

**CENTRAL ELECTRICITY REGULATORY COMMISSION**

**NEW DELHI**

**Petition No. 114/MP/2017**

**alongwith**

**I.A No. 73/2018**

**Coram:**

**Shri P.K. Pujari, Chairperson**

**Dr. M.K. Iyer, Member**

**Date of Order: 19.03.2019**

**IN THE MATTER OF**

Petition under Section 79 (1) (c) read with Section 28 and 29 of the Electricity Act, 2003 and the applicable Regulations notified by the Commission in respect of transmission capacity allocation to the generating projects in Sikkim qua Teesta-V 400 kV line i.e Rangpo- Siliguri 400 kV d/C line inter-State Transmission system of PGCIL pending the construction and completion of the Teesta-III Kishanganj 400 kV D/C quad-moose line by Teesta Valley Power Transmission Limited.

**AND IN MATTER OF...**

1. DANS Energy Private Limited  
5th Floor, DLF Building  
No.8 Tower C,DLF Cyber City  
Phase II, Gurgaon - 122002  
Haryana.
2. Shiga Energy Private Limited  
5th Floor, DLF Building  
No.8 Tower C, DLF Cyber City  
Phase II, Gurgaon - 122002  
Haryana
3. Gati Infrastructure Private Limited  
1-7-293 MG Road,  
Secundrabad- 540043

**...PETITIONERS**

**Vs**

1. Power System Operation Corporation Limited  
Representing National Load Dispatch Centre  
B-9 (1st Floor), Qutab Institutional Area,  
KatwariaSarai, New Delhi -110016.

2. Eastern Regional Load Dispatch Centre,  
14 Golf Club Road,  
Tollygunj, Kolkatta– 700033
3. Eastern Regional Power Committee  
14 Golf Club Road,  
Tollygunj, Kolkatta– 700033
4. Powergrid Corporation of India Limited  
B-9, Qutab Institutional Area  
KatwariaSarai,  
New Delhi - 110 016
5. Teesta Urja Limited  
2nd Floor, Vijaya Building  
17, Barakhamba Road  
New Delhi 110001
6. Teesta Valley Power Transmission Corporation Ltd  
2nd Floor, Vijaya Building  
17, Barakhamba Road,  
New Delhi 110001
7. PTC India Limited  
2nd Floor, NBCC Road  
15 Bhikaji Cama Place  
New Delhi -110066

...RESPONDENTS

Parties present: Shri Anand K. Ganesan, Advocate, DANS Energy  
Shri Ashwin Ramanathan, Advocate, DANS Energy  
Ms. Neha Garg, Advocate, DANS Energy  
Shri Tarun Johri, Advocate, TUL  
Shri Jaideep Lakhtakia, TUL  
Shri Ravi Kishore, Advocate, PTC India  
Shri Gautam Kumar, Advocate, PTC India  
Shri Ashok Rajan, ERLDC.

### **ORDER**

The Petitioners i.e. DANS Energy Private Limited (DEPL), Shiga Energy Pvt. Limited (SEPL), and Gati Infrastructure Private Limited (GIPL) (collectively referred to be as 'The Petitioners') have jointly filed the present petition seeking quashing of the

decision taken by the respondents altering the scheme of evacuation of power generated at the Petitioner's hydro power stations in violation of the decisions taken by the Eastern Region Power Committee (ERPC) in its various meetings held on 14.10.2016, 30.11.2016 and 29.3.2017. The Petitioners have made the following prayers;

a) Set aside the decision taken by the Respondents to change the scheme that the three Petitioners will be entitled to evacuate the power generated at their hydro power station to the extent of 96MW, 97 MW and 99 MW respectively before Teesta III power is evacuated through the 400 KV D/c Teesta V—Siliguri line till the completion of 400 KV D/c Teesta III- Kishanganj line by TUL/TPTL (Subsidiary of TUL);

b) Direct the Respondents to follow the decisions taken by the Eastern Region Power Committee at the meetings on 14.10.2016, 30.11.2016 and 29.03. 2017 without any change;

c) Restrain the Respondents from following the change in the scheme decided at the meetings on 14.10.2016, 30.11.2016 and 29 .03. 2017 effective 1st June 2017 and

d) Pass as interim ex-parte order in terms of prayer [c] above in view of the urgency in the matter and sudden decision taken by the Respondent No. 1 to change on 17th May 2017 effective from 01.06.2017.

2. The Petitioners have mainly submitted as under :

a) The Petitioners namely, DANS Energy Private Limited (DEPL), Shiga Energy Private Limited (SEPL) and Gati Infrastructure Private Limited (GIPL) have established their 96 MW, 97 MW, and 99 MW Hydro Power Stations respectively in the State of Sikkim. The Petitioners and Teesta Urja Ltd (Respondent No. 5) have entered into BPTA dated 24.2.2010 with PGCIL (Respondent No. 4) in regard to the transmission facilities for evacuation of power from the respective generating stations. The power generated is being evacuated through 400 kV D/C Teesta-V-Siliguri transmission line from Rangpo pooling station.

b) Teesta Urja Limited (TUL) has also established 1200 MW hydro power generation station and the evacuation of power was to be done through

transmission system to be constructed by Teesta Valley Power Transmission Corporation Limited (Respondent no. 6) (subsidiary of TUL), from Teesta –III to Kishanganj sub- station of PGCIL. Therefore, TUL was responsible for construction of 400 kV D/C Teesta III Kishanganj Transmission Line, which was scheduled to be completed in 2012.

c) The construction of Teesta III-Kishanganj transmission line has been considerably delayed by Teesta Valley Power Transmission Corporation Limited (TPTL). However, TPTL has commissioned Teesta- III to Rangpo line in November 2016 but line further from Rangpo to Kishanganj has not been completed till date. In view of the delay on the part of TPTL in completing the balance portion of Teesta III-Kishanganj transmission line, there was a necessity to find an interim arrangement for evacuation of power from Teesta-III project of TUL, pending the construction and completion of Rangpo to Kishanganj Line by TPTL.

d) Accordingly, in the Meetings of ERPC dated 14.10.2016, 30.11.2016 and 29.3.2017, it was decided that the Petitioners will be entitled to evacuate the power generated at their hydro power stations to the extent of 96 MW, 97 MW and 99 MW respectively before Teesta – III power is evacuated through 400 kV D/C Teesta V- Rangpo- Siliguri Line till the completion of 400 kV D/c Rangpo – Kishanganj Line. The allocation of the transmission capacity on the said Teesta V- Rangpo Siliguri line amongst the petitioners with an aggregate capacity of 292 MW was not to be proportionate with the 1200 MW capacity of Teesta- III Project of TUL. The rationale of the said decision was the delay on the part of TUL in ensuring the completion of Teesta III – Kishanganj Line, since TPTL was a subsidiary of TUL.

e) There have been no other meetings of the ERPC after 29.3.2017 and there has been no deliberation or discussion involving the Petitioner at any time for any changes to be made in the allocations. There has also been no change in the circumstances and position as Teesta –III Kishanganj Line has still not completed.

f) Despite the clear decisions taken at ERPC meetings on aforesaid three meetings, POSOCO has on 17.5.2017 sought to change the respective capacities to be evacuated through the existing line between the Petitioners and TUL whereby much higher capacity is being allocated to TUL which would effectively reduce the capacities given to the Petitioners considerably. POSOCO is going to implement the modified allocation from 1.6.2017. The decision of POSOCO is in violation of the decisions taken during the meetings of ERPC

3. During the hearing dated 6.6.2017, the representative of POSOCO submitted that for administering STOA, NLDC has already taken up the matter with Power Exchanges for defining the generation zone in Sikkim as a separate bid area. Pending implementation of the bid area w.e.f. 15.6.2017, the STOA approvals are being granted on a pro-rata basis. With the increase in water inflows, the transmission constraint would lead to spillage of water in the coming days.

4. The Petition was admitted and notices were issued to the Respondents. The Commission vide RoP dated 6.6.2017 directed the parties to file the following information.

a) The Commission directed the Petitioners to file the following information :

*i) How much capacity has been reduced for evacuation of power in case of the petitioners to the earlier granted power of evacuation of 96 MW (Jorhang), 97 MW (Tashiding) and 99 MW (Chuzachen) and how much capacity for evacuation of power has been granted to Teesta Urja Limited to earlier granted capacity of 600 MW through 400 kV D/C Teesta-V-Rangpo Siliguri line?*

*ii) Current status of Shiga Energy Pvt. Ltd. Project (97 MW) named Tashiding.*

b) The Commission directed POSOCO to file the following information :

*i) Reasons for changing the respective capacities as were agreed in the special meeting held on 14.10.2016, w.e.f 1.6.2017 for evacuation of power through Rangpo-Siliguri 400 kV transmission line.*

- ii) *A copy of NOC requested by Petitioners and Teesta Urja Limited and other generators who have sought NOC for the same capacity and a copy of NOC granted by POSOCO.*
- iii) *Whether COD for all units of Teesta Urja Limited has been done in accordance with CERC Regulations? A copy of RLDC certificate, CMD certificate in this regard for all the units may be submitted.*
- iv) *Reasons for the formation of separate bid area.*
- c) The Commission directed PTC India Limited to submit the status of scheduling of power to long term beneficiaries keeping in view the PPAs signed with beneficiaries in the light of TUL informing during the hearing that COD has been achieved for all the units.
- d) The Commission directed CTU to file the following information :
- i) *Status of LTA operationalisation for all the generators in this region. In case, it has not been operationalised, the reasons for doing so specially keeping in view amended Regulation 8(5) of third amendment to the Central Electricity Regulatory Commission (Sharing of inter State transmission charges and losses) Regulations, 2010 effective from 1.5.2015 ?*
- ii) *Steps taken to operationalise the LTA.*
- iii) *A copy of LTA granted to the generators covered under the Petition and the date of effect of LTA as per LTA granted.*
- e) TPTL was directed to file the following information :
- i) *Status of TUL-Kishanganj transmission line, specially with reference to TUL to Rangpo S/C and Rangpo to Kishanganj D/C transmission lines.*
- ii) *Scheduled completion date of the above line.*
- iii) *Reasons for delay in completion of this line.*
- iv) *Steps taken for expeditious completion of this line.*
- f) ERPC was directed to file the following information :
- i) *Maximum power flow allowable through Rangpo-Siliguri transmission line.*

ii) *Steps taken to ramp up flow of 2300 MW through the above line as recorded in the minutes of ERPC meeting dated 30.11.2016.*

iii) *Status of SPS operation at generators covered under the Petition and reasons for non-reliability of SPS operation as informed by POSOCO during the hearing.*

g) The Commission directed TUL to explain the reasons for installation of 2000 ampere at Teesta-III in place of 3150 ampere as discussed during CEA meeting held on 5.7.2016?

5. The Respondent No. 5 i.e. Teesta Urja Limited has also filed I.A no. 73/2018 seeking expeditious disposal of the Petition and further allowing sale of power under STOA from all the Projects on proportionate basis, under the available margin of 400 kV D/C Rangpo – Siliguri Line, after considering the transactions under LTA of Teesta V HEP of NHPC Ltd and Teesta III HEP of TUL.

6. During the pendency of hearing, the Commission vide its interim order dated 22.6.2017 directed that the scheduling of power of the HEPs in the Sikkim Region shall be regulated as per the interim arrangement in accordance with ERPC meeting dated 21.6.2017. The relevant portions of the said order is extracted as under :

8. *We have considered the submission of the parties. ERPC carried out SPS test on 19.6.2017 and shared the results of the said test with all concerned in the meeting held on 21.6.2017. After detailed discussion, the following decisions were taken in the meeting:*

*“(1) The power flow through the 400 kV Rangpo-Siliguri DC line will be enhanced to 1700 MW till further reviewing on commissioning of 400 kV Teesta-III-Dikchu-Rangpo line.*

*(2) The allowable evacuation of generation of Sikkim HEPs will be allocated as give below:*

<b>IPPs</b>	<b>Evacuation Capacity before COD of Tashiding HPS (MW)</b>	<b>Evacuation Capacity after COD of Tashiding HPS (MW)</b>
<i>Teesta-V HPS</i>	530	530
<i>Dikchu HPS</i>	96	96
<i>Jorethang HPS</i>	96	96
<i>Chuzachen HPS</i>	99	99
<i>Teesta-III HPS</i>	879 (1700-530-96-96-99)	782 (1700-530-96-96-99-97)
<i>Tashiding HPS</i>	0	97

(3) *Teesta-III evacuation quantum could be enhanced if there is margin available in transmission corridor due to less generation/back down/shutdown by any of the other generators.*

(4) *Threshold limit for existing SPS at Rangpo will be revised to 850 MW.*

(5) *Powergrid would implement the revised setting (threshold limit) of existing SPS at Rangpo after the decision of the Commission.*

(6) *While commissioning of full fledged SPS in coordination with ERLDC, Powergrid would implement the agreed modification in the existing SPS as suggested by ERLDC for increasing the effectiveness of the SPS in case the Rangpo-Siliguri line is tripped from Siliguri end only.*

(7) *All the respective generators will submit the healthiness certificate for the SPS at their end on monthly basis in OCC meetings.”*

9. *We find that the interim arrangement decided by ERPC as above will meet the requirements of the HEPs in the Sikkim Region during the ensuing rainy season and accordingly, the same is accepted. In supersession of our interim directions in RoPs dated 6.6.2017 and 15.6.2017, we direct that the scheduling of power of the HEPs in the Sikkim Region shall be regulated as per the interim arrangement as quoted in para 8 above. It is clarified that no overload capacity over and above the evacuation capacity allocated to the HEPs shall be allowed. PGCIL is directed to implement the new threshold limit in existing SPS at 400 kV Rangpo sub-station as suggested by ERPC. This interim arrangement shall remain valid for the current rainy season.*

9. TPTL vide its letter dated 10.1.2019 has declared COD of 400 kV Kishanganj-Teesta III Line upto Rangpo LILO point along with 63 MVAR Line Reactor and associated bays at Kishanganj Line with effect from 6.1.2019. Further, TPTL vide its



letter dated 14.3.2019 informed the Commission that the commercial operation of the 2<sup>nd</sup> circuit of Rangpo- Kishanganj has been declared on 13.2.2019.

10. After completion of Teesta III – Kishanganj Transmission Line, the prayers of the Petitioner have become infructuous.

11. The Petition No. 114/MP/2017 and I.A No. 73/2018 is disposed of in terms of the above.

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

**Sd/-**  
**(P. K. Pujari)**  
**Chairperson**