

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 126/MP/2017

- Subject : Petition under Section 79(1) (c) and (d) of the Electricity Act, 2003 read with Regulations 20 and 21 of the Central Electricity Regulatory Commission (Sharing of inter State transmission charges and losses) Regulations, 2010 for declaration and direction with regard to the status of the 400kV D/C Transmission Line from Indira Gandhi Super Thermal Power Station (Aravali Power Station) to Daulatabad owned, operated and maintained by Haryana Vidyut Prasaran Nigam Limited (HVPNL).
- Date of hearing : **15.2.2018**
- Coram : Shri P.K. Pujari, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Petitioners : Uttar Haryana Bijli Vitran Nigam Limited and Others
- Respondents : POSOCO and Others
- Parties present : Shri M.G. Ramachandran, Advocate, Haryana Discoms
Ms. Ranjitha Raamachandran, Advocate, Haryana Discoms
Ms. Anushree Bardhan, Advocate, Haryan Discoms
Ms. Poorva Saigal, Advocate, Haryana Discoms
Shri Ravi Juneja, HPPC
Shri U.K. Agarwal, UHBVNL
Shri Munish Satija, HVPNL
Ms. Swapna Seshadri, Advocate, APCPL
Shri Anand K. Ganesan, Advocate, APCPL
Shri Rajiv Porwal, POSOCO

Record of Proceedings

Learned counsel for the Petitioner submitted as under:

- (a) The 400 kV transmission line from IGSTPS to Daulatabad emanates from the bus bar of the Jhajjar power Station in the State of Haryana and is connected to the 400 kV Daulatabad Substation which is also in the State of Haryana. Therefore, the 400 kV transmission line from IGSTPS to Daulatabad is an intra-State Transmission System within the scope of Section 2(37) of the Electricity Act, 2003 and its Regulatory jurisdiction falls under Section 86(1) i.e. within the Haryana Electricity Regulatory Commission (HERC) and not under Section 79(1)(c) or 79(1)(d) of the Electricity Act, 2003;
- (b) The terms and conditions of tariff for the said transmission line from IGSTPS to Daulatabad and all regulatory issues related thereto including framing of Regulations, deciding on methodology for recovery of tariff and sharing of charges and losses are being dealt with by the Haryana Electricity Regulatory Commission;

- (c) The Commission in Orders dated 8.6.2013 and 13.5.2014 in Petition No. 239/2010 filed by APCPL had approved the tariff of 400 kV D/C Jhajjar-Mundaka Transmission line and treated the said line as inter-State transmission system from 1.3.2011. Moreover, when the said orders were passed, the above mentioned line from IGSTPS to Daulatabad was also in operation. Further, the Commission did not consider the said transmission line from IGSTPS to Daulatabad being included under the POC charges or otherwise as a line for which the tariff is required to be determined by the Commission;
- (d) Since July, 2011, the Petitioners have been receiving bills from CTU including the 400 kV transmission line from IGSTPS to Daulatabad under the Sharing Regulations. However, POSOCO and CTU have no power or authority to deal with the tariff of intra-State Transmission System, particularly when HVPNL has not opted for the said line to be treated as Deemed ISTS line;
- (e) Learned counsel requested the Commission to restrain POSOCO and CTU from recovering such charges from the Petitioners.

2. In its rebuttal, the representative of POSOCO submitted that IGSTPS is connected to both ISTS and STU system through 400 kV D/C Mundaka and Daulatabad line respectively and it can never be ensured that Haryana will draw its entire share of power from IGSTPS through 400 kV D/C Daulatabad line. He further submitted that in an inter-connect meshed network, power flows as per law of physics and not as per contract. Therefore, in case of non-availability of Daulatabad line, the power from IGSTPS can be evacuated through 400 kV D/C Mundaka line and vice versa and if all such entities are exempted, the transmission charges would have to be shared by less quantum of LTA/MTOA, resulting in increase in per MW transmission charges.

3. Learned counsel for respondent, APCPL, supporting the contentions of the petitioners submitted as under:

- (a) The 400 kV transmission line from IGSTPS to Daulatabad is an intra-State transmission line in terms of Section 2 (37) of the Act and not a Inter-State transmission line under Section 2(36) of the Act;
- (b) Haryana discoms are being levied POC charges corresponding to their share of power from Jhajjar even though they are not using inter-State transmission system. Accordingly, the inclusion of Haryana's share of power from Jhajjar in approved withdrawal of Haryana and levy of POC losses on Haryana's share from Jhajjar is not correct and is liable to be set aside;
- (c) In Commission's order dated 8.6.2013, the CTU in Petition No. 239/2010 had submitted that the Jhajjar-Daulatabad 400kV line was an intra-State line constructed by HVPPNL as the STU and the Commission also did not consider the line for determination of transmission tariff.

4. The Commission, after hearing the parties, reserved order in the petition.

By order of the Commission

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