

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 14/MP/2016

Coram:

Shri Gireesh B. Pradhan, Chairperson

Shri A. K. Singhal, Member

Shri A.S. Bakshi, Member

Dr. M.K. Iyer, Member

Date of Order: 29th of November, 2017

In the matter of

Petition for unlawful denial to modify LTA; Incorrect and improper Regional Transmission Accounting and seeking necessary directions under Section 79 (1) (c) read with 79 (1) (f) of the Electricity Act, 2003.

And

In the matter of

BSES Yamuna Power Limited
Shakti Kiran Building, Karkardooma,
Delhi - 110032

....Petitioner

Versus

1. Power Grid Corporation of India Limited,
Saudamini, Plot No.2,
Sector-29, Gurgaon (Haryana)
2. Eastern Regional Power Committee,
14, Golf Club Road, Tollygunge
Kolkata-700033
3. BSES Rajdhani Power Limited
BSES Bhawan, Nehru Place
Behind NBT (Buss Terminal)
New Delhi-110019
4. Tata Power Delhi Distribution Limited
NDPL House, Hudson Lane,
Kingsway Camp, New Delhi-110 009
5. National Load Dispatch Centre
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi-110016

....Respondents

Parties Present:

Shri Shekhar Saklani, BYPL
Shri Manish Garg, BYPL
Ms. Suparna Srivatava, Advocate, PGCIL
Ms. Jyoti Prasad, PGCIL
Ms. Sheela M. Daniel, KSEB
Shri Alok Shankar, Advocate, TPDDL
Shri Shimpy Mishra, TPDDL

ORDER

The Petitioner, BSES Yamuna Power Limited (“BYPL”), has filed the present petition seeking direction to the Respondent No.2, Eastern Regional Power Committee (ERPC) to revise the Regional Transmission Accounts (RTA) from July 2011 onwards by excluding the auxiliary consumption in accordance with the allocation made by the Delhi Electricity Regulatory Commission (DERC) vide order dated 27.2.2014.

2. The Petitioner is a distribution licensee in the State of Delhi and is an “Intra-State Entity” within the meaning of the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term Access and Medium Term Open Access in Inter State Transmission and Related Matters) Regulations, 2009 (Connectivity Regulations). The Petitioner is also a “Designated ISTS Customer” (DIC) within the meaning of Central Electricity Regulatory Commission (Sharing of Inter State Transmission Charges and Losses) Regulations, 2010 (hereinafter referred to as the “Sharing Regulations”).

3. The Petitioner has submitted that PGCIL has granted LTA for supply of power from the following generating stations of DVC to the distribution companies in Delhi including the Petitioner as under:

Generating Station	Date of LTA	BRPL	BYPL	NDPL	Total
DVC 230 MW with	25.9.2007	63	100	67	200
DVC 7 & 8	23.9.2013	31	19	20	70
DVC MTPS 7 (119.19 MW) with BYPL	19.4.2012	-		-	

DVC Mejia 6 (100 MW) with Delhi	Based on MOP allocation				
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4. Subsequently, the Petitioner approached DERC for re-allocation of power for Delhi in respect of Chandrapura Unit 7 and 8 (300 MW). Accordingly, DERC vide its order dated 27.2.2014 re-allocated the power between BRPL, BYPL and TPDDL on the basis of average energy drawal for the period from 2007-08 to 2011-12 w.e.f. 1.4.2014 as under:

Discoms	Earlier allocation (March 2007) DERC Order		Revised allocation (Feb-14 DERC order)	
	Percentage	MW	Percentage	MW
BRPL	43.58%	131	43.92%	132
BYPL	27.24%	82	25.40%	76
TPDDL	29.18%	87	30.68%	92
Total	100%	300	100%	300

5. In the 10th Connectivity and LTA meeting of Eastern Region held on 25.5.2015, PGCIL informed that as against the operationalized LTA of 300 MW from Chandrapura Unit 7 & 8 (BRPL-131 MW, BYPL 82 MW and TPDDL-87 MW), Delhi Discoms have requested for modification of the LTA in terms of the order of DERC dated 27.2.2014 as BRPL-132 MW, BYPL-76 MW and TPDDL-92 MW) and further requested to reduce the auxiliary consumption from the LTA quantum in terms of the Central Electricity Regulatory Commission (Sharing of Transmission Charges and Losses) (Third Amendment) Regulations, 2015. CTU clarified that existing Regulations of CERC have no provision for reduction of LTA quantum on account of auxiliary consumption/change in allocation ratio by DERC and LTA quantum can only be relinquished fully or partly subject to payment of applicable relinquishment charges.

6. The Petitioner has submitted that non-acceptance of the request of the Petitioner by PGCIL is not tenable due to the following reasons:

(a) The LTA quantum and the POC charges claimed by PGCIL are inconsistent and contrary to the Sharing Regulations and the order of DERC dated 27.2.2014.

(b) Regulation 2 (1) (c) of the Sharing Regulations defines 'Approved Injection' as 'injection at the ex-bus of the generator'. Since Sharing Regulation is based on the philosophy of 'Point of Connection Mechanism', power that flows into the transmission system is net of auxiliary consumption.

(c) All the generators of Eastern Region are following the principle of adjustment of auxiliary consumption except DVC on the ground that the allocation in case of DVC is based on LTA whereas in case of NTPC and NHPC etc., it is based on GOI allocation.

(d) The difference in methodology adopted by PGCIL is arbitrary as the Sharing Regulations do not differentiate between DICs. PGCIL seeks to revise the RTA by excluding auxiliary consumption in case of Mejia 6 (100 MW) even though the allocation has been made by the Govt. of India (Ministry of Power).

(e) The stand of PGCIL that fresh applications for LTA are required to be made as per provision to Regulation 8 of the Connectivity Regulations in case of change in allocation by DERC is not maintainable as there is change neither in location nor in quantum of power being transmitted through the transmission system.

7. In the light of the above, the Petitioner has filed the present petition with the following prayers:

“(a) Direct Respondent No. 2 to revise the Regional Transmission Accounts from July, 2011 by excluding the auxiliary consumption and in accordance with the allocation made by the Hon'ble DERC in its order dated 27.2. 2014;

(b) Direct the Respondent No.1 to revise and modify the bills raised for the POC charges in accordance with revised Regional Transmission Accounts.”

8. Notices were issued to the respondents to file their replies. Replies to the petition have been filed by Eastern Regional Power Committee (ERPC), PowerGrid Corporation of India Limited (PGCIL), and Tata Power Delhi Distribution Limited (TPDDL) which have been briefly discussed in succeeding paragraphs.

9. ERPC, vide its reply dated 28.4.2016, has submitted as under:

(a) Regulation 10(1) of the Sharing Regulations provides that the Monthly Transmission Accounts applicable for various DICs in each region shall be prepared by the respective RPC on the basis of Approved Withdrawal / Approved Injection (MW) for peak and other than peak hours to be received from Implementing Agency. Regulation 2(1) (c) of the Third Amendment to the Sharing Regulations clarifies the position that where LTA has been granted by the CTU, the LTA quantum and where the LTA has not been granted by the CTU, the installed capacity excluding the auxiliary consumption shall be considered for the purpose of computation of approved injection. ERPC has issued the RTAs on the basis of the LTAs granted to Delhi Discoms by the CTU and therefore, question of differential treatment by ERPC for the generators of Eastern Region does not arise.

(b) 230 MW LTA granted to Delhi Discoms on 25.9.2007 does not indicate any source station/unit. The LTA was to be made effective from DVC Projects. As a result, DVC with considerable unutilized capacity more than the LTA quantum may not face any problem to supply the LTA quantum to the fullest extent, thereby utilizing the transmission corridor upto LTA.

(c) DICs like DVC and BYPL might have first concluded the LTA based on installed capacity without giving due consideration to the auxiliary consumption. As a result, PPA for 150 MW was executed between DVC and Delhi Discoms including BYPL from each unit of Chandrapur Thermal Power Station (CTPS) (250 MW units) even when 100 MW from each of CTPS 7 and 8 was already earmarked for Madhya Pradesh. Once LTA is applied for in this manner, a partially PPA generator like DVC will be always capable of supplying power utilizing the transmission system to the fullest extent and therefore, the application of *post facto* auxiliary consumption is not appropriate.

10. PGCIL, vide its reply dated 29.7.2016, has submitted as under:

(a) Payment of transmission charges for use of inter-State transmission system (ISTS) is governed by the provisions of the Sharing Regulations. The mechanism to share ISTS transmission charges has been laid down in Regulation 5 of the Sharing Regulations which provides, that the sharing of ISTS transmission charges between DICs shall be computed for an Application Period and shall be determined in advance and shall be subject to periodic true-up as specified subsequently in these regulations. Regulation 5 further provides that the sharing of ISTS transmission charges shall be based on the technical and commercial information provided by various DICs, ISTS Transmission Licensees,

and any other relevant entity, including NLDC, RLDCs and SLDCs to the Implementing Agency. Therefore, ISTS charges are computed for an "Application Period" which has been defined in Regulation 2(1) (b) of the Sharing Regulations.

(b) Chapter 4 of the Sharing Regulations provides for the process to determine PoC charges and losses. As per Regulation 7(1)(a), Implementation Agency is required to collect basic network data pertaining to the network elements and the generation and load at various network nodes from all the concerned entities. The term "Basic Network" as defined in Regulation 2(1) (i) and Regulation 2(u-i) requires validation of Basic Network by a Validation Committee as appointed by the Commission. The Approved Basic Network, nodal generation and nodal demand data forms the base for computation of "Marginal Participation Factors" (i.e. the percentage usage of that line by a node), and loss allocation factors. As per Regulation 7(1) (l), the overall charges to be shared among nodes are required to be computed based on the Yearly Transmission Charges (YTC) apportioned to each of the lines of the ISTS licensees. Since, Regulation 7(1) (o) provides for the participation factors, the PoC nodal and zonal charges determined are to be computed for each season for peak and other than peak conditions. Ordinarily, they are to be undertaken for blocks of 3 (three) months duration i.e. April to June, July to September, October to December, and January to March in a financial year. In accordance with the above provisions, the Validation Committee Meetings for validating the Basic Network are held corresponding to the blocks of months for different application period.

(c) Where LTA has been granted by PGCIL, LTA quantum is required to be considered for the purpose of computation of PoC charges. Proviso of clause 7.1 of the Billing, Collection and Disbursement (BCD) Procedure framed under the Sharing Regulations provides that the transmission charges liability of the DIC shall be corresponding to the total quantum for which LTA is granted by CTU (with or without firm beneficiaries).

(d) Separate treatment has been specified for (deemed) LTA to Central Generating Stations whose powers are allocated to different beneficiaries by the Ministry of Power and the LTA granted by CTU. This is primarily on account of the fact that the allocation of power from various Central Generating Stations (i.e. deemed LTA customers) is made by Govt. of India, Ministry of Power as a percentage of the installed capacity. Where LTA is granted by CTU on the application made by the LTA applicant, the LTA applicant is at liberty to have accounted for auxiliary consumption as well as that part of the power which it intends to sell outside the LTA i.e. under medium-term and short-term. In fact, in large number of LTA cases, the applicant has taken very less quantum of LTA compared to its installed capacity, which justifies the separate treatment given for different LTAs. The Petitioner has been given the benefit of reduction on account of auxiliary consumption for ISGS generation whose allocation is made by MoP and only for those cases where the Petitioner has availed the LTA from CTU, the same has not been considered.

(e) Since, PGCIL raised the bill for transmission charges upon the Petitioner based on the LTA quantum, there is no error in computation of the Regional Transmission Accounts for the Petitioner.

11. TPDDL, vide its reply dated 25.7.2016, has submitted as under:

- (a) Since, PoC charges are determined in terms of approved generation, and approved generation is determined taking into account the ex-bus injection, the auxiliary consumption of the generating station is not factored in the approved injection. Therefore, auxiliary consumption of a generating station needs to be reduced from their declared generation capacity while computing PoC charges payable by each DIC.
- (b) The Commission, vide order dated 16.2.2015 in Petition No. 92/MP/2014, directed CTU to consider auxiliaries while computing the Available Transmission Corridor (ATC). Since, auxiliaries are considered while determining ATC, considering the auxiliaries while computing the PoC charge would lead to double recovery of transmission charge for the same capacity. Therefore, the methodology adopted by ERPC to determine PoC charges must take into account the auxiliaries of the generating company.
- (c) The Sharing Regulations prescribe only one method for determination of PoC charges on the basis of actual load flow and therefore, considers only ex-bus capacity and not actual declared schedule of the generating station or the LTA quantum. Sharing Regulations do not allow two separate methods for determination of load flow i.e. allocations of capacity in a generating station by the MoP and LTA taken by the beneficiaries for off-take of capacity from a generating station.
- (d) Generator-wise Approved Injection (MW) as shown on website of NRPC excludes the auxiliary consumption in respect of generating stations of NTPC,

NHPC and other generators. The same is available on website of NRPC as “Details of Approved Injection/Withdrawal as received from NLDC”. Therefore, the same should be implemented in case of DVC.

12. The Petitioner has filed its rejoinders to the replies which have been dealt with in the succeeding paragraphs.

Analysis and Decision:

13. We have considered the submissions of the Petitioner and the Respondents and perused the documents on record. The following issues arise for our consideration:

(a) Whether the auxiliary consumption needs to be reduced from the LTA capacity granted for supply of power, from the generating stations of DVC to the Petitioner and other DICs of Delhi?

(b) Whether ERPC is justified in refusing the request of the Petitioner to revise the Regional Transmission Account by excluding auxiliary consumption from 2011?

(c) Whether LTAs with the distribution companies of Delhi including the Petitioner can be revised in accordance with the allocation made by DERC vide its order dated 27.2.2014 without fresh applications from the distribution companies of Delhi?

Issue No. 1: Whether the auxiliary consumption needs to be reduced from the LTA capacity granted for supply of power, from the generating stations of DVC to the Petitioner and other Distribution Licensees of Delhi?

14. The Petitioner has submitted that ERPC is adopting different methodologies for computation of approved injection for different generators in Eastern Region. The

Petitioner has submitted that Regulation 2 (1) (c) of the Sharing Regulations defines 'Approved Injection' as injection at the ex-bus of the generator or any other injection point of the DICs into the ISTS. The Petitioner has submitted that the Statement of Reasons to the Sharing Regulations and National Electricity Policy requires the transmission charges to reflect network utilization and the PoC charges are based on load flow analysis and capture utilization of each network element by the customers. According to the Petitioner, the 'Approved Injection' of the generating stations of NTPC and NHPC is being worked out by deducting auxiliary consumption from plant capacity. The Petitioner has submitted the details of the approved injection worked out for various generating stations of NTPC and NHPC as under:

BSES Yamuna Power Limited								
POC charges Calculations (ER portion) for Delhi								
S. N.	Generator	CaP(MW)	AUX (%)	EX- Bus Power (MW)	Generator PoC (Rs/MVW Month)	Share Allocation for the Month (WtAvd)	DTL LTA /Share (MW)	Share of Generator Charges (Rs)
				A	D	E	F=BX E	H=GXD
1	K' Gaon I TPS	840	9.00	764.40	122173	6.07%	46.40	5668827
2	K' Gaon II TPS	1500	5.75	1413.75	122173	10.49%	148.30	18118256
3	Farakka TPS	1600	6.47	1496.48	122173	1.39%	20.80	2541198
4	DVC Meija # 6 TPS	250	0.00	250	107173	40%	100.00	10717300
5	DVC TPS	230	0.00	230	107173		230.00	24649790
6	DVC POOL NDDI	20	0.00	20	107173		20.00	2143460
7	DVC POOL RDDI	31	0.00	31	107173		31.00	3322363
8	DVC POOL RYDI	19	0.00	19	107173		19.00	2036287
9.	DVC MTPS- 7 RYDI	463.38	0.00	119.19	107172		119.19	1277395
10	MPL (Maithon)- NDDI	983	0.00	983.00			281.00	30115613
11	Tala	1020	1.00	1009.8	92173	2.94%	29.69	2736616
12	Total						1045.	

The Petitioner has submitted the details in respect of all Northern Region Generators (Thermal and Hydro) based on the RTA for the month of June, 2015 as under:

POC Drawal charges calculations for Delhi						
S.N.	Generator	Cap	AUX	EX-	Share	IDTL LTA /
				A		June'15
1	Singrauli STPS	2000	6.87	1862.60	7.5	139.70
2	Rihand-1 STPS	1000	7.75	922.50	10	92.25
3	Rihand-11 STPS	1000	5.75	942.50	12.6	118.76
4	Rihand-III STPS	1000	5.75	942.50	13.191	124.33
5	Anta GPS	419.33	2.50	408.85	10.5	42.93
6	Auraiya GPS	663.36	2.50	646.78	10.86	70.24
7	Dadri GPS	829.78	2.50	809.04	10.96	88.67
8	Unchahaar-I TPS	420	9.00	382.20	5.71	21.82
9	Unchahaar-II TPS	420	9.00	382.20	11.19	42.77
10	Unchahaar-I 11 TPS	210	9.00	191.10	13.81	26.39
11	Uri-II	240	1.20	237.12	13.45	31.90
12	Dadri-I TPS	840	8.50	768.60	68.57	527.03
13	Dadri-II TPS	980	5.25	928.55	75.00	696.41
14	IGSTPS	1500	5.25	1421.25	0	0.00
15	CLP Jhajjar			124.00	100	124.00
16	NAPS	440	11.75	388.30	10.68	41.47
17	RAPPC	440	11.75	388.30	12.69	49.28
18	Bairasiul HPS	180	0.70	178.74	11	19.66
19	Salal-1 HPS	690	1.00	683.10	11.62	79.38
20	Tanakpur HPS	94.2	1.00	93.26	12.81	11.95
21	Chamera -I HPS	540	1.20	533.52	7.9	42.15
22	Chamera-11 HPS	300	1.20	296.40	13.33	39.51
23	Chamera-III HPS	231	1.20	228.23	12.734	29.06
24	Uri-I HPS	480	1.20	474.24	11.04	52.36
25	Dhuliyanqa HPS	280	1.20	276.64	13.21	36.54
26	Dulhasti HPS	390	1.20	385.32	12.83	49.44
27	Sewa-II HPS	120	1.00	118.80	13.33	15.84
28	NathpaJhakri HPS	1500	1.20	1482.00	9.47	140.35
29	Parbati-III	520.0	1.20	513.76	12.73	65.40
30	Tehri HPS	1000	1.20	988.00	10.3	101.76
31	Koteshwar	400	1.00	396.00	9.86	39.05
32	Sasan	3960	6.00	3722.40	11.25	418.77
	Total					3379.14

15. The Petitioner has submitted that all the generating stations of Eastern Region are following this principle except (i) DVC pool power - 230 MW (from CTPS Unit 7 and 8), (ii) DVC pool power- 19 MW (from CTPS Unit 7 & 8), (iii) Mejia-DVC-100 MW (from Mejia Unit 6), (iv) Mejia-B DVC (BYPL) - I 19.19 MW (Mejia Unit 7). The Petitioner has submitted that as per ERPC, the allocation is made by the Ministry of Power in case of NTPC and NHPC whereas in case of DVC, allocation of power is based on the PPA between DVC and the beneficiaries and therefore, there

is a difference in methodology of computation. The Petitioner has submitted that contention of ERPC is not tenable as the Sharing Regulations do not differentiate between the DICs based on the allocation and DICs based on contractual arrangement. The Petitioner has further submitted that even in case of DVC Mejia 6 (100 MW) where the allocation has been made by the Ministry of Power, ERPC has refused to modify the RTA by adjusting auxiliary consumption.

16. ERPC has submitted that as per Regulation 10(1) of the Sharing Regulations, monthly transmission accounts applicable for various DIC's in each region are required to be prepared by the respective RPC on the basis of Approved Withdrawal/Injection (MW) for peak and other than peak hours to be received from Implementing Agency. ERPC has submitted that the Third Amendment to the Sharing Regulations clarifies the legal position. That only in case of allocation by Government of India auxiliary consumption shall be adjusted against the installed capacity for the purpose of computation of approved injection and where there is no allocation by Government of India, the LTA quantum will be considered for the purpose of approved injection.

17. We have considered the submissions of the parties. The Third Amendment to the Sharing Regulations defined "Approved Injection" as under:

"2(1) (c) 'Approved Injection' means the injection in MW computed by the implementing Agency for each Application Period on the basis of maximum injection made during the corresponding Application Periods of last three (3) years and validated by the Validation Committee for the DICs at the ex-bus of the generators or any other injection point of the DICs into the ISTS, and taking into account the generation data submitted by the DICs incorporating total injection into the grid: Provided that the overload capability of a generating unit shall not be used for calculating the approved injection:

Provided further that where long term access (LTA) has been granted by the CTU, the LTA quantum, and where long term access has not been granted by the CTU, the

installed capacity of the generating unit excluding the auxiliary power consumption, shall be considered for the purpose of computation of approved injection."

As per the above provision, where LTA has been granted by CTU, the LTA quantum, and where long term access has not been granted by CTU, the installed capacity of the generating unit excluding the auxiliary power consumption, is required to be considered for the purpose of computation of approved injection. While framing the Connectivity Regulations, there were already such existing generating stations which have not been granted open access but they were supplying power to the Discoms. It is understood that in order to capture the existing position, the Commission by introduction of long term access, has clearly identified two categories, namely (i) where the long term access has been granted in the Connectivity Regulations, and (ii) where the long term access has not been granted under Connectivity Regulations. Where the long term access has not been granted, the approved injection is required to be worked out based on the installed capacity recognized for deemed long term open access whereas in case long term access has been granted, the LTA capacity is to be considered as approved injection. It is the responsibility of the LTA applicant to take care of the auxiliary consumption while making application for grant of access. Therefore, the auxiliary consumption is required to be reduced where the long term access has not been granted and the installed capacity recognized for the purpose of the long term open access.

18. The Petitioner has contended that for the generating stations of NTPC and NHPC, the auxiliary consumption is subtracted to work out the approved injection. However, similar treatment is not being followed in case of the generating stations of DVC supplying power to the Petitioner. It is noted that the generating stations referred to by the Petitioner in the petition are Central Generating Stations wherein

the long term access has not been granted by CTU. Power from these generating stations are allocated by the Ministry of Power, Government of India to the distribution licensees, and on such allocation, these distribution licensees become deemed LTA customers in terms of Regulation 2 (1) (m) of the Connectivity Regulations. Further, in these cases, allocation is made on installed capacity and the distribution licensees do not have any opportunity to apply for LTA after adjusting the auxiliary consumption. On the other hand, where the allocation has not been made by MoP and the allocation is decided on the basis of the PPA between the generator and the distribution company, it is known to the distribution companies about the net quantum of electricity which will be available in terms of the PPA. In such cases, the distribution companies have the opportunity to take care of the auxiliary consumption while applying for LTA. These generating stations are covered in the second category i.e. where the long term access has not been granted by the CTU in terms of second proviso of Regulation 2(1) (c) of the Sharing Regulations. For these generating stations, the Sharing Regulations provide that approved injection shall be worked out based on the installed capacity of the generating unit excluding the auxiliary power consumption.

19. The Petitioner's case falls within the category wherein LTA has been granted by CTU in terms of the second proviso of Regulation 2 (1) (c) of the Sharing Regulations and accordingly, the LTA quantum is required to be considered for the purpose of approved injection. Since, the LTA quantum is required to be considered as approved injection, the Petitioner's case for procuring power from the generating stations of DVC cannot be equated with the generating stations of NTPC/NHPC.

20. In view of the above decision, we hold that auxiliary consumption shall not be reduced from the LTA capacity while considering the same as approved injection. If the Petitioner intends to surrender the capacity to the extent of auxiliary consumption, then it shall be required to relinquish the capacity in accordance with the Connectivity Regulations.

Issue No. 2: Whether ERPC is justified in refusing the request of the Petitioner to revise the Regional Transmission Account by excluding auxiliary consumption from 2011?

21. ERPC has submitted that for Delhi Discoms, LTA quantum as granted by CTU including deemed LTA from Govt. of India, Ministry of Power allocation and as informed by nodal agency (NLDC) for the preparation of RTA during the course of the years are as under:

- (i) 230 MW LTA to DTL from DVC Projects vide PGCIL letter C/ENG/SEF/CC/LTOA dated 25.9.2007;
- (ii) 70 MW LTA to Delhi Discoms from CTPS 7,8 vide PGCIL letter C/ENG/E/00/CTU/LTA dated 23.9.2013 --mentioned together as 300 MW from "DVC Pool" by NLDC;
- (iii) 100MW deemed LTA from Mejia 6 based on MoP allocation-mentioned as "Mejia-DVC" by NLDC; and
- (iv) 119.19 MW to BYPL from Mejia 7, 8 each, (w.e.f. 1.9.2013, 119.19 MW has been indicated under DVC based on NLDC input)-mentioned as "Mejia B" by NLDC.

ERPC has submitted that on the basis of the above LTAs, ERPC issued all the RTAs. Therefore, the question of differential treatment by ERPC for the generators of Eastern Region does not arise and all RTAs till date issued by RPC are as per Regulation 2(1) (c) of Third Amendment to the Sharing Regulations. ERPC has submitted that 230 MW LTA granted by CTU to Delhi Discoms on 25.9.2007 does not indicate any source station/unit. The LTA was to be made effective from DVC Projects. As a result, DVC with considerable unutilized capacity more than the LTA quantum may not face any problem to supply the LTA quantum to the fullest extent, thereby utilizing the transmission corridor upto LTA. Therefore, the issue for adjustment for auxiliary consumption by BYPL may not have any *locus standi*.

22. We have considered the submissions of the Petitioner and ERPC. We have held that in cases other than allocation by Ministry of Power, LTA quantum shall be considered for computation of approved injection. Accordingly, ERPC has given Regional Transmission Account strictly in accordance with the Sharing Regulations and therefore, we do not find any infirmity in the action of the ERPC.

Issue No. 3: Whether LTAs with the distribution companies of Delhi including the Petitioner can be revised in accordance with the allocation made by DERC vide its order dated 27.2.2014 without fresh applications from the distribution companies of Delhi?

23. The Petitioner has sought direction against PGCIL to revise and to modify the bills raised for the PoC charges in accordance with revised Regional Transmission Accounts. The Petitioner has submitted that as a part of re-organization of the Delhi Vidyut Board, DERC by its order dated 31.3.2007 re-assigned the PPAs executed by DTL with the generating companies, in favour of all the distribution licensees in the State of Delhi including the Petitioner as under:

S. No.	Discoms	% Allocation
1	BRPL	43.58
2	BYPL (i.e., the Petitioner)	27.24
3	TPDDL	29.18

Accordingly, the Petitioner entered into the following LTAs with CTU as per the provisions of the 2004 Open Access Regulations:

Generating station	Date of LTA
DVC 230 MW with Delhi	September 25,2007
DVC (19 MW) (with BYPL)	September 23,2013
MTPS 7 (119.19 MW) with BYPL	April 19,2012
DVC Meija 6 (100 MW) with Delhi	Based on MOP allocation

24. Subsequently, the Petitioner approached DERC to consider suitable re-allocation of power for Delhi in respect of Chandrapura unit 7 and 8. Thereafter, DERC vide order dated 27.2.2014, reviewing its order dated 31.3.2007 decided to re-allocate the PPAs among BRPL, BYPL and TPDDL on the basis of average energy drawl for the period 2007-08 to 2011-12 w.e.f. 1.4.2014 as under:

Discoms	Earlier Allocation (Mar-07) DERC order		Revised Allocation (Feb-14 DERC order)	
	Percentage	MW	Percentage	MW
BRPL	43.58%	131	43.92%	132
BYPL	27.24%	82	25.40%	76
TPDDL	29.18%	87	30.68%	92
Total	100%	300	100%	300

25. The Petitioner has submitted that due to revision in its share, the LTA/open access was required to be modified as a necessary corollary. The Petitioner has submitted that change has been given effect to in respect of all the generating stations (except DVC Meija 6, 100 MW) of ER and NR where deemed allocation was as per the directive of the Govt. of India, Ministry of Power. However, for the generating stations of DVC where LTA Agreement has been entered into, change

has not been effected. The Petitioner has submitted that Delhi Discoms informed PGCIL that DERC vide its order dated 27.2.2014 has changed their allocation ratios and requested to modify their respective LTA quantum accordingly. In response, PGCIL vide its letter dated 25.7.2014 informed that for any revision in LTA quantum, the Petitioner is required to submit a new application for grant of LTA for the revised quantum and after receipt of the new application, matter would be discussed with all concerned and revised intimation for grant of LTA shall be issued accordingly. The Petitioner has submitted that no response was received from PGCIL regarding modification of LTA quantum for the generating stations of DVC and PGCIL had already modified the LTA of other beneficiaries on the same ground.

26. The Petitioner has submitted that in the 10th Connectivity and LTA meeting of Eastern Region held on 25.5.2015, PGCIL informed that transfer of 300 MW LTA from Chandrapura unit -7 and 8 of DVC to Delhi Discoms (BRPL- 131 MW, TPDDL- 87 MW and BYPL- 82 MW) is under operationalization. In the said meeting, CTU clarified that in the existing Regulations, there is no provision for reduction of LTA quantum on account of auxiliary consumption/change in allocation ratio by SERC and LTA quantum can only be relinquished fully or partly subject to payment of applicable relinquishment charges.

27. The Petitioner has submitted that as per Regulation 8 of the Connectivity Regulations, the requirement for filing fresh LTA application arises only when there is material change in location of the applicant and change is more than 100 MW in the quantum of power to be interchanged with the inter-State transmission system. However, in the present case, both the above conditions requiring filing of fresh application do not apply. The Petitioner has contended that neither there is a change

in location nor there is change in quantum of power which is being transmitted through the transmission system and the issues are purely accounting. The Petitioner has stated that the issue regarding account for 'approved injection' based on 'ex-bus generator' would be to give effect to the provisions of the Sharing Regulations which came into effect subsequently. The Petitioner has contended that Rs. 23 lakh per month from July, 2011 would be lost by the Petitioner in the absence of non-implementation of the provisions of the Sharing Regulations. The Petitioner has submitted that the PoC charges claimed by PGCIL are inconsistent and contrary to DERC order dated 27.2.2014 with regard to change in allocations and the provisions of the Sharing Regulations.

28. PGCIL has submitted that DTL made an application to CTU on 28.8.2006 for grant of LTA for transfer of power from various projects of DVC. LTA was granted to DTL for transfer of 100 MW upto September, 2007 and 230 MW from October, 2007 onwards for a period of 25 years subject to the signing of the BPTA. Subsequently, while processing the signing of BPTA, DTL informed that the matter regarding signing of BPTA be taken directly with the newly incorporated distribution companies since DTL was now a wire company w.e.f. 1.4.2007 and its function had become restricted to wheeling of power within Delhi. PGCIL informed DTL that as per the provisions of the Connectivity Regulations, once open access had been granted, the long term customer is not to be replaced by any other person on account of a subsequent request received from such other person and advised DTL that the distribution companies should apply for LTA directly to PGCIL. Accordingly, three distribution companies of Delhi including the Petitioner made three separate applications to PGCIL for grant of LTA for transfer of power from DVC which was granted on 25.9.2007 as under:

Name of Discom	Quantum of Power	Date from when LTA sought
NDPL	67 MW	1.10.2007
BRPL	100 MW	1.10.2007
BYPL	63 MW	1.10.2007
TOTAL	230 MW	

29. PGCIL has submitted that subsequently, TPDDL made an application on 4.4.2012 for grant of 40 MW LTA from DVC Projects which was communicated to TPDDL by PGCIL on 21.5.2012. Subsequently, BRPL and BYPL made applications to CTU on 9.5.2012 and 11.6.2012 for grant of 59 MW LTA and 36.15 MW LTA respectively. The matter was discussed in the Meeting regarding Connectivity/MTOA/LTA with constituents of Eastern Region held on 5.1.2013 wherein it was observed that there was a discrepancy in the applied LTA quantum vis-a-vis the total share of various Discoms as under:

Name of DISCOMs	Quantum of Power	Date from when LTA sought	Further Applications
NDPL	67 MW	1.10.2007	20 MW
BRPL	100 MW	1.10.2007	31 MW
BYPL	63 MW	1.10.2007	19 MW
TOTAL	230 MW		70 MW
GRAND TOTAL			300 MW

30. PGCIL has contended that the total 300 MW LTA was granted to Delhi Discoms from DVC projects in Eastern Region. DERC, vide its order dated 31.3.2007 read with order dated 27.2.2014, re-allocated the PPAs between the three distribution companies on the basis of average energy drawal for the period 2007-08 to 2011-12 which was effective from 1.4.2014. PGCIL has submitted that pursuant to re-allocation, the Petitioner requested to CTU for revision of LTA. The issue regarding revision of LTA was discussed in the 10th Connectivity and LTA meeting of

Eastern Region held on 25.5.2015 and wherein, PGCIL stated that there is no provision in the existing Regulations for reduction of LTA quantum and LTA quantum can be relinquished fully or partly subject to payment of applicable relinquishment charges.

31. PGCIL has submitted that payment of transmission charges for use of inter-State Transmission System is governed by the provisions of the Sharing Regulations. As per Regulation 5 of the Sharing Regulations, the sharing of ISTS transmission charges between DICs is required to be determined in advance and shall be based on the technical and commercial information provided by various Designated ISTS Customers, etc. PGCIL has submitted that the Sharing Regulations requires computation of ISTS charges on quarterly basis. PGCIL has submitted that the Approved Basic Network, nodal generation and nodal demand data forms the base for computation of "Marginal Participation factors" i.e. the percentage usage of that line by a node, and loss allocation factors. The overall charges to be shared among nodes are to be computed based on the Yearly Transmission Charges apportioned to each of the lines of the ISTS licensees. Since, Regulation 7(1) (o) of the Sharing Regulations provides for the participation factors, the PoC nodal and zonal charges determined are to be computed for each season for peak and other than peak conditions. As per Regulation 2 (u-i) of the Sharing Regulations, the Validation Committee Meetings for validating the Basic Network are held corresponding to the blocks of months for different application period. PGCIL has submitted that Amendment to Sharing Regulations provide for exclusion of auxiliary consumption while computing approved injection if no LTA has been granted. Therefore, no such auxiliary consumption is required to be excluded while computing approved injection where LTA has been granted. PGCIL has submitted that clause

7.1 of the Billing, Collection and Disbursement Procedure approved under the Sharing Regulations provides that the transmission liability of a DIC is to correspond to the total quantum for which LTA is granted by CTU, with or without firm beneficiaries.

32. We have considered the submissions of the Petitioner and PGCIL. DTL made an application to CTU on 28.8.2006 for grant of LTA for transfer of power from various projects of DVC. It was decided in the Long Term Open Access meeting held on 3.11.2006 that LTA for 100 MW upto September 2007 and LTA of 230 MW from October, 2007 for a period of 25 years would be granted. Consequent to the order of DERC dated 30.3.2007, re-arranging the PPA to the distribution companies of Delhi, DTL informed that BPTAs would be signed by the distribution companies. However, CTU advised the distribution companies to apply for LTA directly to CTU. Accordingly, the distribution companies of Delhi directly applied for LTA which was granted by CTU vide its letter dated 25.9.2007 as under:

Name of DISCOM	Quantum of Power	Date from when LTOA sought
NDPL	67 MW	October 1, 2007
BRPL	100 MW	October 1, 2007
BYPL	63 MW	October 1, 2007
TOTAL	230 MW	

33. CTU vide its letter dated 23.9.2013 granted LTA of additional 70 MW to BYPL, BRPL and NDPL for 19 MW, 31 MW and 20 MW respectively.

34. DERC, vide its order dated 27.2.2014, re-allocated the PPAs between the three distribution companies on the basis of average energy drawal for the period 2007-08 to 2011-12 as under:

S. No.	Distribution Company	Present Allocation	Allocation after reassignment
1.	BRPL	43.58%	43.92%
2.	BYPL (the Petitioner herein)	27.24%	25.40%
3.	TPDDL	29.18%	30.68%

35. In the minutes of 10th Connectivity in LTA meeting of Eastern Region held on 25.5.2015, the issue as regards revision of LTA quantum was discussed as under:

“9. Revision of LTA quantum by BRPL/BYPL/TPDDL

CTU informed that Long Term Access for transfer of 300 MW from Chandrapura Unit-7 & 8 of DVC to Delhi Discoms (BRPL-131 MW, TPDDL-87 MW and BYPL-82 MW) is under operation. Now Delhi Discoms have informed that their allocation ratio has been changed by DERC vide order dated 27.2.2014 and they have requested to modify their respective LTA quantum accordingly. The earlier and revised allocation is as given below:

Discoms	Earlier Allocation (Mar-07 DERC Order)		Revised Allocation (Feb-14 DERC order)	
	Percentage	MW	Percentage	MW
BRPL	43.58%	131	43.92%	132
BYPL	27.24%	82	25.40%	76
TPDDL	29.18%	87	30.68%	92
Total	100%	300	100%	300

Further, they have also stated that after the new CERC regulation (Sharing of Inter State Transmission Charges and Losses) Regulations, 2010, the auxiliary consumption needs to be reduced from the LTA quantum.

In this regard CTU stated that existing CERC Regulations have no provision for reduction of LTA quantum on account of auxiliary consumption/change in allocation ratio by SERC and LTA quantum can only be relinquished fully or partly subject to payment of applicable relinquishment charges.”

36. The Petitioner has contended that as per Regulation 8 of the Connectivity Regulations, the requirement for filing fresh LTA application arises only when there is any material change in location of applicant and change is more than 100 MW in the quantum of power to be interchanged with the inter-State transmission system. However, in the present case, the effective change in LTA quantum is 6 MW without change in the location.

37. The Petitioner has submitted that it is not required to file fresh application in terms of Regulation 8 of the Connectivity Regulations. It is clarified that Regulation 8 is applicable for grant of connectivity. Since, in this case, reallocation of LTA granted is involved, the provisions of Regulation 8 are not applicable.

38. However, Fifth proviso of Regulation 12 (1) of the Connectivity Regulations provides as under:-

“Provided also that in cases where there is any material change in location of the applicant or change by more than 100 MW in the quantum of power to be interchanged using the inter-State Transmission System or change in the region from which electricity is to be procured or to which supplied, a fresh application shall be made, which shall be considered with these regulations.”

As per the above provision, the applicant is required to file a fresh application where there is any material change in location of the applicant or change by more than 100 MW in the quantum of power to be interchanged using the inter-State transmission or change in the region from which electricity is to be procured or to be supplied and the same shall be considered in accordance with these regulations. The above provision is applicable to such applicants whose LTAs were granted based on the specific injection and drawl points and specific quantum and the change is sought in either injection point or drawl point or both or on account of change in the quantum. There is no change in injection or drawl points and therefore, there is no material change in location. Further, the quantum of reallocation is nil at the injection point but is 12 MW for all distribution companies of Delhi which is less than 100 MW. Therefore, in terms of fifth proviso to Regulation 12 (1) of the Connectivity Regulations, fresh application is not required to be submitted. In view of this, we do not agree with CTU that modification of LTA to give effect to the revised allocation of DERC needs fresh application by the Petitioner and other distribution companies of Delhi. Change in the LTA is required to be done to

indicate the exact allocation of distribution companies of Delhi for facilitating issue of correct Regional Transmission Account. Accordingly, CTU is directed to issue revised LTA to reflect the reallocation of PPA among the distribution companies of Delhi in the light of the direction of DERC.

39. Summary of our Decision:

- (a) Approved Injection has been correctly considered by ERPC based on the LTA granted. There is no scope for adjustment of auxiliary consumption in terms of Regulation 2 (1) (c) of Sharing Regulations and prayer of the Petitioner in this regard is rejected.
- (b) The Petitioner's claim to revise the Regional Transmission Accounts in accordance with the allocation made by DERC vide order dated 27.2.2014 is allowed subject to revision of LTA. However, the revision of RTA on account of auxiliary consumption is not allowed.
- (c) ERPC is directed to revise the RTA bills in accordance with the revised LTAs.

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

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

sd/-
(A.S. Bakshi)
Member

sd/-
(A. K. Singhal)
Member

sd/-
(Gireesh B. Pradhan)
Chairperson