

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 187/MP/2014

Coram:

Shri Gireesh B. Pradhan, Chairperson

Shri A.K. Singhal, Member

Shri A.S. Bakshi, Member

Date of Hearing: 05.5.2015

Date of Order : 16.2.2016

In the matter of

Petition under Section 66 read with Section 79 (1) (k) and other appropriate provisions of the Electricity Act, 2003 seeking the indulgence of the CERC for passing appropriate orders/directions to enable the petitioner to import power from the hydro generation project being developed by Dagachhu Hydro Power Corporation in Bhutan

And

In the matter of

Tata Power Trading Company Limited
C-43, Sector 62, 3rd Floor, Noida,
Uttar Pradesh-201 307

.....Petitioner

Vs

1. National Load Despatch Centre
B-9, Qutab Institutional Area, Katwaria Sarai,
New Delhi-110 016
2. Eastern Region Load Despatch Centre
14, Golf Club Road, Tollygunj, Kolkata-700 033
3. Eastern Region Power Committee,
14, Golf Club Road, Tollygunj,
Kolkata-700 033
4. Power System Operation Corporation Limited
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi-110 016
5. Central Transmission Utility
Saudamini, Plot No. 2, Sector 29,
Near IFFCO Chowk,
Gurgaon (Haryana)-122 001
6. Secretary, Ministry of Power

Shram Shakti Bhawan, New Delhi-110 001

7. Central Electricity Authority
Sewa Bhawan,
R.K.Puram, New Delhi-110 016

....Respondents

The following were present:

Shri Amit Kapoor, Advocate, TPTCL
Shri Janmali Manikala, Advocate, TPTCL
Shri Bhushan Pradhan, Advocate, TPTCL
Shri Karne, Advocate, TPTCL
Shri Vishal Anand, Advocate, TPTCL
Shri Bikram Singh, TPTCL
Shri Sanjeev Mehra, TPTCL
Shri R.S. Mirji, TPTCL
Shri Saurabh Srivastava, TPTCL
Shri S.S. Barpanda, NLDC
Ms. Abilia Zaidi, NLDC

ORDER

The petitioner, Tata Power Trading Company Limited (TPTCL), has filed the present petition under Section 66 read with Section 79 (1) (k) of the Electricity Act, 2003 seeking appropriate directions to enable it to import power from the hydro generation project being developed by Dagachhu Hydro Power Corporation (Dagachhu project) in Bhutan. The petitioner has made the following prayers:

“(a) Pass appropriate Orders and/or Directions to enable the Petitioner to import power from the hydro generation project being developed by Dagachhu Hydro Power Corporation, in Bhutan and to schedule such power for resale to buyers in India;

(b) Pending the issue of final orders and directions in the present petition, direct the Respondent Nos. 1 to 3 schedule the power that may be imported by the petitioner at a delivery point in India for re-sale to buyers in India;

(c) Pass such other and further orders, as this Hon`ble Commission deems fit and proper in the facts and circumstances of the case.”

2. The petition was admitted on 7.8.2014 and parties were directed to file their replies. At the instance of the Commission, the Central Electricity Authority and Ministry of Power were impleaded as parties to the petition. Though the Commission had sought

the views of Ministry of Power and Central Electricity Authority in the matter, no response has been received from them.

3. The matter was next heard on 8.9.2014. After considering the submissions of the petitioner and the respondents, the Commission approved an interim arrangement for scheduling and energy accounting of power injected from Dagachhu project and directed the petitioner and the respondents to apprise the Commission with regard to the working of the interim arrangement. The relevant portion of the said order dated 8.9.2014 is extracted as under:

18. We direct the petitioner and the respondents to apprise the Commission about the working of the interim arrangement after preparation of Regional Energy Accounts for two accounting cycles. The Commission shall be apprised of the working of the interim arrangement within 15 days after issuance of Regional Energy Account for second cycle. Thereafter, the Commission will take a view as required.

19. It is clarified that the above interim arrangement would presently apply only to the Dagachhu project.

20. Keeping in view the fact that a number of generation projects in Bhutan are in the pipeline, we direct CEA to hold discussion/meeting with appropriate authorities/agencies of Bhutan and India and stakeholders from both countries to arrive at a solution to facilitate seamless integration of various upcoming power projects with the Indian power market. We request the concerned Bhutanese authorities to participate in the aforementioned discussion/meeting to arrive at a mechanism duly keeping in mind the emerging requirements of multi-seller and multi-buyer power transactions between India and Bhutan. The exercise shall be completed within three months from date of issue of this order.”

4. As per the Commission`s direction dated 11.9.2014, CEA also convened meetings with concerned authorities/agencies of Bhutan and India and stakeholders from both the countries to arrive a solution to facilitate seamless integration of various upcoming power projects with the Indian power market.

5. Eastern Regional Power Committee (ERPC), vide its letter dated 10.4.2015 in Petition No. 187/MP/2014, has informed the Commission as under:

“As per the directions given in the CERC order at reference, it is informed that Regional Energy Accounts for February and March, 2015 have been issued and the arrangement for accounting of energy from hydro stations of Bhutan subsequent to the scheduling of Dagachhu HPS w.e.f. 21.2.2015 is working smoothly. The calculation done by ERPC Secretariat and those arrived at by Bhutan authorities are matching and consistent. Further, 6 no deviation accounts have been issued since the scheduling of Dagachhu HPS and there are no disparities/disagreements with respect to the deviation accounts.”

Perusal of the above letter reveals that the arrangement for accounting of energy from hydro generating stations of Bhutan subsequent to the scheduling of Dagachhu project is working smoothly w.e.f. 21.2.2015 and calculation made by ERPC and those arrived by Bhutan authorities are matching. There is no disparities/disagreement with respect to the deviation accounts.

6. The petitioner in its letter dated 23.4.2015 has submitted that the petitioner has complied with the direction in order dated 11.9.2014 and accordingly, power from the Dagachhu HPS is being sold to various India buyers on bilateral basis in short term market. The petitioner has further submitted that the order dated 11.9.2014 does not restrict TPTCL to sell power procured from Dagachhu HPS in any manner including sale of power on Power Exchanges. The petitioner has submitted that ERLDC's refusal to grant necessary clearance for sale of power by TPTCL on the Power Exchanges has resulted in partial implementation of the interim arrangements approved by the Commission in the order dated 11.9.2014. The petitioner has submitted that it has filed Petition No. 80/MP/2015 praying for appropriate direction to the parties to ensure full compliance of the commission's order dated 11.9.2014 enabling TPTCL to sell power from the Dagachhu HPS on

Power Exchange. The issue raised by the petitioner shall be dealt with while disposing of Petition No.80/MP/2015.

7. According to ERPC, the interim arrangement approved by the Commission vide order dated 11.9.2014 for accounting of energy from hydro generating stations of Bhutan subsequently to scheduling of Dagachhu HPS is working smoothly. Moreover, the Commission is in the process of framing draft Regulations on Cross Border Transactions. Therefore, the interim arrangement approved by the Commission in order dated 11.9.2014 shall continue till the notification of the Regulations on Cross Border Transactions and thereafter, the transaction for evacuation of power from Dagachhu HPS shall be governed in accordance with the said regulations.

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

Sd/-
(A.S. Bakshi)
Member

sd/-
(A. K. Singhal)
Member

sd/-
(Gireesh B. Pradhan)
Chairperson