

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 345/MP/2020**

Subject : Petition under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking review of the PoC order dated 6.3.2020 in Petition No. L-1/44/2010-CERC.

Petitioner : Torrent Power Limited (TPL)

Respondents : National Load Despatch Centre (NLDC) and Anr.

Date of Hearing : 30.6.2020

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

Parties present : Shri Abhishek Munot, Advocate, TPL  
Shri Tushar Nagar, Advocate, TPL  
Shri Jaydip Chudasama, TPL

**Record of Proceedings**

The matter was heard through video conferencing.

2. Learned counsel for the Petitioner submitted that the instant Petition has been filed, *inter-alia*, seeking review of the Commission's order dated 6.3.2020 determining the Point of Connection (PoC) rates/charges and transmission losses for 4<sup>th</sup> quarter of financial year 2019-20. Learned counsel further submitted as under:

(a) The Commission vide its order dated 4.2.2020 has determined the PoC rates/charges and transmission losses for the 4<sup>th</sup> quarter of financial year 2019-20 (in short 'PoC order'). In the said PoC order, the Commission also determined the PoC rates for Short-Term Open Access (STOA) transactions wherein the applicable PoC slab rate for the Petitioner's generation (DGEN) node was determined as 37.07 paise/kWh.

(b) Upon undertaking the STOA transaction on 17.2.2020, the Petitioner realised that it was being billed incorrect PoC rates/charges for supply of power on STOA. Accordingly, the Petitioner discussed the issue with National Load Despatch Centre (NLDC) and sought clarification regarding computation of PoC charges/rates for the Petitioner's Plant. The Petitioner came to know that while



computing the PoC rates for said quarter, the Petitioner's dedicated DGEN-Navsari transmission line had been inadvertently considered as part of ISTS.

(c) The Petitioner, vide its letter dated 21.2.2020, requested the Commission to revise PoC rates determined vide the said PoC order. The said letter was also forwarded to NLDC for its comments on 28.2.2020. Subsequently, on 6.3.2020, the Commission issued the order revising/correcting the PoC charges/rates for STOA transactions to be undertaken during 4<sup>th</sup> quarter of financial year 2019-20. Consequently, the applicable STOA slab rate in case of the Petitioner was revised to 0.54 paisa/kWh. However, the said revision/correction in the PoC charges/rates for STOA transactions has been made effective from the date of order i.e. 6.3.2020 and for STOA transactions undertaken prior to 6.3.2020, it has been held that the STOA charges as specified in the earlier PoC order would apply. Accordingly, the present review Petition has been filed against the order dated 6.3.2020 to the extent it holds that the revised/corrected PoC rates would be applicable prospectively and not from the date of applicability of the PoC order.

(d) It is a well settled law that curative decisions have retrospective effect as the result of the curative proceedings is correction of a mistake/error from the date on which such error was committed. The order dated 6.3.2020 being curative in nature, the applicability of the revised/corrected PoC rate has to be from the date of applicability of PoC order. Learned counsel sought permission to file short note along with relevant judgments in this regard.

(e) On account of the erroneous computation of STOA charges/rates in the PoC order, the Petitioner has been required to pay an excess amount of Rs. 4,00,81,255.98/- towards the STOA transactions undertaken during the period from 17.2.2020 to 5.3.2020 and the Petitioner is entitled to recover the same.

3. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondents.

4. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately, if not already served. The Respondents were directed to file their reply by 15.7.2020 with advance copy to the Petitioner who may file its rejoinder, if any, by 30.7.2020. Based on the request of the Petitioner, the Commission permitted the Petitioner to file short note as per Para 2 (d) above, by 15.7.2020.

5. The Commission further directed the Petitioner to file the following information on affidavit by 15.7.2020:

(a) Cost of DGEN-Navsari dedicated transmission line which was inadvertently included while calculating PoC charges for the Petitioner;

(b) Details of STOA transactions along with their terms and conditions including transmission charges considered for such transactions carried out by the Petitioner during the period between 4.2.2020 and 6.3.2020; and



(c) Details of transmission charges received for the above mentioned STOA transactions carried out by the Petitioner during the period between 4.2.2020 and 6.3.2020.

6. The due date of filing of reply, rejoinder and information should be strictly complied with.
7. 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)**

