

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No.265/MP/2018
Alongwith I.A. No.67/2018**

Subject : Petition under Section 79 (1)(f) read with Section 142 of the Electricity Act, 2003 for issuance of direction for quashing of the letter dated 2.8.2018 issued by Power Grid Corporation of India Limited whereby, PGCIL has wrongful and arbitrarily proceeded to impose transmission charges to the tune of Rs. 6.41 Crore upon the Petitioner towards Long Term Access capacity 8.4 MW and also, through a subsequent letter dated 14.8.2018 threatened curtailment of Short Term Open Access with effect from 23.8.2018. The same is in direct contravention of the final Order passed by this Hon'ble Commission in Petition No. 190/MP/2016 dated 31.5.2018.

Date of Hearing : 28.8.2018

Coram : Shri P.K. Pujari, Chairperson
Shri A.K. Singhal, Member
Dr. M.K. Iyer, Member

Petitioner : Greenko Budhil Hydro Power Private Ltd. (GBHPPL)

Respondent : Power Grid Corporation of India Limited (PGCIL)

Parties present : Shri Hemant Sahai, Advocate, GBHPPL
Ms. Puja Priyadarshini, Advocate, GBHPPL
Shri Ambuj Dixit, Advocate, GBHPPL
Shri Nived V., Advocate, GBHPPL
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Sanjna Dua, Advocate, PGCIL
Shri V. Srinivas, PGCIL
Ms. Anita Srivastava, PGCIL
Shri K.K. Jain, PGCIL
Shri J. Mazumder, PGCIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the Petitioner has filed the IA No.67/2018 seeking an interim direction for stay of the letters dated 2.8.2018 and 14.8.2018 issued by PGCIL. Subsequently, PGCIL issued letter dated 21.8.2018 curtailing the STOA granted to the Petitioner. Learned counsel submitted that the Petitioner approached the Hon'ble High Court of Himachal Pradesh in CWP No.1989 of 2018 against the letter dated 21.8.2018. The Hon'ble High Court of Himachal Pradesh vide its order dated 27.8.2018 has issued the following directions:

“....(i) The Central Electricity Regulatory Commission, New Delhi, shall consider and decide the liability, if any, that of the writ petitioner or anyone else, to pay the amount in terms of notice dated 14.8.2018/21.8.2018.

(ii) Till then, operation of impugned order dated 21.8.2018 (Annexure P-11), shall remain stayed.

(iii) The writ petitioner, as undertaken, shall furnish a bank guarantee of a sum of ₹6.69 Crores in favour of the Power Grid Corporation of India Limited, within a period of seven days.



(iv) Furnishing of the bank guarantee shall be subject to the outcome of the decision in the proceedings of the Central Electricity Regulatory Commission or subsequent proceedings, if any, arising there from.

(v) Parties shall maintain status quo ante as on 20.8.2018 i.e. prior to the issuance of impugned communication dated 21.8.2018.

(vi) The Power Grid corporation of India shall open a portal enabling both the petitioner as also State of Himachal Pradesh/Himachal Pradesh State Electricity Board to upload the schedule of the energy to be generated/transmitted, which of course, shall be so done, in accordance with law.”

2. Learned counsel for the Petitioner submitted that in view of the above directions, it is not seeking any relief in terms of the IA.

3. Learned counsel submitted that the permission of the Commission is being sought to amend the petition in order to bring on record the fact of payment of STOA charges by HPSEB for the same capacity and for return of the LTA charges paid by the Petitioner from April, 2014 to February, 2016.

4. Learned counsel for PGCIL submitted that as per the BPTA, Lanco (Greenko Budhil) is required to pay the transmission charges for Chamera Pooling Station from its DOCO till the pooling station becomes part of the regional transmission system and the regional transmission charges of NR corresponding to 12% of the generation capacity of Budhil generation project for the first 12 years and 18% of the generation capacity of Budhil generation project thereafter, if HPSEB or Lanco fail to make transmission arrangement for drawl of 12%/ 18% of free power. Therefore, the liability for payment of transmission charges is that of Lanco (Greenko Budhil).

5. Learned counsel for the Petitioner submitted that in terms of the Commission's order dated 31.5.2018 in Petition No.190/MP/2016, PTC is liable to pay the LTA charges. Since, Greenko Budhil is not an LTTC, it is not liable to pay the transmission charges.

6. After hearing the learned counsels for the Petitioner and PGCIL, the Commission permitted the Petitioner to file the amended petition by 7.9.2018 with an advance copy to PGCIL. The Commission directed PGCIL to file its reply, by 17.9.2018, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 24.9.2018. The Commission directed that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

7. The Commission directed the Petitioner to ensure that necessary Bank guarantee is furnished to PGCIL and kept valid in terms of the order of the Hon'ble High Court of Himachal Pradesh.

8. The Commission disposed of the IA No.67/2018 as it has been infructuous in terms of the order of the Hon'ble High Court of Himachal Pradesh.

9. The Petition shall be listed for hearing in due course for which separate notice shall be issued.

By order of the Commission

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