

CENTRAL ELECTRICITY REGULATORY COMMISSION
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Coram:

1. **Shri Ashok Basu, Chairman**
2. **Shri G.S. Rajamani, Member**
3. **Shri K.N. Sinha, Member**

Petition No. 78/2002

In the matter of

Non-compliance of the directions of the Commission regarding violation of RLDC instructions and drawal schedules by GRIDCO during the period of regulation.

And in the matter of

Eastern Regional Load Despatch Centre	Petitioner
Vs		
Grid Corporation of Orissa Ltd and others	Respondents

The following were present:

1. Shri S.K. Banerji, AGM, ERLDC
2. Shri P. Mukhopadhyay, CE, ERLDC
3. Shri V. Mittal, PGCIL
4. Shri S.K. Jain, Manager (Law), PGCIL
5. Shri Sunil Agrawal, CM (SO), PGCIL
6. Shri Sruti Mishra, DM(SO), PGCIL
7. Shri R.K. Mehta, Advocate, GRIDCO
8. Shri Abhishek Awasthi, Advocate, GRIDCO
9. Shri B.K. Mohanty, SGM (P), GRIDCO
10. Shri K.K. Panda, Liaison Officer, GRIDCO
11. Shri Md. S. Mondal, CE (Comml), DVC
12. Shri A.K. Palit, DCE (Comml.), DVC
13. Shri T.K. Ghosh, SE (Comml.), DVC
14. Shri M. Prasad, BSEB
15. Shri B.K. Mishra, MS, EREB
16. Shri D.G. Sharma, GM(C), NTPC
17. Shri R. Datt, AGM(C), NTPC
18. Shri S.K. Samui, SM (S), NTPC
19. Shri V.K. Padha, NTPC
20. Shri Rachna Mehta, NTPC

ORDER
(Date of Hearing: 27.8.2002)

Shri R.K. Mehta made the submissions which are summarised as under:

- (i) The Scheme of regulation was discriminatory since the other constituents whose dues were more than GRIDCO's dues were not subjected to regulation,
- (ii) The scheme of regulation was void ab initio, being opposed to the procedure prescribed by the Commission,
- (iii) ERLDC had failed to provide for essential services and sensitive installations in the State of Orissa though mandatorily required under the Commission's order dated 11.1.2002,
- (iv) Consultation with other utilities was not carried out by NTPC before formulating the scheme of regulation,
- (v) Extension of regulation beyond 23.3.2002 was invalid since it is not provided for in the Commission's order dated 11.1.2002.
- (vi) GRIDCO was not supplied with the agreed power from the TTPS as a consequence of which GRIDCO was forced to overdraw during the extended period of regulation.
- (vii) There were serious discrepancies in figures of ERLDC in regard to drawal of power by GRIDCO.

2. In order to support his claim, Shri Mehta took us through a host of documents available on record.

3. Shri S. Mondal, CE (Comml.), appearing on behalf of DVC referred to certain provisions of the generic procedure for regulation prescribed by the Commission. He mentioned that the constituents other than GRIDCO had to pay higher transmission charges during the period of regulation and requested for

review of Commission's order. The issues raised on behalf of DVC are beyond the scope of the present proceedings. Shri Mondal further informed that 300 MW emergency assistance was asked for from NTPC during the period of regulation but the same was not made available. He admitted that initially DVC was not willing to take the regulated quantum of power when it was offered to them prior to commencement of regulation. However, for emergency assistance, NTPC had initially asked for payment in a week's time which was agreed to by DVC but subsequently NTPC had imposed additional conditions, which DVC could not agree to. He further stated that backing down incentive should not be allowed to NTPC during the period of regulation.

4. It was submitted on behalf of BSEB that the constituents who are not subjected to regulation should not be asked to pay incentive for backing down at NTPC plants.

5. The issue regarding payment of incentive during backing down period during the regulation is adequately covered in the Commission's order dated 11.1.2002. The consideration of the issue afresh amounts to review of the order, which has to be in accordance with the prescribed procedure and not through the collateral proceedings.

6. The representative of NTPC, through the contents of the affidavit filed on its behalf, pointed out that the scheme of regulation was not discriminatory. He

also submitted that the Commission's order dated 11.1.2002 did not prohibit extension of regulation of power supply. He submitted that as per order dated 11.1.2002, the duration of regulation was to be mentioned by the regulating utility while making request to RLDC for regulation of power and the stipulation for extension of regulation was contained in the proposal of NTPC for regulation of power supply.

6. Member Secretary, EREB mentioned that the feeders for essential services such as defence, traction etc. were identified and all the constituents had been instructed to keep these feeders in service all the time. He stated that GRIDCO had maintained supply to essential services during the period of regulation. He made a reference to the meeting taken by Chairman, CEA on 15.4.2002 relating to regulation of power supply by NTPC to GRIDCO. He informed the Commission that it was not possible to switch off the lines feeding power to GRIDCO in view of the strategic location of GRIDCO in the Eastern Grid. In regard to NTPC, he mentioned that there was general reluctance on the part of NTPC stations to give reasonable information about the outages of their units and their restoration during the period of regulation.

7. Additional General Manager, ERLDC mentioned that new points have been raised by GRIDCO in its reply, copy of which had been made available to him before commencement of the hearing. He requested the Commission for some time for responding to these points raised by GRIDCO. In regard to extension of

regulation, he mentioned that NTPC had initially not given a definite date for extension of regulation and left it open-ended. Hence this was not agreed to. However, thereafter a definite period of regulation up to 10.6.2002 was indicated by NTPC since no action had been taken by GRIDCO for liquidation of their dues which was agreed to. He informed that the letters containing proposal of extension of regulation from NTPC had been endorsed to Member Secretary EREB, constituents of Eastern Region and CTU but no reply was received from any other constituents, except from GRIDCO who had contested the extension of regulation period. He mentioned that power supply to essential services was not disturbed by GRIDCO during the period of regulation.

8. List this matter on 8.10.2002 at 10.30 AM as part heard, when others concerned shall be heard.

sd/-
(K.N. SINHA)
MEMBER

sd/-
(G.S. RAJAMANI)
MEMBER

sd/-
(ASHOK BASU)
CHAIRMAN

New Delhi dated the 4th September, 2002.