

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 104/MP/2011**

**Coram:**

**Shri V.S.Verma, Member  
Shri M.Deena Dayalan, Member**

**Date of Order : 7.8.2013**

**In the matter of**

Petition under section 79(1)(c) and 86(1)(i) of the Electricity Act, 2003 seeking directions to WRLDC / referring the matter for arbitration.

**And**

**In the matter of**

Haryana Power Generation Corporation Limited .....**Petitioner**  
Panchkula

on behalf of

Uttar Haryana Bijlee Vitran Nigam, Hisar

And

Dakshini Haryana Bijlee Vitran Nigam , Hisar

Vs.

1. Western Region Load Despatch Centre
2. PTC India Ltd, New Delhi
3. Lanco Amarkantak Power Private Ltd., Hyderabad .....**Respondents**

**ORDER**

This petition has been filed by Haryana Power Generation Corporation Limited (HPGCL), on behalf of Uttar Haryana Bijlee Vitran Nigam and Dakshini Haryana Bijlee Vitran Nigam, seeking directions of the Commission to Western Load Despatch Centre (WRLDC) to make payment of the UI charges to HPGCL, in view of the order of the learned Haryana Electricity Regulatory Commission dated 6.2.2008.



2. The petitioner has submitted that the Power Trading Corporation of India (PTC) entered into a Power Purchase Agreement on 19.10.2005 with M/s Lanco Amarkantak Power Private Ltd. (LAPPL), for purchase of 300 MW power for a period of 25 years from the proposed generation unit namely Lanco Amarkanthak Phase-II at Pathadi Village, Korba District, Chhatisgarh. PTC also entered into a back-to-back Power Sale Agreement (PSA) with HPGCL for sale of 300 MW capacity of power from the proposed generating station. The State Government vide its Notification dated 11.4.2008, assigned the rights of HPGCL in Lanco Amarkantak Phase-II power to Uttar Haryana Bijli Vitran Nigam Ltd. (UHBVNL) and Dakshini Haryana Bijlee Vitran Nigam Ltd. (DHBVNL).

3. The petitioner has submitted that instead of supplying the power to UHBVNL and DHBVNL, LAPPL had been injecting power from Lanco Amarkanthak Phase-II to Western Regional grid and WRLDC was making payment for this power from UI pool account to Respondent No.3, instead of the petitioner. The petitioner filed a petition before the Haryana Electricity Regulatory Commission on 22.7.2010, seeking direction to WRLDC to make payment of UI charges to the petitioner among other prayers.

HERC in its order dated 2.2.2011 has issued the following directions :

- (i) "The Power Purchase Agreement dated 19th October, 2005 as amended by HERC order dated 6th February, 2008 remains valid and in force and cannot be revised at this stage.
- (ii) 300 MW of contractual power should go to HPGCL and /s Lanco Amarkanthak Private Limited is restrained from selling the same to a third party.
- (iii) WRLDC to make payment for infirm power since the date of synchronization of LAPPL Unit-II from the UI pool to HPGCL instead of M/s Lanco Power Private Limited, HPGCL and PTC should immediately take up the matter with CERC for

appropriate directions to WRLDC regarding payment of UI charges to HPGCL since in such cases only CERC has the competence to issue directions."

4. The petitioner has submitted that in view of the above directions of HERC, the Commission may issue necessary directions to WRLDC regarding payment of UI charges to HPGCL, as this Commission is competent to issue directions in such matters.

5. The matter was listed for hearing on 24.5.2011 and was adjourned to 21.7.2011 on the request of learned counsel for the petitioner to explain under which provisions of the Act or Regulation, the present petition is maintainable. The learned counsel sought time to file submission on the question of maintainability. On perusal of the record, we find that the submission of the learned counsel has not been filed. The petitioner has also not taken steps to pursue the matter further before this Commission.

6. We have considered the submission of the petitioner. UI is a pool account. All receivable to and payables from the UI pool account are governed in accordance with the provisions of the Central Electricity Regulatory Commission (Unscheduled Interchange charges and related matters) Regulations, 2009 (hereinafter "UI Regulations"). There is no provision in the UI Regulations to make payment of UI charges to any third party in terms of the agreement entered into by the injecting entity. In this case, LAPPL was injecting infirm power from Lanco Amarkanthak Phase-II into the grid prior to the commercial operation of the unit. Therefore, LAPPL has been paid by WRLDC out of the UI pool account, in accordance with the UI Regulations.

7. In our view, the petition is not maintainable, as there is no provision in the UI Regulations to direct WRLDC to make payment to the third party in this case UHBVNL and DHBVNL, out of the UI Pool Account.

8. The petition is disposed of in terms of the directions above.

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

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