

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 113/MP/2020

Subject : Petition under Section 79 (1) (c) & (f) of the Electricity Act, 2003 read with provisions of the CERC (Sharing of inter-State Transmission Charges and Losses) Regulations, 2020 to set aside the bill dated 1.1.2020 of the Central Transmission Utility (PGCIL) towards transmission charges (POC and HVDC charges) as well as the notice for Regulation of Power Supply dated 3.1.2020.

Date of Hearing : 21.1.2020

Coram : Shri P. K. Pujari, Chairperson
Shri I.S. Jha, Member

Petitioner : KSK Mahanadi Power Limited

Respondent : Power Grid Corporation of India Limited (PGCIL) and others

Parties present : Ms. Swapna Seshadri, Advocate, KSK
Ms. Suparna Srivastava, Advocate, PGCIL
Shri Kamal Jain, PGCIL

Record of Proceeding

Learned counsel for the Petitioner mentioned the matter and submitted that the Petitioner, KSK Mahanadi Power Limited, has filed the Petition *inter alia* seeking direction to Power Grid Corporation of India Limited (PGCIL) not to take any precipitative action against the Petitioner for non-payment of the dues and stay the notice for regulation of power supply dated 3.1.2020 till the disposal of the Petition. Learned counsel for the Petitioner further submitted as under:

(a) The Petitioner has been granted 1000 MW LTA to UP on 29.7.2016 for 765 kV Jabalpur-Orai and up-gradation of +800 kV 3000 MW HVDC Bipole between Champa PS Kurukshetra (NR) to 6000 MW. Till April 2018, PGCIL had billed the transmission charges as per the POC slab rates for 1000 MW. For the period from April, 2018 to October, 2018, the bills were being raised with POC, HVDC and reliability charges for the HVDC Champa Kurukshetra corridor. However, HVDC charges being billed for Champa-Kurukshetra (Pole-1) were exorbitant and erroneous since the rate has to be arrived considering the annual transmission charges of Pole-1 and Pole-2 summated and distributed on the entire capacity of 3000 MW instead of bill the costs on 1500 MW.

(b) Subsequently, the Petitioner filed the Petition being No. 120/MP/2019 challenging the erroneous billing of PGCIL. The Commission in its order dated 31.7.2019 had directed PGCIL to raise revised bills of transmission charges on all the generators including the Petitioner. Accordingly, PGCIL was required to raise revised bills for the period from June 2018 onwards based on NLDC's computation. However, instead of revising the bills, PGCIL raised bill on 1.1.2020 giving credit of the difference between the rates wrongly charged by it and the rates now determined by this Commission. The perversity in the bill becomes further clear by the fact that PGCIL has given a self-certification to its earlier bills as if they were payable on the due dates, then computed the delay payment surcharge on the said bill and even adjusted the STOA credit which was due to the Petitioner from it.

(c) On 13.1.2020, PGCIL issued Regulation of Power Supply notice on the Petitioner for non-payment of bill dated 1.1.2020 again holding its earlier bills to be valid and payable on respective due date despite the Commission's orders dated 13.5.2019 and 31.7.2019.

2. Learned counsel for PGCIL submitted that after issuance of Regulation of Power Supply notice dated 3.1.2020, Rs. 267 crore is outstanding for more than 45 days. Out of this, the Petitioner has paid Rs. 45 crore. Learned counsel submitted that Rs. 222 crore is outstanding for more than 45 days.

3. After hearing the learned counsel for the parties, the Commission directed the Petitioner to pay Rs. 100 crore to PGCIL along with current transmission charges within 7 days from the issuance of ROP. The Commission further directed that after the payment of Rs. 100 crore, if the outstanding dues exceeding 45 days are more than Rs. 122 crore at any point of time, PGCIL is free to regulate the Petitioner's power in accordance with law.

4. The Commission admitted the Petition and directed to issue notice to the Respondent.

5. The Commission directed the Petitioner to serve copy of the Petition on the Respondent immediately. The Respondent was directed to file its reply, by 4.2.2020 with an advance copy to the Petitioner who may file its rejoinder, if any, by 14.2.2020. 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.

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

By order of the Commission

**Sd/-
(T.D. Pant)
Deputy Chief (Law)**