

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Petition No. 187/MP/2022 along with IA No. 70/2022

- Subject : Petition under Section 79 of the Electricity Act, 2003 along with statutory framework and the Transmission Service Agreement dated 23.10.2019 executed between Jam Khambaliya Transco Ltd. and Powerica Limited and the Long-Term Access Agreement dated 17.10.2019 executed between Power Grid Corporation of India Ltd. and Powerica Ltd. seeking directions to JKTL/ CTU/PGCIL not to raise invoices for transmission charges till the SCOD of the Petitioner's Project.
- Date of Hearing : 11.4.2023
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Powerica Limited
- Respondents : Central Transmission Utility of India Limited (CUTIL) and 4 Ors.
- Parties Present : Shri Venkatesh, Advocate, Powerica
Shri Parveen Arora, Advocate, Powerica
Shri Ashutosh Srivastava, Advocate, Powerica
Ms. Suruchi Kotky, Advocate, Powerica
Shri Nihal Bhardwaj, Advocate, Powerica
Ms. Akshita Tyagi, Powerica
Ms. Suparna Srivastava, Advocate, CTUIL
Shri Tushar Mathur, Advocate, CTUIL
Ms. Astha Jain, Advocate, CTUIL
Shri Shashank Shekhar, CTUIL
Shri Ranjeet Singh Rajput, CTUIL
Shri Lasit Sharma, CTUIL
Shri Alok Mishra, WRLDC
Ms. Poonam Verma, Advocate, JKTL
Ms. Priyakshi Bhatnagar, Advocate, JKTL

Record of Proceedings

Learned counsel for the Petitioner submitted that vide Record of Proceedings for the hearing dated 14.2.2023, CTUIL was directed to furnish its response *inter-alia* whether the transmission charges for the entire transmission of JKTL can be loaded onto the Petitioner in terms of the Sharing Regulations, 2020 within two weeks. However, CTUIL has filed its response yesterday. Learned counsel further submitted as under:

- (a) In its response, CTUIL has submitted that the transmission charges for the entire transmission system of JKTL need not be loaded on the Petitioner



and the transmission charges for the delayed period corresponding to ATS portion can be levied on the Petitioner in terms of the Sharing Regulations, 2020.

(b) CTUIL has also proposed a methodology to be adopted for calculation of transmission charges for the delayed period of generation projects at Jam-Khambaliya. In the said methodology, while working out the charges for the delayed period, CTUIL has utilized the per day cost of 4x500 MVA ICTs at Jam-Khambaliya S/s. However, the said S/s of JKTL having been set-up under the tariff based competitive route, the Petitioner is unable to ascertain such cost and the charges for the delayed period as per the methodology proposed by CTUIL.

(c) The Petitioner can also not be held liable for payment of transmission charges for the period between 17.5.2022 and 31.5.2022 as the Petitioner was ready for charging its WTGs on 17.5.2022. JKTL took an uninformed shutdown due to which telemetry data for WTGs could not be received. The transmission system of JKTL was under shut-down for a period from 17.5.2022 to 31.5.2022 without any intimation to the Petitioner and hence, the Petitioner cannot be made liable to pay the transmission charges for this period. The Petitioner has also suffered the generation loss due to this unscheduled outage for the period from 17.5.2022 to 31.5.2022. CTUIL has not replied to the aforesaid submission of the Petitioner in its reply.

(d) Pursuant to the direction of the Commission vide Record of Proceedings for the hearing dated 5.7.2022, the Petitioner has also impleaded WRSS XXI(A) Transco Limited, which was responsible for implementation of LILO of Bhachau-EGPL 400 kV D/c line at Lakadia PS, as party to the Petition. However, no reply has been filed by the said licensee.

2. Learned counsel for the Respondent, CTUIL submitted that the Petitioner's generating station was not operationalized on the date JKTL declared its deemed COD and thus, there was a mismatch between the Petitioner's and JKTL's CODs with the delay being there on the part of the Petitioner in achieving the COD of its generating station which makes it liable to pay the transmission charges for the period of delay as per the Regulation 13(12)(b) of the Sharing Regulations, 2020. Learned counsel further submitted that the liability of the Petitioner towards the transmission charges also arises out of its obligations under its TSA with JKTL. Learned counsel submitted that the billing undertaken on the Petitioner by CTUIL is as per the provisions of the Sharing Regulations, 2020. Learned counsel added that with regard to the issue of loading of transmission charges for the entire transmission system of JKTL onto the Petitioner, CTUIL has already filed its response indicating therein a proposed methodology for consideration of the Commission.

3. Learned counsel for the Respondent, JKTL pointed out that JKTL has not received any payment due against the outstanding bilateral bills.

4. After hearing the learned counsel for the parties, the Commission ordered as under:

(i) WRLDC to submit the reason for outage of 400 kV JKTL - Bhachau line during the period 17.5.2022 to 31.5.2022 along with clarification as to whether this outage was scheduled outage/ un-scheduled outage on affidavit within two weeks.

(ii) CTUIL to submit the following on affidavit within two weeks:

a. Date of readiness of all the elements of transmission systems which were required for LTA as per the Annexure-I of the LTA grant, on affidavit, within two weeks.

i. Connectivity System for RE Projects (1500 MW) in Dwarka (Gujarat)

ii. Common strengthening scheme required for LTA.

b. Response to the Petitioner's contention that it cannot be made liable to pay transmission charges and also entitled for compensation on account of generation loss suffered by it during the period from 17.5.2022 to 31.5.2022 due to outage of 400 kV JKTL-Bhachau line.

(iii) The Petitioner may file its response to the affidavit of the CTUIL dated 10.4.2023, if any, within three weeks.

5. The Commission directed that the interim relief allowed vide Record of Proceedings for the hearing dated 6.12.2022 will continue till the next date of hearing.

6. The Petition along with IA shall be listed for hearing on 23.5.2023.

By order of the Commission

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