

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

PETITION No. 278/2010

Sub: Petition under Section Electricity Act, 2003 and CERC (Terms and conditions of tariff) Regulations, 2004 and Sharing of transmissions charges for the inter-regional links between WR and other regions on proportionate basis and (d) sharing of wheeling charges for Gujarat and Maharashtra for use of the Gujarat transmission system (GETCO) for conveyance of Central Sector Power to Union Territory of Daman and Diu and UT of Dadra and Nagar Haveli and use of Maharashtra State Electricity Transmission Corporation Limited (MSETCL) transmission system for wheeling of Central Sector Power to the State of Goa.

Date of hearing	23.12.2010
Coram	Shri S.Jayaraman, Member Shri V.S.Verma, Member Shri M.Deena Dayalan, Member
Petitioner	Torrent Power Limited, Ahmedabad
Respondents	Western Regional Power Committee, Mumbai Power Grid Corporation of India Ltd., Gurgaon Gujarat Urja Vikas Nigam Ltd., Vadodara Madhya Pradesh Power Trading Co. Ltd., Jabalpur Chhattisgarh State Power Distribution Co. Ltd., Raipur Maharashtra State Electricity Distribution Co. Ltd., Mumbai Electricity Deptt., Govt. of Goa, Panjim Electricity Deptt., UT of Daman and Diu, Daman Electricity Deptt., UT of Dadra and Nagar Haveli
Parties present	Shri Amit Kapoor ,Advocate for TPL Shri A.K.Ghosh, TPL Shri Vinod Khanna, TPL Shri PK Jani, GUVNL Shri Manjeet Singh, WRPC

Record of Proceedings

This petition has been filed by the petitioner, Torrent Power Limited challenging the decision taken at the 13th meeting of Western Regional Power Committee held on 9th April 2010 with regard to the methodology for working out the weighted average share for sharing of the transmission charges of inter-regional links and sharing of wheeling charges for wheeling of Central Sector Power to Goa, Daman Diu and Dadra & Nagar Haveli.

2. The representative of Gujarat Urja Vikas Limited (GUVNL) submitted that the ROP was received on 16.12.2010 and thereafter GUVNL has requested in its letter dated 18.12.2010 for two week's time to file the response. The representative of GUVNL reiterated the request for time to file the reply.

3. Learned counsel for the petitioner submitted the following:

(a) While admitting the matter, the Commission has heard the matter at length with regard to the conduct and decision of Western Regional Power Committee (WRPC) which are admittedly contrary to the Act and Regulations. Certain inter-regional charges have been foisted on the petitioner which is being paid under protest.

(b) The question arises whether the unlawful charges can be continued. There are powers vested in the Commission under the Act and Conduct of Business Regulations to pass interim order if the Commission is persuaded about the merit of the case.

(c) The petitioner is a generating station and a constituent of the Western Region as a beneficiary as defined under the Regulations. All interconnection points from the bus bar of the generating station to all the Long Term Open Access Customers are located within the Western Region. Under the circumstances, the 2004 and 2009 tariff regulations are very clear and there is no question of WRPC imposing the inter-regional charges unless there is consent. The minutes of the meeting of WRPC shows that there was no consent. As per the GOI notification, all decisions of WRPC shall be on the basis of consensus. Therefore the decision of WRPC is contrary to law and its power.

(d) The petitioner has no objection for grant of time to GUVNL. However, since the petitioner is required to bear the charges as per the decision of WRPC, an interim order of stay on the operation of the decision of WRPC needs to be issued by the Commission under the power vested under section 94(2) of the Electricity Act, 2003 and Regulation 68 of the CERC (Conduct of Business) Regulations, 1999.

4. The Member Secretary, WRPC submitted that the issue on methodology for working out the weighted average share of sharing of wheeling charges of inter-regional links and sharing of wheeling charges for wheeling of ISTS power

to Goa, Daman Diu and Dadra Nagar Haveli was discussed in detail by the constituents of the Western Region in the 54th Commercial Committee Meeting held on 10.12.2009 and in the 13th WRPC meeting held on 9.4.2010 and the impugned decision was taken. He submitted that the decision of WRPC was in conformity with the requirements of Regulations 33(2), 33(3) and 33(7) of 2009 tariff regulations and the orders of the commission dated 3.2.2009 and 31.7.2009 in Petition Nos. 64/2008 and 67/2008.

5. The Commission subsequently deliberated on the submission of the learned counsel for the petitioner for interim relief and observed that the petitioner had been paying the inter-regional link charges since April 2010 and the wheeling charges for Gujarat and Maharashtra for intervening transmission systems since August, 2010 in accordance with the decision of WRPC, though under protest. The Commission was of the view that the interest of the petitioner would not be seriously prejudiced if the interim relief was not granted as the petitioner would be entitled to refund of the excess transmission charges and wheeling charges paid alongwith interest as admissible in case the petition was decided in its favour. Accordingly, the Commission did not agree to the prayer of the learned counsel for the petitioner for interim stay on the operation of the decision of WRPC.

6. The Commission also took note of the request of Maharashtra State Electricity Distribution Company Limited (MSEDCL) made vide its letter dated 21.12.2010 seeking 15 day's time to file its reply.

7. The Commission allowed time to GUVNL and MSEDCL to file their replies by 15.1.2011 after serving copies on the petitioner. The Commission clarified that further time would not be granted under any circumstance to file reply. The petitioner was allowed time till 25.1.2010 to file rejoinder, if any.

8. The Commission directed the petitioner to file under affidavit the copy of the Bulk Power Transmission Agreements and Power Purchase Agreements entered into by it in respect of the generating station.

9. The matter shall be listed for hearing on 8.2.2010.

Sd/-
(T. Rout)
Joint Chief (Law)