17.1.2009 between the petitioner and PGCIL.

2. Learned counsel submitted that in compliance with BPTA, the petitioner laid the 400 kV D/C dedicated transmission line. The petitioner's 300 MW unit was synchronized on 10.12.2012 and declared under commercial operation on 19.3.2013. The petitioner received a bill dated 15.11.2012 from the respondent towards Point of Connection charges for the month of October, 2012.

3. Learned counsel relied on the LTOA approval dated 22.10.2007 and BPTA and submitted that commencement of LTOA was subject to completion of the Western Region System Strengthening Scheme-II (WRSS-II), being undertaken by PGCIL on the basis of future load projection. Such system strengthening was being undertaken prior

to petitioner's LTOA application, and no system augmentation was required at PGCIL's end for accommodating petitioner`s long term open access quantum.

4. Learned counsel submitted that since WRSS-II has not yet been completed, respondent cannot levy PoC charges until such completion. However, the respondent, in a manner manifestly inconsistent with the terms of the BPTA has been levying PoC charges since the month of October, 2012. Learned counsel submitted that petitioner has been paying the monthly PoC charges under protest and, so far, a sum of more than ₹ 63 crore has been paid by the petitioner since October, 2012. Such levy is stated to be over and above the short term open access charges, which the petitioner has been paying for supplying power to Dadra and Nagar Haveli. He further submitted that despite repeated requests, the respondent has not responded to petitioner's request for a change of beneficiary within the Western Region.

5. Learned counsel for the petitioner sought an interim direction to PGCIL, not to levy any further bills for Point of Connection charges. The Commission declined to grant any ad-interim directions in the matter without hearing PGCIL. Learned counsel requested for a short date for hearing the petition.

6. After hearing the counsel for the petitioner, the Commission directed to admit the petition and issue notice to the respondent.

7. Accordingly, the petitioner was directed to serve copy of the petition on the respondent by 6.8.2013. The respondent was directed to file its reply to the petition and the IA on affidavit by 15.8.2013, with an advance copy to the petitioner. The petitioner may file its rejoinder, if any, by 20.8.2013

8. The petition along with IA shall be listed for hearing on 27.8.2013.

By the order of the Commission,

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