

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.99/MP/2017

Subject :Petition under Section 79(1)(f) read with Section 79(1)(c) & (d) of the Electricity Act, 2003 in relation to dispute arising under the Transmission Service Agreement dated 20.12.2013.

Date of hearing : 15.6.2017

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : Powergrid Unchahar Transmission Limited

Respondents : Uttar Pradesh Power Corporation Limited and Others

Parties present :Shri Sitiesh Mukherjee, Advocate, PUTL
Shri Gautam Chawla, Advocate, PUTL
Ms. Akansha Tyagi, Advocate, PUTL
Shri V. Chandrashekhar, PGUTL
Ms. Manju Gupta, PGUTL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present petition has been filed *inter-alia* seeking direction that the transmission charges w.e.f 1.10.2016 to 21.12.2016 be paid to the Petitioner. Learned counsel for the Petitioner further submitted as under:

(a) Power Grid Corporation of India was selected as a Transmission Service Provider based on the tariff based Competitive Bidding to execute transmission system for ATS of Unchahar TPS and acquired the Powergrid Unchahar Transmission Limited as its fully owned subsidiary The Petitioner entered into TSA with LTTCs on 20.12.2013.

(b) As per the TSA, the completion schedule of Unchahar-Fatehpur 400 kV D/C line was on 24.9.2016. The petitioner vide its letter dated 26.7.2016 served an advance notice on the LTTCs informing that it intends to connect Unchahar-Fatehpur 400 kV D/C line on 24.9.2016. However, the line could not be charged on 24.9.2016 due to non-readiness of the inter-connection facility i.e. non-availability of 400 kV bays at NTPC Unchahar end.

(c) Subsequently, the deemed COD of the line was achieved on 1.10.2016, after completion of mandatory seven days period in terms of Clause 6.2.1 of the TSA and the Petitioner vide letter dated 1.10.2016, informed all the LTTCs about deemed COD of the line.

(d) As per Clause 6.2.2 of the TSA, the transmission element after achieving the deemed COD shall be eligible for payment of the monthly transmission charges. Accordingly, the Petitioner vide its letter dated 29.8.2016, furnished its Yearly

Transmission Charge (YTC) data to the NLDC. However, NLDC vide its letter dated 19.9.2016 informed that in light of the Commission's orders and prevailing regulations, the transmission charges of Unchahar-Fatehpur 400 kV D/C line shall be payable by NTPC and accordingly, the transmission charges are not included in PoC.

(e) The Petitioner requested CTU to bill the transmission charges of the instant line upon NTPC and accordingly, CTU raised bills upon NTPC for payment of the transmission charges since 1.10.2016. However, NTPC commenced payment of transmission charges only from 21.12.2016.

(f) Despite making best efforts for timely completion of its scope of work under competitive bidding route with significant investment, the Petitioner had been deprived of the transmission charges w.e.f 1.10.2016 to 21.12.2016 for no fault of it.

(g) The Petitioner informed about the completion of the line on 24.9.2016 and the deemed COD on 1.10.2016 to all the LTTCs including LTTCs from Rajasthan and Uttar Pradesh. Thereafter, UPPCL vide its letters dated 21.1.2017 and 22.2.2017 and RUVNL vide its letter dated 17.1.2017 levied the liquidated damages without providing any reasoning.

2. After hearing learned counsel for the Petitioner, the Commission admitted the petition and directed to issue notice to respondents.
3. The Commission directed the Petitioner to serve copy of the petition on the Respondents immediately if not served already. The Respondents were directed to file their replies by 14.7.2017 with an advance copy to the Petitioner, who may file its rejoinder, if any, on or before 23.7.2017.
4. The Commission directed NTPC to furnish the application for Connectivity and LTA submitted by CTU and Letter of intimation for grant of Connectivity and LTA by CTU, on an affidavit, on or before 14.7.2017.
5. The Commission directed CTU to furnish the Scheduled date of construction of 400 kV D/C Unchahar- Fatehpur line and the basis for the same on an affidavit, on or before 14.7.2017.
6. The Commission directed that due date of filing the replies, rejoinder and information should be strictly complied with. No extension shall be granted on that account.
7. The petition shall be listed for hearing on 10.8.2017.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Law)**