

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 492/MP/2020

Subject : Petition under Section 79(1)(c), 79(1)(d), 79(1)(f) and 79 (1)(k) of the Electricity Act, 2003 for adjudication of dispute arising out of the action of Power Grid Corporation of India in relation to Bill-3 raised in contravention of Regulation 11 of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 read with Billing, Collection, Disbursement (BCD) Procedure and inter-alia, seeking declaration that the Petitioner is entitled for complete offset of charges billed in Bill-1 as well as Bill-3, in the event the quantum of transmission corridor availed by the Petitioner in any region, is for corresponding period, equal to or more than the target region LTA quantum and for refund of monthly POC charges paid under Bill-3.

Petitioner : DB Power Limited (DBPL)

Respondent : Power Grid Corporation of India Limited (PGCIL)

Date of Hearing : 30.7.2020

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member

Parties present : Shri Hemant Singh, Advocate, SPGCL
Ms. Soumya Singh, Advocate, DBPL
Shri S. S. Raju, PGCIL
Shri A. K. Verma, PGCIL
Shri B. Dash, PGCIL

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 declaration that the Petitioner is entitled for complete offset of charges billed in Bill-1 as well as Bill-3, in the event the Petitioner avails Short-Term Open Access (STOA) equal to or more than the target region Long-Term Access (LTA) quantum in any of the regions for a given period. Learned counsel further submitted that in terms of Regulation 11(10) of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 (in short 'the 2010 Sharing Regulations'), the Respondent is required to offset and



refund to the Petitioner, the LTA charges paid for the previous month in the next monthly bill corresponding to Short-Term Open Access (STOA) supply during the month, subject to maximum charges for LTA quantum of target region. Learned counsel submitted that the Respondent has been providing offset and refund of POC charges against STOA availed by the Petitioner upto charges raised for PoC in Bill-1. However, the Respondent has not been providing any refund of PoC charges raised in Bill-3 corresponding to STOA availed in the corresponding month.

3. Learned counsel for the Petitioner further submitted that Essar Power (MP) Limited has also filed Petition No. 122/MP/2019 on the similar issue and requested to tag the present Petition along with the Petition No. 122/MP/2019.

4. The representative of the Respondent, PGCIL submitted that in terms of Regulation 11(10) of the 2010 Sharing Regulations, the charges for the quantum of STOA are to be adjusted against the charges for the LTA in 'the following month'. The expression 'the following month' clearly indicates that such adjustment has to be in respect of Bill-1, which is raised on monthly basis. He further added that as per Regulation 11(6) of the 2010 Sharing Regulations, Bill-3 is for the adjustment in variation in FERV, incentive and rescheduling of commissioning of transmission assets etc., and the same is raised on DICs on quarterly basis in proportion of their average 'Approved Injection' or 'Approved Withdrawal' over the relevant PoC period.

5. After hearing the learned counsel for the Petitioner and the representative of the Respondent, PGCIL, the Commission admitted the Petition and directed to issue notice to the Respondents.

6. The Commission directed the Petitioner to serve copy of the Petition on the Respondent immediately, if not already served. The Respondent was directed to file its reply, if any, by 21.8.2020 with advance copy to the Petitioner, who may file its rejoinder, if any, by 11.9.2020. The due date of filing of reply and rejoinder should be strictly complied with.

7. The instant Petition and the Petition No. 122/MP/2019 shall be listed for hearing together in due course for which separate notice shall be issued.

By order of the Commission

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

