

CENTRAL ELECTRICITY REGULATORY COMMISSION

Record of Proceedings

PETITION No. 29/2011

Sub: Petition under Section Electricity Act, 2003 and CERC (Terms and conditions of tariff) Regulations, 2009 and Irrational and unlawful decision of the Western Region Power Committee to saddle Jindla Power Limited with the burden of sharing of transmission charges for the inter-regional links between Western Region and other region on proportionate basis.

Date of hearing : 24.3.2011

Coram : Dr. Pramod Deo, Chairperson
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Petitioner : Jindal Power Limited, Raigarh

Respondents : Gujarat Urja Vikas Nigam, Vadodara
Madhya Pradesh Power Trading Co. Ltd., Jabalpur
Chhattisgarh State Power Distribution Co. Ltd., Raipur
Maharashtra State Electricity Distribution Co. Ltd.,
Mumbai
Maharashtra State Electricity Transmission Company,
Mumbai
Gujarat Electricity Transmission Company,
Vadodara
Electricity Deptt., Govt. of Goa, Panjim
Electricity Deptt., UT of Daman and Diu, Daman
Electricity Deptt., UT of Dadra and Nagar Haveli
Power Grid Corporation of India Ltd., Gurgaon
Western Regional Power Committee, Mumbai

Parties present : Shri Jayant Bhushan, Advocate for petitioner
Shri Sanjay Kaul, JPL
Shri Snehal Kakrania, JPL

The petitioner, Jindal Power Limited has challenged the action of the Western Regional Power Committee (hereinafter referred to as the 'WRPC') for:

- (a) Changing the methodology for sharing of transmission charges for 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 Dadra and Nagar Haveli, and
- (ii) use of Maharashtra State Electricity Transmission Corporation Ltd transmission system for wheeling of Central Sector Power to the State of Goa.

2. Learned senior counsel for the petitioner submitted that Jindal Power Ltd. which has a generation facility in the State of Chhattisgarh has been granted Long-Term Open Access (LTOA) for the use of Western Region Transmission System for evacuation of 500 MW power from its generating station to the various beneficiaries in Western Region. Learned Counsel submitted that the WRPC in its 13th TCC-WRPC meeting held on 9.4.2010 has decided 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 Electricity Transmission Company (GETCO) for wheeling central sector power to Daman and Diu and Dadra and Nagar Haveli and to MSETCL for wheeling of central sector power to the State of Goa. Learned counsel submitted that the following issues arise for consideration out of the decision of WRPC:

(a) The Regional Power Committees (PRCs) were created by Government of India vide notification dated 25.5.2005 for facilitating integrated operation of the power system in the region. WRPC does not have the statutory authority to decide the sharing of transmission charges and the said function is vested in the Commission under the Act; and

(b) The decision of the WRPC is contrary to Regulation 33 (3) of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 which provides for sharing of charges by the beneficiaries only.

3. The learned senior counsel pressed for stay of the decision of WRPC and also requested that till the matter is finally argued, the Commission may consider to defer its order on similar matter in Torrent case.

4. The Commission directed to admit the petition and issue notice to the respondents. The Commission, however declined to grant stay on the operation of the decision of WRPC. The Commission agreed that the order in Petition No. 278/2010 would be issued after completion of hearing in the present petition.

5. The petitioner was directed to serve copy of the petition on the respondents immediately, if already not served. The respondents may file their reply on affidavit latest by 5.4.2011, with advance copy to the petitioner. Rejoinder, if any, may be filed by the petitioner, latest by 13.4.2011.

6. The petition shall be listed for hearing on 21.4.2011.

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