

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 239/2010

Subject: Petition for approval of tariff of 400kV D/C Jhajjar-Mundka transmission line, a dedicated transmission line of IGSTPP of Aravali Power Company Private Limited for the period from the anticipated date of commercial operation i.e. 31.8.2010 to 31.3.2014

Date of hearing: 8.1.2013

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

Petitioner: Aravali Power Company Private Limited & Others
Respondents: North India Power Limited & Others

Parties Present: Shri Ajai Dua, APCPL
Shri SK Sharma, APCPL
Shri S.K. Samui, APCPL
Shri N.N. Sadasivam, APCPL
Shri Uday Shankar, APCPL
Shri P.P. Francis, NTPC
Shri B.S. Rajput, NTPC
Shri Jyotirmayee Raj, NTPC
Shri DG Salpekar, NTPC
Shri R.B. Sharma, Advocate, BRPL

Record of Proceedings

The representative of APCPL submitted that the present petition has been filed for the tariff of Jhajjar-Mundka Transmission line. He submitted that during the hearing of the petition on 11.10.2012 and 11.12.2012, the issue raised was whether the subject transmission line is a dedicated transmission line or ISTS line. In that connection, the representative of the petitioner submitted the following facts pertaining to the transmission line:

- (a) The 1500 MW Jhajjar power station is a joint initiative of the Government of India, Government of Haryana and Government of Delhi. The offtake of power from the generating station has been decided to be between Delhi and Haryana in the ratio of 50:50.
- (b) Evacuation of power from the generating station has been envisaged through the Jhajjar-Daulatabad transmission line to Haryana and through Jhajjar-Mundka line to Delhi.
- (c) Before commissioning of the generating station, Government of India has made allocation from the unallocated quota of the generating station to the constituents of the Northern Region. Subsequently, the portion of power surrendered by Delhi has been reallocated to Andhra Pradesh and Kerala. At present, power is flowing over the subject transmission line to 14 beneficiaries.

(d) Therefore, the subject transmission line is being used as an ISTS line and should be recognised as deemed ISTS in terms of Regulation 2(k) of the Central Electricity Regulatory Commission (Sharing of Transmission Charges & Losses) Regulations, 2010 ("Sharing Regulations").

2. The Commission enquired from the representative of the petitioner whether there is any intrusion or tapping of the transmission line from any source other than the generating station between Jhajjar and Mundka sub-station of PGCIL. The representative of the petitioner replied that the generating station is connected to the Mundka sub-station of PGCIL through the Jhajjar-Mundka line and to the Daulatabad sub-station of PGCIL through the Jhajjar-Daulatabad line. Therefore, it is part of the meshed network. He further submitted that power is flowing through the Jhajjar-Mundka line to a number of beneficiaries.

3. The Commission observed that power may be distributed to any number of users from the Powergrid sub-station at Mundka. But the Commission is concerned with the transmission line from Jhajjar to Mundka and whether power from any other generating station or any other source is flowing on the transmission line. The Commission observed that dedicated transmission line has been defined in section 2(16) of the Act and transmission line has been defined in section 2(72) of the Act and desired to know from the representative of the petitioner under which category the subject transmission line can be categorised.

4. The representative of the petitioner replied that the definition of dedicated transmission line talks about the point to point connection. He submitted that the definition does not distinguish on the basis of the ownership but on the basis of usage. Since the subject transmission line is carrying power to 14 beneficiaries, it is an inter-State transmission line.

5. The Commission further enquired whether network power is flowing on this transmission line in which case the transmission line may lose its dedicated character. The representative of the petitioner submitted that when Jhajjar power station is not generating, the transmission line has been observed to carry power and therefore, it is part of the meshed network. The Commission further enquired whether such power flow is scheduled power, the representative of the petitioner replied in the negative.

6. In reply to the query of the Commission whether the petitioner is a transmission licensee since it is asking for determination of tariff through the present petition, the representative of the petitioner submitted that the petitioner has filed the IA for treating it as a deemed ISTS in accordance with the Sharing Regulation and for determination of tariff. Learned counsel for BRPL submitted that the petitioner should be asked to explain as to how the transmission line should be treated in the light of the provisions under Regulation 7(1)(c) of the Sharing Regulations. The representative of the petitioner submitted that the said provision is applicable in case of dedicated transmission line. However, the subject transmission line being used by many users has lost its dedicated character for which the petitioner has sought deemed status. The Commission further enquired from the representative how the subject transmission line can be treated as deemed ISTS, the representative of the petitioner submitted that under Regulation 2(k) of the Sharing Regulations, the Commission can accord deemed status on the

transmission line. He further submitted that if the deemed status is not granted, the petitioner would approach the Commission for transmission licence.

7. The Commission observed that no deemed status can be accorded to the subject transmission line. If it does not remain as a dedicated transmission line, then the petitioner would be required to apply for transmission licence.

8. The Commission observed that if a generator wants to connect to the CTU network, it can construct a dedicated transmission line from the generation bus bar to the CTU network from which it can supply to any number of beneficiaries. Alternatively, it may approach the CTU to construct the transmission line from the generation bus bar and take it to any number of beneficiaries. In the former case, the generator would include the cost of the dedicated line in the generation tariff and charge from the beneficiaries and would not allow any other power to flow through the dedicated transmission line. Therefore, the petitioner does not require a transmission licence or deemed status for the subject transmission line.

9. The representative of the petitioner gave a brief history of the transmission line and submitted that though it was initially planned to be constructed by CTU, the transmission line was developed by the petitioner due to constraints of time. However, the transmission line has been constructed by CTU on deposit work. The Commission observed that these facts do not change the character of the subject transmission line which is decided as per the provisions of law.

10. After hearing the petitioner and learned counsel for BRPL, the Commission directed the Central Electricity Authority to submit the following on affidavit by **25.1.2013**:

- (a) What is the nature of the Jhajjar-Mundka transmission line based on the actual usage of the line- whether it is a dedicated transmission line or an ISTS line?
- (b) Whether the transmission line has been designed to be used by the generators or users other than the generating station for carrying power to Mundka sub-station?
- (c) Whether dedicated nature of the Jhajjar-Mundka transmission line can be maintained despite use of this line for supply of power from the generating station to the beneficiaries of the Northern Region and Kerala and Andhra Pradesh?

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

By order of the Commission

sd/-
(T. Rout)
Jt. Chief (Law)