

**CENTRAL ELECTRICITY REGULATORY COMMISSION**

**NEW DELHI**

**Petition No. 189/MP/2012**  
**with IA No. 47 of 2012**

**Coram:**

**Dr. Pramod Deo, Chairperson**

**Shri. V. S. Verma, Member**

**Shri. M. Deena Dayalan, Member**

**Date of Hearing:16.5.2013**

**Date of Order: 08.6.2013**

**In the matter of :**

Petition under Sections 79(1)(c) and (f) of the Electricity Act, 2003 seeking directions that no transmission charges shall be payable by the Petitioner to UPPTCL for scheduling of 100 MW on medium-term and/or short-term open access as the transmission system of UPPTCL will not be used for such open access.

**AND**

**In the matter of:**

Lanco Anpara Power Limited, Hyderabad

**...Petitioner**

Versus

1.Uttar Pradesh Power Transmission Corporation Limited, Lucknow

2.Uttar Pradesh State Load Despatch Centre, Lucknow

3.Power Grid Corporation of India Limited, New Delhi

4. Power System Corporation Limited, Southern Regional Load Despatch Centre,  
Bangalore

**...Respondents**

**Following were present:**

Shri Vishal Gupta, Advocate for the petitioner

Shri Arun Tholia, LAPL

Shri R.K.Roy, LAPL

Shri Pradeep Mishra, Advocate, UPPTCL  
Shri Daleep Kumar Dhyani, Advocate, UPPTCL  
Shri Mukesh Khanna, PGCIL

## ORDER

The petitioner, Lanco Anpara Power Limited, has filed present petition under Section 79 of the Electricity Act, 2003 (hereinafter "2003 Act") with the following prayer, namely:

- (a) *that this Hon'ble Commission may declare and direct no transmission charges and losses shall be payable by the Petitioner to Respondent No.1 (i.e. State Transmission Utility) for scheduling of 100 MW of power on Medium Term and/or Short Term Open Access (MTOA & STOA) as the transmission of Respondent No.1 will not be used for such open access; and*
- (b) *direct the Respondent No.1 to refund the short term open access charges recovered illegally from the Petitioner for supplying 100 MW power to TANGEDCO starting from May 12 along with 18% interest thereon till the date of payment by Respondent No.1 to the Petitioner; and*
- (c) *direct the Respondent to adjust the transmission losses sustained by the Petitioner under the Energy Account; and*
- (d) *direct the Respondent No.1 to give its concurrence and no-objection for supply of 100 MW of power from the Petitioner to TANGEDCO/Respondent No.4 herein through National Energy*

*Trading & Services Pvt. Ltd. for the period of 01.07.2012 to 30.06.2015; and*

*(e) such other order or orders as this Hon'ble Commission may wish to pass for doing substantial justice in the matter and to uphold the provisions of the Act of 2003.*

### **Facts of the case**

2. The petitioner has set up a 1200 MW (2X600 MW) thermal generating station in Anapara at Uttar Pradesh. On 31.12.2009, the petitioner has entered into Power Purchase Agreement for supply of power for 1100 MW with UP Power Corporation Limited (UPPCL). Since remaining 100 MW was available for evacuation to third party, the petitioner had applied on 18.1.2010 for Long Term Open Access (LTOA) for ISTS to Power Grid Corporation of India Limited in accordance with Central Electricity Regulatory Commission (Grant of Connectivity, Long Term Access and Medium term Open Access in inter-State Transmission and related matters) Regulations, 2009 (Connectivity Regulations).

3. In the 26<sup>th</sup> Standing Committee on Power System Planning meeting held on 13.10.2008 at Chamba, Uttarakhand, the evacuation system for Anpara 'C' and (which is one of the units of the petitioner's power project) was discussed and UPPCL had evolved a composite transmission system. In the 28th Standing Committee meeting held on 26.2.2010, the participants of Northern

Region agreed for grant of LTOA for transfer of 100 MW from Anpara-C. However, Anpara 400 kV generation switchyard is connected to ISTS by Singrauli-Anpara 400 kV ISTS line which can be utilized transfer of 100 MW power to beneficiaries in Northern Region. Since the Anpara C was to be commissioned by 26.3.2011, it was agreed that applicant would bear the regional transmission charges from the date of commissioning of the project and in case of delay in commissioning, the applicant will still have to bear the regional charges from 26.3.2011. After the discussion, it was further agreed that LTOA would be granted to Lanco Anpara Power Ltd for transfer of 100 MW from Anpara C subject to signing of BPTA for Northern Region transmission system charges for 25 years from 26.3.2011 and applicant shall submit concurrence of State transmission utility in the prescribed format.

4. On 22.5.2010, STU had granted its concurrence and no-objection certificate on format LTA-3 in which it was stated that the State transmission charges and losses are not applicable. On 18.6.2010, the petitioner entered into BPTA with Respondent No.3 for 25 years. Subsequently, on 26.3.2011, the petitioner was granted open access.

5. The petitioner has submitted that despite having all arrangements in place for supply of the balance 100 MW to a third party, it was unable to execute a contract for long-term supply using existing LTOA arrangement of ISTS for 25 years. However, on 10.6.2011, Tamil Nadu Generation and Distribution Corporation Limited ("TANGEDCO") issued Request for Proposal (RfP) for

purchase of power on medium term basis through Competitive Bidding Guidelines. On 7.1.2012, TANGEDCO awarded a Letter of Intent in favour of National Energy Trading and Services Limited (“NETSL”), which was formerly known as Lanco Power Trading Limited. Pertinently, as the petitioner was unable to get a 3rd party to sell 100 MW of power, it preferred to provide the requisite 100 MW of power from its Anpara-C generating station to TANGEDCO. However, since the petitioner had sought the concurrence of STU for LTA of ISTS, it once again sought the confirmation and the concurrence of STU therein as it was entering into arrangements for supply of power through National Energy Trading and Service Limited to TANGEDCO for a period of 5 years only while its LTOA of ISTS was for a period of 25 years. However, UPPTCL vide its letter dated 15.2.2012 declined to NOC and stated that the petitioner is required to pay transmission charges and losses as system studies of power evacuation from then LANCO Anpara-C reveal that even in case of full generation. i.e 1200 MW, there is very nominal power flow from 400 kV Anpara A-B combined bus to Singrauli and major portion of power flows on 765 kV Anpara-C Unnao line and 400 kV Anpara A-B to Sarnath/Mau.

6. The petitioner has alleged that UPPTCL has acted in a mala fide manner and abused and/or misused its dominant position. It has resorted to ulterior and vested tactics so as to unjustly gain from payment of transmission charges and losses from the petitioner when the State Transmission System of the Respondent No.1 is not even being used. The petitioner, however, vide its letter dated 6.3.2012, in order to resolve the issue, without prejudice to its

rights, agreed to pay short term transmission charges for supply of 100 MW power from Anpara-C for the period from March 2012 to June 212, to UPPTCL and subject to adjustment based on the position of UPERC/CERC. The petitioner has emphasized that it has been severely aggrieved by the fact the UPPTCL (STU) has completely changed its stand and position vis-a vis non-applicability of state transmission charges and losses vide their letter dated 22.5.2010 with respect to LTOA after duly giving its concurrence and no objection, by inter alia stating that state transmission charges and losses were not applicable for the said arrangement. Now, the petitioner is looking to supply that very 100 MW of power through or MTOA instead of LTOA, UPPTCL could not change the non use of state transmission system.

7. Reply to the petition has been filed by the UPPTCL. In its reply, dated 30.11.2012, UPPTCL has submitted as under:

(a) The present petition is not maintainable as it is outside the ambit of Section 36 of the Electricity Act, 2003 which dwells on fairness and reasonability of charges towards intervening transmission facilities, owing to the fact that in the present case such facilities are being used by a generator which is not a licensee under the said Act;

(b) The petitioner's generating station is an intra State Generating Station. However, it is embedded in the Intra State Transmission System of the State of Uttar Pradesh, as per the provisions of PPA and SPPA executed on

12.11.2006 and 31.12.2009, respectively. Both these agreements stipulate that the Petitioner is required to sell the major share of its power i.e. 11/12<sup>th</sup> of the total power generated (about 1100 MW at full capacity) to 4 (four) government owned distribution companies within the State of Uttar Pradesh, and 1/12<sup>th</sup> of the power generated (i.e. about 100 MW at full capacity) to third parties.

(c) The petitioner's generating station is directly connected with intra-state system through 765 kV Anpara-Unnao Transmission line which can evacuate the entire power generated at this generating station. For an embedded generating station, it is not possible to control the flow of power from its generating station in a particular direction unless some static devices are utilized for the purpose. In absence of such static devices power generated at its generating station would always follow the path of minimum impedance which is 765 kV intra-State transmission line of Uttar Pradesh.

(d) In the present case 400 kV bus of Anpara-B generator act as common interface for both ISTS and inter-state line and there is every likelihood that power from Anpara B or for that matter the State grid is actually flowing through 400 kV Anpara-Singrauli ISTS line as per system conditions and requirements and all the power generated at the petitioner's generating station is getting evacuated through the 765 kV line, which is directly connected to petitioner's switchyard.

(d) Since the petitioner is not fully utilizing 1200MW for long-term sale of power under LTOA, the ultimate beneficiaries would still be required to pay transmission charges vis-à-vis the entire installed capacity of the Petitioner's plant. Thus if the Petitioner is not utilizing this transmission capacity to a certain extent, it needs to compensate the said beneficiaries to that extent, as regards transmission charges. There is nothing wrong in Respondent No. 1 claiming transmission charges for short-term supply of power to third parties, and adjusting the revenue so earned against its annual revenue requirement

8. The petitioner in its rejoinder has submitted as under:

(a) The stand taken by Respondent No. 1, UPPTCL is erroneous and devoid of merits, because the genesis of the dispute lies in the denial of concurrence by Respondent No. 2 to the petitioner for supply of 100 MW under MTOA/STOA, and in the letter dated 15.2.2012 whereby the Respondent No. 1 sought to justify the applicability of transmission charges and adjustment of transmission losses on the petitioner for the said supply.

(b) UPPTCL has refuted the contention of the petitioner that since the petitioner has continuous bus with Anpara-B generating station, therefore Anpara-C generating station may be deemed to be in direct connection with 400 kV Anpara-C inter-State transmission line, which is connected to 400 kV switchyard of Anpara-B. This approach may lead to all generating



companies claiming that their generating stations are directly or indirectly connected to some other sub-station which is directly connected to ISTS, and hence transmission charges should be for interconnecting sub-stations only. This would further lead to case-to-case determination of transmission charges, which would be a very complicated task prone to disputes;

(c) In the case of the petitioner's power plant, continuity/exclusivity of path cannot be ensured as 400 kV bus of Anpara-B generating station acts as common interface for both inter-State and intra-State lines and that there is every likelihood that power from Anpara-B, or for that matter the State Grid, is actually flowing through 400 kV Anpara-Singaruli ISTS line as per system conditions and requirements, and all the power generated at Petitioner's plant is getting evacuated through the 765 kV line, which is directly connected to the plant's switchyard.

(d) No ISTS is being used for transmission of 100 MW from Anpara-C generating station to the ISTS for further transmission into Southern Region. According to the petitioner, it has been paying LTOA charges to Respondent No. 3 since 26.3.2011, although evacuation of 100MW to TANGEDCO has not commenced.

9. Power Grid Corporation of India Ltd. under its letter dated 16.11.2012, has submitted that LTOA granted to the petitioner in pursuance of BPTA for a period of 25 years with effect from 26.3.2011 recorded that constituents of the

Northern Region shall be beneficiaries for supply of power from Anpara 'C'. In fact this LTOA application was sufficiently discussed in the 28<sup>th</sup> Standing Committee Meeting of the Northern Region on Transmission Planning held on 23.2.2010. In the said meeting it was agreed that Anpara's 400 kV generation switchyard will be connected to Singrauli-Anpara 400 kV ISTS.

10. During the initial hearing on 11.11.2012, learned counsel for the petitioner submitted that the bus bar of Anpara-C is directly connected to the network of CTU and as well as to the network of STU. During the course of the further hearing on 7.2.2013, learned counsel for the petitioner submitted that the petitioner could not enter into a long term PPA for sale of 100 MW power to any entity and could only tie up for medium term sale of power. In order to evacuate the said power through Singrauli-Anpara ISTS line, the petitioner sought term open access from PGCIL which again sought a concurrence from UPPTCL. However, UPPTCL vide its letter dated 30.1.2012 informed the petitioner that the concurrence cannot be granted as the generating stations is not directly and physically connected to Singrauli-Anpara ISTS line. As regards the 100 MW power going into the State Transmission System, learned counsel submitted that the electricity flows as per the demand and flow of 100 MW power to the State Transmission System in only because the demand on the State Transmission System is high and the said 100 MW power is being utilized by the distribution licensees of the State of UP. Therefore, in any case, there cannot be any

question of levying short term open access charges for the use of State Transmission System on the petitioner.

11. Learned counsel of the respondent, UPPTCL submitted that the petitioner is not maintainable since it involves use of the intra-State transmission system. The representative of the respondent submitted that its generating station is embedded in the STU system and the State transmission charges are payable. He further submitted that though the respondent had in their NOC dated 22.5.2010 indicated that no State transmission charges and losses were applicable, the actual situation is different as the system study revealed that the State transmission system was being used. Anpara-C is not connected to ISTS directly but is connected through Anpara-A & B combined bus and such arrangement is not permissible under law in force. The representative of the respondent further submitted that as per from the petitioner's generating company is evacuated through the State transmission system, the petitioner is liable to pay transmission charges. After hearing the parties CEA and CTU were directed to conduct a study and submit a report indicating to what extent the inter-State transmission network is being used for evacuation of 100 MW power from Lanco Anpara-C.

12. The respondent UPPTCL in its submission dated 21.2.2013 has submitted as under :

- (a) The capacity of 765 kV Anpara-Unnao transmission line is 2200 MW i.e. 1000 more than the total power generated by the petitioner

under normal conditions.

(b) As per definition of "Point of Connection", charges for the intra-state transmission of electricity are also based on extent of utilization of transmission system by its users. This fact is also supported by the Open Access (Bilateral Transaction)- Application for scheduling submitted by the petitioner to SLDC for seeking its concurrence for Short term Open Access, which clearly indicated the Applied Route (From Injection point to drawl point) as-LANPL-UPPTCL-NR-ER-SR-TNEB. Under the circumstances, the petitioner is utilizing the intra-state transmission system for effecting sale to third parties outside the State and accordingly are required to pay the intra-state transmission charges.

(c) The petitioner is directly not connected to CTU system. The 400 kV Anpara-Singrauli line of CTU referred by the petitioner is connected to 400 kV switchyard of Anpara A and B generating stations owned by Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited. Accordingly, it is the STU system and not the switchyard of the petitioner, which is connected to the CTU system. As it is not possible to always ensure continuous flow of 100 MW of power from Anpara-C generating station to third parties in the Northern Region through 400 kV Anpara-Singrauli line, Petitioner would most certainly be utilizing the intra-state transmission system to manage such a transaction. Accordingly, it is only legitimate on the part of STU to demand transmission charges and adjustment of transmission losses in

kind from the petitioner, more so in view of the fact that there is only minimal flow of electricity on Anpara-Singrauli line and most of power generated at Anpara-C station is evacuated through intra-state Transmission system only.

13. The petitioner in its submission dated 22.3.2013 has submitted as under:

(a) The generating station of the petitioner i.e. Anpara 'C' is directly connected to 400 kV Anpara-Singrauli ISTS line through the common bus of Anpara A&B. This common bus bar is owned by UPRVUNL and not by the Respondent No.1.

(b) The petitioner is also paying Rs. 7.2. crore and taxes plus escalation annually to UPRVUNL for sharing the common bus bar with other common facilities and therefore there is no question of Respondent No. 1 charging any intra State open access charges from the petitioner.

(c) The contention of the Respondent No.1 that the entire 100 MW power goes into the intra State system is meritless for the reason that the power flows in an interconnected system takes place as per the load generation conditions based on laws of Electricity and is bound to flow towards the line which has a higher demand. The power flow of the intra State transmission system of Respondent No.1 is consumed by the distribution licensees of the State of Uttar Pradesh and applying the principle of

displacement 100 MW power to be supplied by the petitioner in Southern Region is drawn from source based in that region. If the contention of the Respondent No.1 is taken to be correct then it will apply to almost all the Central Generating Station connected to the intra State transmission system.

14. CTU in its affidavit dated 14.3.2013 has submitted the report indicating to what extent the inter-State network is being used for evacuation of 100 MW power from Lanco-Anpara C. CTU in its report has submitted as under:

I. Anpara 'A' and 'B' has a total generation capacity of 1630 MW (3x210+2x500) and was integrated through :

- (i) Anpara-C-Unnao 765 kV S/c line (charged at 400 kV)
- (ii) Anpara-Obra line 400 kV S/c line
- (iii) Anpara-Sarnath line 400 kV D/c line
- (iv) Anpara-Mau line 400 kV S/c line
- (v) Anpara-SIngrauli line 400 kV S/c line (ISTS interconnection)
- (vi) 3x100 MVA Transformer in 400/132 kV level

Anpara-C was to generate at 765kV level. With Anpara-C generation following augmentation was carried out:

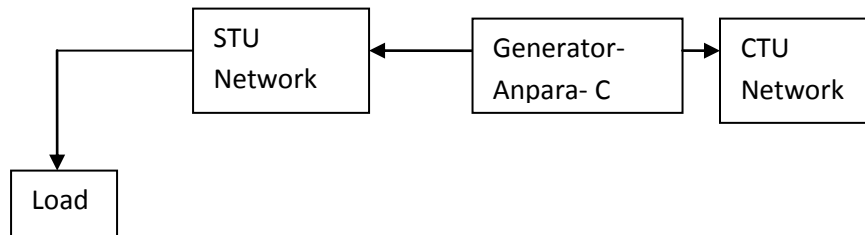
- (i) Shifting of Anpara-B- Unnao 765kV S/C line charged at 400kV to Anpara-C 765kV switchyard and charging the line at 765kV
- (ii) Anpara-C to have 765kV and 400kV levels with 2x1000 MVA transformers
- (iii) Interconnection of Anpara-C and Anpara-B at 400kV through contiguous 400kV bus.
- (iv) Upgrading Unnao substation to 765kV with 2x1000 MVA (7x333MVA, 1 phase units) 765kV/400kV ICTs

II. To study the load on ISTS system due to 100MW additional generation at Anpara -C , simulation has been carried out with 1100MW and 1200MW generation and contingency in both cases, the result of simulation is as below:

- (a) With 1100MW generation at Anpara -C power flow from Singrauli line to Anpara is around 423 MW.
- (b) With 1200 MW generation dispatch at Anpara -C power flow from Singrauli to Anpara is around 395MW.
- (c) With 1100 MW generation at Anpara -C on outage of Anpara-Unnao 765kV line power flow on Anpara to Singrauli line is around 73 MW.
- (d) With 1200 MW generation at Anpara -C on outage of Anpara-Unnao 765kV line flows from Anpara to Singruli is around 114 MW.

15. Concluding the studies CTU has stated that with the increase in the generation of 100 MW, there is change of around 28 MW on the line loading of Singrauli-Anpara 400 kV S/c line. It has been further submitted that the power flow in an inter-connected meshed network is usually dependent upon load-generation conditions. While granting LTA it is ensured that there is adequate capacity for transfer of power from the injection point to beneficiaries. In the present, case Anpara 400kV bus is directly connected to Singrauli by a 400 kV line and is capable of transferring 100 MW of power.

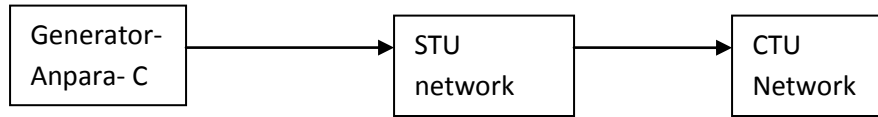
16. We have considered the submissions of the petitioner, respondent UPPTCL and CTU. As per Regulation 8(3) of the Connectivity Regulations, while granting connectivity, the nodal agency is required to specify the name of the sub-station or pooling station or switchyard where connectivity is to be granted. Connectivity Regulations clearly provides that a switchyard may be connected to the other switchyard. Thus, Anpara-C switchyard is connected to Anpara A & B Switchyard through contiguous bus. It is noted that the generating station of the petitioner viz Anpara-C is an embedded entity of UP. Anpara-C is connected to the common bus of Anpara A & B which is further connected to 400 kV Anpara-Singrauli ISTS line. Further , Anpara C is directly connected to 765 kV STU network and majority of the power flow is through STU network. So on one side the petitioner's generating station is connected to STU and on the other side to CTU as depicted below:



17. The power flow in such scenario depends upon the system conditions and is not in the control of the generator. As the STU network is feeding State load, all power of Anpara-C may be consumed by the State itself.



18. However, when the generator is embedded in STU network, the power to CTU network cannot flow without using STU network as shown below:



The STU network acts as intervening system and the contract path can be clearly identified in such case.

19. The study conducted by CTU reveals that only a marginal power flow is being shared by 400 kV Anpara-Singrauli line and majority of Anpara-C power including 100 MW under STOA/MTOA is evacuated through UPPTCL network. UPPTCL, however, while granting concurrence and NOC dated 22.5.2010 for LTA for 100 MW of power stated that no transmission charges for use of intra-State transmission system were to be paid by the petitioner. However, when the petitioner approached for NOC for its MTOA to TANGEDCO, UPPTCL changed its stand and claimed that transmission charges were payable as STU network is being used the generating station. In terms of Section 39 (2) of the Electricity Act, 2003 STU is required to provide non-discriminatory open access to its transmission system for use by any licensee or generating company on payment of the transmission charges. As the petitioner's plant is utilizing STU network for evacuation of power, he shall have to pay the transmission charges and losses of STU network as applicable in terms of Regulations, 26 of the Connectivity

Regulations, 2009 which provides as under:

**"26. Transmission Charges**

*The transmission charges for use of the inter-State transmission system shall be recovered from the long-term customers and the medium-term customers in accordance with terms and conditions of tariff specified by the Commission from time to time:*

*Provided that if the State network is also being used in the access as a part of inter-State transmission system for the conveyance of electricity across the territory of an intervening State as well as conveyance within the State which is incidental to such inter-State transmission of electricity, recovery of charges for such State network and terms and conditions thereof shall be in accordance with the regulation as may be specified by the Commission under section 36 of the Act for intervening transmission facilities, if such charges and terms and conditions cannot be mutually agreed upon by the licensees;*

*Provided that any disagreement on transmission charges for such State network as specified above, shall not be the sole reason for denying access and either party may approach the Commission for determination of transmission charges for such State network."*

20. However, in the Statement of Reasons of the Connectivity Regulations, 2009, following has been clarified:

*"122. It has been suggested by Spice Energy that rather than identifying STU and CTU system, combined transmission charges and losses should be applied. We are of the view that the STU system is on slightly different footing as it will come under the category of 'intervening transmission facility'. The regulation has been modified in view of the fact that a proposed regulation for intervening transmission facilities is under consideration of the Commission. Accordingly, **if the State network is also being used in the access as a part of inter-State transmission system for the conveyance of electricity** across the territory of an intervening State as well as conveyance within the State which is incidental to such inter-State transmission of electricity, recovery of charges for such State network and terms and conditions thereof shall be in accordance with the regulation as may be specified by the Commission under Section 36 of the Act for intervening transmission facilities, if such charges and terms and conditions cannot be mutually agreed upon by the licensees.*

21. Further, in the Central Electricity Regulatory Commission (Rates, Charges and Terms and Conditions for use of Intervening Transmission Facilities) Regulations, 2010 "Intervening transmission facilities" has been defined as under:

"Intervening transmission facilities means the electric lines owned or operated by a transmission licensee or distribution licensee where such electric lines can be utilized for transmitting electricity, to the extent of surplus capacity available therein, for and on behalf of a transmission licensee or trading licensee or a distribution licensee at their request and on payment of a tariff or charge.

However, said Regulations shall apply only where a contract path can be identified.

22. In the present case, it is also evident from the study conducted by CTU that majority of power of Anpara-C is consumed in the State of Uttar Pradesh itself. The transmission system of STU does not act as intervening system in the present case as State transmission network is not used in the access as a part of inter-State transmission system for the conveyance of electricity, i.e. power is not conveyed to ISTS through STU network and a contract path cannot be identified. Therefore, in terms of provisions of Central Electricity Regulatory Commission (Rates, Charges and Terms and Conditions for use of Intervening Transmission Facilities) Regulations, 2010 as per Intervening Transmission Facilities Regulations, 2010, the charges are not applicable in the present case.

23. The petitioner in its submission dated 22.3.2013 has stated that if the contentions of respondent are taken correct then in that event all the Central

Generating Stations connected to ISTS will have to pay STU charges as the power from the above generating station can flow into intra-state system more than what has been allocated to the state. It is noted that transmission charges and losses are applicable on schedule of energy and not on actual energy flow. In PoC mechanism as well, for computing the rates only actual flows are considered. Once rates are determined, they are applied on scheduled energy. The actual energy flows are different from scheduled flow and sometimes power from State generating stations flows on ISTS and sometimes ISGS power flows on state transmission network. However, such phenomenon cannot be the basis for claim of the STU charges. Also, for same energy, two charges cannot be applied, when the entity is connected to both STU/ CTU network. The transmission charges and losses are applied on the basis of Scheduled power not on actual flow of power which depends on system condition. Therefore, the intra-State transmission charges or losses as per Central Electricity Regulatory Commission ( Open Access In Interstate transmission ) Regulation.2008 are not applicable.

24. For embedded entity, i.e. entity committed to STU only the STU charges are applicable on the premise that State transmission system is being used for flow of power upto ISTS and therefore, it flows further in ISTS. Further, UPPTCL is benefitted due to the fact that by consuming 100 MW power, its drawal from ISTS decreases, which is reflected in the PoC.

25. In view of the above, the petitioner is not liable to pay the

transmission charges of STU network. The payment of transmission charges and losses for 100 MW from Anpara-C shall be governed by Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010.

26. The petitioner has prayed to direct the UPPTCL to refund the short term open access charges for supplying of 100 MW power to TANGEDCO. As the transmission charges of STU network are not applicable to petitioner, the respondent, UPPTCL is directed to refund the short term open access charges to the petitioner from May, 2012.

27. The petitioner has also prayed to direct the respondent to adjust the transmission losses sustained by it under the energy account. It is observed that that it is not possible to provide relief at this stage as the energy corresponding to losses had already accounted for in the schedule and drawl of all users and it is not prudent to revise all energy accounts now.

28. The petitioner has further prayed to direct the UPPTCL to grant its concurrence and no objection for supply of 100 MW for the period from 1.7.2012 to 30.6.2015. The Regulation 10 of the Connectivity Regulations provides as under :

"Provided also that if an intra-State entity is applying for long-term access or medium term open access, concurrence of the State Load Despatch Centre shall be obtained in advance and submitted along with the application to the nodal

agency. The concurrence of the State Load Despatch Centre shall be in such form as may be provided in the detailed procedure.

(2) Where necessary infrastructure required for energy metering and time-block-wise accounting already exists and required transmission capacity in the State network is available, the State Load Despatch Centre shall convey its concurrence to the applicant within ten working days of receipt of the application.

(3) In case SLDC decides not to give concurrence, the same shall be communicated to the applicant in writing, giving the reason for refusal with the above stipulated period.

The respondent, UPPTCL is directed to grant concurrence for supply of 100 MW for the period from 1.7.2012 to 30.6.2015 as per the provisions of Regulation 10 of the Connectivity Regulations. Also, in terms of the Regulation 20 of the Connectivity Regulations, in case the nodal agency face any difficulty in the process of consultation and coordination, it may approach the Commission for appropriate direction.

29. The petition and I.A are disposed of with above directions.

**Sd/-**  
**(M. Deena Dayalan)**  
**Member**

**sd/-**  
**(V.S.Verma)**  
**Member**

**sd/-**  
**(Dr. Pramod Deo)**  
**Chairperson**