

# CENTRAL ELECTRICITY REGULATORY COMMISSION

## Record of Proceedings

### 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 : 9.12.2010

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 the petitioner  
Shri Abhishek Munot Advocate for the petitioner  
Shri A.K.Ghosh, TPL  
Shri Vinod Khanna, TPL  
Shri R.S.Negi, TPL

The petitioner, Torrent Power Ltd. has challenged the action of the Western Regional Power Committee (WRPC) for:

- (a) changing the methodology for sharing of transmission charges for the inter-Regional links between the Western Region and other Regions on proportionate basis and,
- (b) Sharing of wheeling charges for Gujarat and Maharashtra for :
  - (i) use of Gujarat Transmission System for conveyances of Central Sector Power to Union Territory of Daman and Diu and
  - (j) use of Maharashtra State Electricity Transmission Corporation Ltd Transmission System for wheeling of Central Sector Power to the State of Gujarat.

2. Learned counsel for the petitioner submitted that Torrent Power Ltd. which has a generation facility in the State of Gujarat has been granted Long Term Open Access (LTOA) for use of Western Region Transmission System for evacuation of 500 MW power from its generating station to the Torrent Power Ahmadabad Electric Company, Torrent Power Surat Electric company, Madhya Pradesh State Electricity Board and Maharashtra State Electricity Distribution Company Ltd. The learned counsel submitted that the Regional Power Committees (RPCs) were created vide Govt. of India notification dated 25.5.2006 for facilitating integrated operation of the power system in the region. The basic function of the RPCs was to evolve consensus on all issues relating to economy and efficiency in the operation of the power system in the region. The learned counsel further submitted that the WRPC in its 13<sup>th</sup> TCC-WRPC meeting held on 9.4.2010 has ruled that LTOA customers would share the inter regional link transmission charges with effect from 1.4.2009 and also share the wheeling/transmission charges paid to Gujarat transmission system for wheeling central sector power to Daman and Diu and Dardra and Nagar Haveli, and to MSCDCL for wheeling of central sector power to Gujarat with effect from 1.8.2009. The learned counsel further submitted that the above decision of the WRPC is contrary to Regulation 58 of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2004 and Regulation 33 of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 and the Govt. of India notification creating the RPC.

3. The learned counsel for the petitioner after submitting certain additional documents pointed out that prior to April 2010, the transmission charges with regard to inter-Regional link and wheeling charges for conveyances of central sector power was not apportioned to the petitioner. However, PGCIL without any change in circumstances or law apportioned these charges to the petitioner.

4. The Commission directed to admit the petition and issue notice to the respondents.

5. The petitioner was directed to serve copy of the petition on the respondents immediately, if not already served. The respondents may file their reply on affidavit latest by 17.12.2010, with an advance copy to the

petitioner. Rejoinder, if any, may be filed by the petitioner, latest by 22.12.2010.

6. The petition shall be listed for hearing on 23.12.2010.

(T. Rout)  
Joint Chief (Law)