

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 120/MP/2019**

**Coram:**

**Shri P.K Pujari, Chairperson**

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

**Shri I.S. Jha, Member**

**Date of Order: 21.11.2019**

**In the matter of:**

Petition under Section 79 (1) (c) & (f) of the Electricity Act, 2003 read with the provisions of the CERC (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 to set aside the bills dated, 7.12.2018, 7.1.2019, 8.2.2019 and 8.3.2019 of the Central Transmission Utility (PGCIL) towards Transmission Charges (POC and HVDC charges).

**And**

**In the matter of:**

KSK Mahanadi Power Limited  
8-2-293/82/A/431/A  
Road No.22, Jubilee Hills  
Hyderabad – 500 033

**...Petitioner**

**Versus**

1. Power Grid Corporation of India Limited  
B-9, Qutub Industrial Area  
Kawaria Sarai  
New Delhi- 110016
2. Madhyanchal Vidyut Vitran Nigam Ltd. (MVVNL)  
Through The Managing Director  
4A, Gokhale Marg  
Lucknow – 226001
3. Paschimanchal Vidyut Vitran Nigam Ltd. (PaVVNL)  
Through The Managing Director

UrjaBhawan, Victoria Park  
Meerut – 250001

4. Purvanchal Vidyut Vitran Nigam Limited (PuVVNL)  
Through The Managing Director  
DLW Bhikharipur,  
Varanasi – 221 004
  
5. Dakshinanchal Vidyut Vitran Nigam Ltd. (DVVNL)  
Through The Managing Director  
Urja Bhawan, NH-2  
(Agra-Delhi Bypass Road)  
Sikandra, Agra-282002

**...Respondents**

**Parties Present:**

1. Ms. Swapna Seshadri, Advocate, KSK MPL
2. Shri Amol Nair, Advocate, KSK MPL
3. Shri V.Ramakrishnan, KSK MPL
4. Shri Sitesh Mukherjee, Advocate, UPPCL
5. Shri Aryaman Saxena, Advocate, UPPCL
6. Ms. Suparna Srivastava, Advocate, PGCIL
7. Shri Tushar Mathur, Advocate, PGCIL
8. Ms. Anita A. Srivastava, PGCIL
9. Shri V. Srinivas, PGCIL

**ORDER**

The Petitioner, KSK Mahanadi Power Limited has filed the present Petition challenging the incorrect and illegal billing being done by the Power Grid Corporation of India Limited towards transmission charges for the LTA of 1000 MW for supply of power from generating station of the Petitioner to the Distribution Companies in Uttar Pradesh. The Petitioner has made the following prayers:

- (a) Set aside the bills dated , 07/12/2018, 07/01/2019 and 07/02/2019 and 08/03/2019 raised by Powergrid on the Petitioner as illogical and incorrect;
- (b) Hold and direct Powergrid not to raise any further bills on the above basis on the Petitioner till the disposal of the petition;
- (c) Direct Powergrid not to take any precipitative action against the Petitioner for non-payment of the amounts shown as per the bills dated 07/12/2018, 07/01/2019 and 08/02/2019 and 08/03/2019;
- (d) Direct that any penalties which will have to be paid by the Petitioner to the respective Distribution Companies under its PPAs for short supply of power due to regulation of power supply by Powergrid will have to be paid by Powergrid to the Petitioner subject to prudence check by this Hon'ble Commission; and
- (e) Pass such other further orders as the Hon'ble Commission may deem just in the facts of the present case

### **Submissions by the Petitioner**

2. The Petitioner has mainly submitted as under:

- (a) The Petitioner is in the process of establishing a 3600 MW coal based generating station in the State of Chhattisgarh. Out of the above, three units of 600 MW each have been commissioned and are presently under commercial operation.
- (b) The Petitioner has been granted LTA – 1000 MW to UP vide intimation letter dated 29/07/2016 on 765 kV Jabalpur – Orai and upgradation of ± 800 kv 3000 MW HVDC Bipole between Champa PS – Kurukshtra ( NR) to 6000 MW. Further, vide letter and minutes dated 24.03.2017, Powergrid operationalized pole I of Champa – Kurukshtra HVDC line.

(c) Consequent to the determination of the Transmission charges of Champa – Kurukshetra line (Pole 1) by this Commission in Petition No. 13/TT/2017 vide Order dated 22/02/2018, PGCIL billed the transmission charges to the Petitioner as HVDC Transmission charges determined by the Commission vide Order dated 22/02/2018 to extent of 822 MW , being the power that was flowing through the said line from the power station of the Petitioner to Uttar Pradesh as well as the POC Charges, reliability support charges and HVDC charges for the balance quantum of 178 MW at the rates approved by the Commission on quarterly basis. During this period, the average transmission charges bill was around Rs.48 Crores per month.

(d) November 2018 onwards, PGCIL has changed the methodology of billing and started billing as follows

(i) HVDC Transmission charges of Champa-Kurukshetra line to the extent of 847 MW at the rates determined by this Commission in Petition No:13/TT/2017 vide order dated 22/02/2018; and

(ii) Transmission charges for entire 1000 MW of POC Charges, Reliability support charges and HVDC charges at the rates approved by this Commission on quarterly basis.

(e) On 21/12/2018, the Petitioner sent a bill dispute notice under Paragraph 3.5 of the Billing, Collection and Disbursement (BCD) Procedure under the CERC (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010.

3. Notices were issued to the Respondents to file their replies. PGCIL has filed its replies to the Petition vide affidavits dated 09.4.2018. The Petitioner has filed its Rejoinder to the replies filed by PGCIL vide affidavit dated 07.08.2019.

## **Analysis and Decision**

4. Commission in its Order dated 31.07.2019 in Review Petition No. 20/RP/2018 along with I.A. Nos. 46/IA/2019, 48/IA/2019 and 49/IA/2019 and Review Petition No.3/RP/2019 has already addressed the contentions raised by the petitioner. Accordingly, the contentions raised by the petitioner do not survive. Further, we are not inclined to issue any direction regarding the prayer of the petitioner related to precipitative action by PGCIL against the Petitioner for non-payment of any dues.
5. Petition No. 120/MP/2019 is disposed of in terms of the above.

**Sd/-  
(I. S. Jha)  
Member**

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

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