

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Review Petition No. 2/2014

In

Petition No. 211/MP/2011

Coram:

Shri Gireesh B. Pradhan, Chairperson

Shri M. Deena Dayalan, Member

Shri A.K. Singhal, Member

Date of Hearing: 13.03.2014

Date of order: 01.08.2014

In the matter of

Review of order dated 20.11.2013 passed by the Hon'ble Commission in Petition No.211/MP/2011.

And

In the matter of

Steel Authority of India Limited
Bhilai Steel Plant,
Bhilai-490 001, Chhattisgarh

Review Petitioner

Vs.

Western Regional Load Despatch Centre
F-3, MIDC Area, Marol, Andheri East
Mumbai-490 003

Respondent

The following were present:

1. Shri M.G. Ramachandran, Advocate for the petitioner
2. Ms. Anushree Bardhan, Advocate for the petitioner
3. Ms. Swagatika Sahoo, Advocate for the petitioner
2. Shri Abhimanyu Gartia, Advocate, WRLDC
3. Shri S.S. Barpanda, NLDC

ORDER

The Review Petitioner, Steel Authority of India Limited has filed this Review Petition seeking review of the Commission`s order dated 20.11.2013 in Petition No. 211/MP/2011 (Impugned order) wherein the Commission has held as under:-

"Para 24 In view of the foregoing discussion, we conclude that the petitioner, SAIL-BSP being an intra-State entity of CSEB, which is a Designated ISTS customer, is liable to share the transmission losses under the Sharing Regulations. The estimated zonal transmission losses are applied on net drawl schedule prepared for regional entity CSEB as a whole and as SAIL-BSP is an intra-State entity under CSEB, the same shall become applicable on its schedule."

2. The petitioner has submitted that in reaching the above conclusion, the Commission has not considered the following salient aspects which were available on record:

(a) The Commission has not taken into consideration that the petitioner is **not** the user of any segment or element or node of intra-State Transmission System. The injection of power drawn by the petitioner is at a separate line which is a dedicated transmission line to the petitioner's facilities and is totally independent of the power injected in the inter-State Transmission System. The quantum of power injected into the dedicated transmission line are separately recorded and separate scheduling is being shown which has been acknowledged by the Commission in para 20 of the impugned order. Therefore, the petitioner cannot be held liable for sharing of the losses for supply of power received from the generating station through the dedicated transmission line.

(b) The petitioner is a consumer of CSEB/CSPDCL and has entered into an agreement on 26.10.2009 for a contract demand of 225 MVA and is paying ₹7.7

crore per month to ensure power security during the exigencies of tripping of captive unit of NSPCL or during reduced generation.

(c) In para 3 (i) of the order, the Commission has relied upon the submission of WRLDC which are patently erroneous. There was no occasion when petitioner had drawn power from NSPCL for its captive consumption in excess of power generated by NSPCL and declared available for consumption by the petitioner. There was, therefore, no question of any power from Raipur being drawn by the petitioner through the bus bar of NSPCL.

(d) The supply of power through the dedicated transmission line to CSPDCL is not correct and the contention of WRLDC can at most be considered as being some inadvertent flow of power. This view has been taken by the Commission in order dated 8.6.2013 in Petition No. 189/MP/2012 (Lanco Anpara Power Limited Vs. Uttar Pradesh Transmission Corporation Limited) and order dated 19.11.2013 in Petition No. 95/MP/2013 (Jaiprakash Power Ventures Limited Vs. M.P. Power Transmission Limited). The decision in the case of the petitioner should be consistent with the Commission's decision in other cases.

(e) As per Regulation 7 (c) of the Sharing Regulations, the dedicated transmission lines which are constructed, owned and operated by the generators cannot be considered as part of the basic network. The levy of inter-State transmission charges and losses can only apply to inter-State transmission system and not for conveyance of electricity through the dedicated transmission lines used by captive consumers.

3. The petitioner has submitted that in view of the above reasons, there are errors apparent on the face of the record in the order dated 20.11.2013 and there are sufficient reasons for reviewing and rectifying the said order.

4. After notice, WRLDC has filed reply to the review petition vide its affidavit dated 6.3.2014. WRLDC has submitted that the impugned order has been issued after due consideration of all aspects of the case and there are no errors apparent on the face of record. WRLDC has further submitted that BSP is an embedded entity within the Chhattisgarh control area. Earlier, NSPCL was an intra-State entity and its scheduling was coordinated by Chhattisgarh SLDC. NSPCL became a regional entity w.e.f. 1st August, 2011 as per provision of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010, and entire ex-bus generation was scheduled by WRLDC. This scheduling included full allocation to Chhattisgarh State control area which comprises of allocation to Chhattisgarh State Power Distribution Company Limited (CSPDCL) and to Bhilai Steel Plant (BSP). With the above, 220 kV NSPCL, BSP lines became the interconnecting lines between ISTS grid and Chhattisgarh State network. Also the contention by the petitioner that the 220 kV inter connection between NSPCL and BSP are radial lines is totally incorrect. BSP is connected with NSPCL (which is further connected to Raipur (POWERGRID) and with CSPTCL at Khedamara 400 kV S/S (STU S/S). Further, Khedamara 400 kV S/S of CSPTCL is connected with Raipur 400 kV S/S of POWERGRID through Khedamara-Raipur 400 kV line. By virtue of these inter links the inter-connection loses the status of radial connectivity with NSPCL. The statement by the petitioner that BSP is having contracted supply agreement with CSPDCL clearly shows that the petitioner BSP is an embedded entity of

CSPDCL and any power scheduled from NSPCL by WRLDC will be scheduled through CSPDCL only and necessary scheduling losses will be applied on the total power scheduled to CSPDCL as per the Grid Code and Sharing Regulations.

5. WRLDC has further submitted as under:-

(a) WRLDC is not doing separate scheduling of BSP. If the scheduling is done separately, then BSP would have been a regional entity under control area jurisdiction of WRLDC and a UI pool member. However, as on today, BSP is not a UI Pool Member of Western Region and any Unscheduled Interchange by BSP is settled by WRLDC through CSPDCL, since allocation of BSP is scheduled through CSPDCL. The contention of BSP that the quantum of power injected into the 220 kV lines is separately recorded is not correct as each transmission element is measured separately irrespective of its status i.e. dedicated/ISTS/deemed, etc.

(b) The petitioner has claimed that the facilities at BSP are connected through a radial line from Khedamara S/S of CSPTCL. However, in the petition, importance of reliability of supply has been highlighted. Radial system is prone to interruptions and reliability of supply to an important load can be ensured through a loop system with alternate feeds from different sources, so that even in case of interruption of power from one side, other infeed would be available.

(c) In actual scenario, loop flows are taking place. As per Regulation on Sharing of transmission charges and losses in ISTS, losses are applied to all the scheduled

transactions of a DIC (Designated Inter-State Customer) within the jurisdiction of RLDCs and the application of loss is irrespective of the actual power flow.

(d) The lines claimed by BSP are in fact connecting two entities viz NSPCL and BSP which are coordinated respectively by WRLDC and SLDC, Chhattisgarh. If the petitioner's contention is to be satisfied then NSPCL may dedicate one unit purely as captive plant to cater to its captive load of BSP and the same may have to be fully dis-connected from the other unit having long term allocation to other beneficiaries. In such scenario WRLDC will be scheduling only one unit of NSPCL and other unit along with BSP will be with the Chhattisgarh SLDC control area. With the existing connectivity, WRLDC has to act as per the regulations of the Commission and Grid Code. BSP wanted to keep both STU and ISTS connectivity for its reliable supply and did not wish to share the losses.

6. During the course of hearing, learned counsel for the petitioner reiterated the submissions made in the review petition. Learned counsel submitted that the Commission has not considered the contract demand of SAIL-BSP from CSPDCL which shows that in case of tripping or outage of NSPCL, the petitioner draws power from the system of CSPTCL and not from the ISTS. Learned counsel further submitted that even when there is outage of the dedicated transmission line, the petitioner has never sought scheduling from ISTS. Both these factors show that the dedicated transmission line is not part of the meshed network and therefore, transmission losses cannot be levied on the petitioner.

7. We have considered the submissions of SAIL-BSP and WRLDC. According to SAIL-BSP, the following conclusions in the impugned order are wrong and are not based on materials on record:-

(a) The dedicated transmission line connecting NSPCL with SAIL-BSP is being used as ISTS line.

(b) WRLDC has demonstrated on the basis of actual power flow under three scenarios that ISTS lines are being used to carry power to SAIL-BSP.

(c) The schedule of SAIL-BSP (through CSEB) is not dependent on availability of NSPCL SAIL-BSP line. Once scheduled, SAIL-BSP can draw power from meshed ISTS network and Chhattisgarh transmission system.

8. As regards the observations of the Commission that the dedicated transmission line connecting NSPCL with SAIL-BSP is being used as ISTS, the Commission has dealt with this aspect in paras 17 to 19 of the impugned order. As regards the submission of WRLDC which has been quoted in para 3 (i) of the impugned order, the same is based on study of actual flow of power on the NSPCL- SAIL-BSP transmission line. Para 3 (i) is extracted as under:-

"3 (i) NSPCL is connected to ISTS and BSP is connected to CSPTCL system and loop flow in either direction is possible. Based on the daily power flow on the 400 kV NSPCL-Raipur D/C section as well as 220 kV NSPCL-BSP section (on 11.9.2011, 30.11.2011 and 11.1.2012), WRLDC has sought to demonstrate through the following three scenarios that SAIL-BSP is utilizing the ISTS both from the considerations of reliability and transfer of power:

(i) When only one unit is available at NSPCL, power flow takes place from Raipur to NSPCL and then onward to BSP implying use of ISTS.

(ii) When both units of NSPCL are in operation, power flow on 220 kV NSPCL-BSP section is much less than the share of BSP in NSPCL.

(iii) When only one BSP line is in service, maximum power is wheeled through 400 kV Raipur lines"

9. The Commission after detailed examination of the materials on records has come to the following conclusion:

"19..... It emerges that the dedicated transmission line connecting NSPCL with BSL is being used as ISTS line. WRLDC has also demonstrated on the basis of actual power flow under three scenarios that the ISTS lines are being used to carry power to SAIL-BSP. The schedule of SAIL-BSP (through CSEB) is not dependent on availability of NSPCL SAIL-BSP line. Once scheduled, SAIL-BSP can draw its power from meshed ISTS network and Chhattisgarh transmission system.

20. SAIL-BSP is an intra-State entity within CSEB/CSPDCL, therefore the power allocated to SAIL-BSP from NSPCL is scheduled to CSEB/CSPDCL by WRLDC. In other words, CSEB/CSPDCL is a 'DIC' as per Sharing Regulations. Hence, while scheduling the power to CSEB/CSPDCL for combined power drawl of CSPDCL and SAIL-BSP, the ISTS losses are applied to CSEB/CSPDCL and the same get applied to the petitioner because SAIL-BSP is treated as an intra-State entity of Chhattisgarh. Only for the purpose of displaying data on WRLDC website, separate scheduling is being shown for SAIL-BSP under heading SAIL-BSP-CSEB. In view of the above discussion, we hold that WRLDC has allocated losses as per the Sharing Regulations and the procedure issued thereunder."

10. The petitioner has submitted that the supply of power through the dedicated transmission line to CSPDCL is also not correct and contention of WRLDC can be considered as being some inadvertent flow of power. The petitioner has relied on the Commission's order dated 8.6.2013 in Petition No. 189/MP/2012 and has submitted that present case needs to be consistent with the said order dated 8.6.2013. WRLDC has submitted that in para 23 of the order dated 8.6.2013 in Petition No.189/MP/2012, the Commission has held that transmission charges and losses are applicable on schedule of energy and not on actual energy flow. WRLDC has submitted that the same principles has been adopted while scheduling NSPCL power to its beneficiaries i.e.

transmission charges and losses are applicable on the schedule of energy and not on actual energy flow. We are in agreement with the submission of WRLDC.

11. In the present case, SAIL-BSP is a State embedded entity whose schedule is prepared by Chhattisgarh SLDC. However, the scheduling of NSPCL, being an ISGS is done by WRLDC. Therefore, WRLDC prepares schedule for whole Chhattisgarh and Chhattisgarh SLDC in turn prepares schedule for SAIL-BSP. Therefore, WRLDC applies zonal charges and losses as per Sharing Regulations. Further, as per implemented schedule available at SLDC Chhattisgarh web site, the drawal schedule of BSP is prepared considering CSPDCL as buyer of power from NSPCL and path of their power is shown as transmission system of WR and CSPTCL.

12. As already stated in the impugned order, NSPCL-BSP-SAIL dedicated transmission lines are connecting two entities viz. NSPCL and SAIL-BSP in two different control areas coordinated respectively by WRLDC and SLDC, Chhattisgarh. If the petitioner's contention is to be upheld, then NSPCL may have to dedicate one unit purely as captive plant to cater to the captive load of SAIL-BSP and it needs to be fully disconnected from the other unit having long term allocation to other beneficiaries. In that case, WRLDC will schedule only one unit of NSPCL and the other unit along with SAIL-BSP will be with the Chhattisgarh SLDC control area. However, since SAIL-BSP has retained both STU and ISTS connectivity for its reliable supply, WRLDC would have to act as per the Sharing Regulations and Grid Code and allocate the transmission losses to the regional entities, namely NSPCL and CSPDCL including BSP.

13. The Commission has given elaborate reasoning in the impugned order while coming to the above conclusions. The petitioner is agitating these points on merit which is outside the scope of review and falls within the scope of appeal. The Hon'ble Supreme Court in Parsion Devi and Ors. Vs. Sumitri Devi and Ors, [(1997) 8 SCC 715] has held that a review cannot be used as an appeal in disguise. The relevant extract of the judgment is reproduced as under:-

"Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has a limited purpose and cannot be allowed to be an appeal in disguise."

14. In view of the above discussion, we are of the view that there is no error of fact or law, apparent on the face of record. The review petition is devoid of merits and is accordingly dismissed.

Sd/-
(A.K. Singhal)
Member

sd/-
(M. Deena Dayalan)
Member

sd/-
(Gireesh B. Pradhan)
Chairperson