

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 60/RP/2016 alongwith  
IA No. 52/2016 in  
Petition No. 10/SM/2014**

**Coram:**

**Shri Gireesh B. Pradhan, Chairperson**

**Shri A.K. Singhal, Member**

**Shri A.S. Bakshi, Member**

**Dr. M.K. Iyer, Member**

**Date of Order: 15<sup>th</sup> of December, 2016**

**In the matter of**

Review Petition under Section 94 (1) (f) of the Electricity Act, 2003 read with Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for review of order dated 30.6.2016 in Petition No.10/SM/2014 along with I.A. for condonation of delay.

**And**

**In the matter of**

Power Company of Karnataka Ltd.  
KPTCL Building, Kaveri Bhawan,  
K.G.Road, Bangaluru-560 009.

**...Petitioner**

**Vs**

1. Bangalore Electricity Supply Company Ltd.  
K.R.Circle, Bangaluru-560 001

2. Mangalore Electricity Supply Company Ltd.  
Paradigm Plaza, AB Shetty Circle,  
Mangalore-575 001

3. Gulbarga Electricity Supply Company Ltd.  
Station Main Road, Gulgarga-585 102

4. Hubli Electricity Supply Company Ltd.  
Navanayar, PB Road,  
Hubli-580 025

5. Chamundeshwari Electricity Supply Company Ltd.  
No. 927, LJ Avenue, New Kantharaja,  
Urs Road, Sarwathipuram, Mysore-570 009

**.....Respondents**

**Following were present:**

Ms. Swapna Seshadri, Advocate, PCKL  
Ms. Ranjutha V., PCKL  
Ms. Madhu, PCKL  
Ms. Suparna Srivastava, Advocate, PGCIL

**ORDER**

The present Review Petition has been filed by Power Company of Karnataka Ltd.(PCKL) under Section 94 (1) (f) of the Electricity Act, 2003 read with Regulation 103 (1) of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking review of the order dated 30.6.2016 (impugned order) in Petition No. 10/SM/2014 wherein the Commission held that the Review Petitioner is liable to pay transmission charges for the period from 1.7.2011 to 30.4.2015 for deemed operationalization of long term open access to the extent of 939 MW, despite the fact that no LTA was ever given to the Review Petitioner. The Review Petitioner has also filed an Interlocutory Application No. 52/2016 seeking condonation of delay of 14 days in filing the Review Petition.

2. Learned counsel for the Review Petitioner submitted that there are certain errors apparent on the face of record in computing the LTA quantum and levy of charges, etc. which are required to be corrected. Learned counsel for the Review Petitioner further submitted that in the impugned order, the Commission has held that PCKL is liable to pay the charges from 1.7.2011 which is against the provisions of Regulation 8(6) of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 (Sharing Regulations). Learned counsel for the Review Petitioner submitted that the generating station of Udupi Power Corporation Ltd. (UPCL) was commissioned on 19.8.2012, charges

cannot be levied prior to 19.8.2012 and the charges for the period prior to 19.8.2012 have to be paid by the generator directly.

3. Learned counsel for the Review Petitioner submitted that since PCKL is a coordinating agency and bulk purchaser of power, it had to discuss the matter with all the distribution companies. As a result, there is delay in filing of Review Petition by 14 days and has requested to condone the delay in filing the present Review Petition.

4. Considering the submission of the Review Petitioner that a marginal delay of 14 days has taken place on account of consultation by the Review Petitioner with the distribution companies of Karnataka who have to ultimately bear the charges, we condone the delay in filing of the Review Petition. Accordingly, IA No. 52/2016 is disposed of.

5. Review Petition is admitted. The Review Petitioner is directed to serve copy of the petition on the respondents immediately and the parties are directed to complete the pleadings by 11.1.2017.

6. The Review Petition shall be listed on 17.1.2017 for final hearing.

Sd/-  
**(Dr. M. K. Iyer)**  
Member

sd/-  
**(A.S. Bakshi)**  
Member

sd/-  
**(A.K. Singhal)**  
Member

sd/-  
**(Gireesh B. Pradhan)**  
Chairperson