

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 113/MP/2020

Subject : Petition under Section 79 (1)(c) and (f) of the Electricity Act, 2003 read with the provisions of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 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 : 25.8.2020

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

Petitioner : KSK Mahanadi Power Limited (KMPL)

Respondents : Power Grid Corporation of India Limited (PGCIL) and 4 Ors.

Parties present : Shri Anand Ganesan, Advocate, KMPL
Ms. Swapna Seshadri, Advocate, KMPL
Shri Ashwin Ramanathan, Advocate, KMPL
Ms. Suparna Srivastava, Advocate, PGCIL
Shri Tushar Mathur, Advocate, PGCIL
Shri V. Srinivas, PGCIL
Shri K. K. Jain, PGCIL

Record of Proceedings

The matter was heard through video conferencing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking to set aside the bill dated 1.1.2020 of Power Grid Corporation of India Ltd.(PGCIL) towards transmission charges (POC and HVDC charges) as well as the notice for Regulations of Power Supply dated 3.1.2020. Learned counsel submitted that the Petitioner has challenged the incorrect and illegal billing done by the Respondent No.1, PGCIL contrary to the Commission's specific directions in orders dated 13.5.2019 and 31.7.2019 in Petition No. 20/RP/2018 and Petition No. 3/RP/2019 respectively. Further, subsequent to the above orders of the Commission, instead of raising fresh bill for transmission charges from April 2018 onwards, PGCIL raised a bill on 1.1.2020, giving a credit of the difference between the rates wrongly charged by it and the rates as determined by the Commission. However, in doing so, PGCIL has given a self-certification to its earlier bills as if they were payable on due dates and then



also levied the delay payment surcharge on the said bills. In this regard, learned counsel relied upon the chart indicating the billing of transmission charges and highlighted the discrepancies in the bills raised by PGCIL.

3. Learned counsel for the Respondent, PGCIL submitted that PGCIL has raised the transmission bills on the Petitioner as per the monthly/ Regional Transmission Accounts (RTAs) as issued by the respective Regional Power Committees (RPCs) in compliance with the Commission`s Regulations and procedure made thereunder. Learned counsel submitted that non-payment by any DIC shall lead to deficit in the recovery of PoC charges in the pool. She added that pursuant to the Commission's order dated 31.7.2019 and issuance of revised RTAs by the RPCs, the Respondent re-computed the charges to be paid by the DICs and accordingly, the Petitioner was given a credit of Rs. 331.28 crore vide Bill-3 on 1.1.2020. Raising of fresh bill as sought by the Petitioner in terms of the Commission's order dated 31.7.2019 in Petition No. 20/RP/2018 vis-à-vis the adjustment Bill-3 raised by PGCIL, led to surcharge amount to the tune of Rs.13.81 crore. Moreover, the Petitioner has also not paid the subsequent bills/ invoices leading to further accumulation of dues.

4. After hearing the learned counsels for the parties, the Commission observed that since the issue involved in the Petition is limited to the billing of the transmission charges, the Commission directed the Petitioner to share the chart of computation as referred to with the Respondent, PGCIL. The Commission further directed PGCIL to convene a meeting with the Petitioner to carry out the reconciliation of transmission charges. The parties were directed to file the minutes of the meeting within one week thereafter. The Commission clarified that PGCIL is at liberty to take appropriate action in accordance with law, in case the principal outstanding dues (exceeding 45 days) excluding the surcharge remain unpaid or on default of maintenance of LC.

5. 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)**

