

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 142/MP/2012

Sub: Mis. petition under Section 20 "Power to remove difficulty" of Central Electricity Regulatory Commission (Regulation of Power Supply) Regulations, 2010 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 in the matter of non-payment of transmission charges by the beneficiaries.

Date of hearing : 28.6.2012

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

Petitioner : Power Grid Corporation of India Ltd, Gurgaon

Respondents : NTPC Limited, New Delhi
NHPC Limited, Faridabad
SJVN Limited, New Delhi
NEEPCO Limited, Shillong
THDC India Limited, Rishikesh
Power System Operation Corporation Ltd., New Delhi

Parties present : Shri Pawan Upadhyaya, Advocate for petitioner
Shri Mehender Singh, PGCIL
Shri U.K.Tyagi, PGCIL
Shri Rakesh Prasad, PGCIL
Shri C.K.Mondal, NTPC

Record of Proceedings

Learned counsel for the petitioner submitted that Commission in its orders dated 26.12.2011 in Petition No. 213/MP/2011 directed all the DICs to make timely payment transmission charges. Further, the Commission in its order dated 25.1.2012 had observed that the provisions of Central Electricity Regulatory Commission (Regulation of Power Supply) Regulations, 2010 (hereinafter referred to as Power Supply Regulations) clearly protect the interest of the transmission licensees to recover the outstanding dues by resorting to regulation of power supply. Despite above directions the total amount is outstanding to the tune of ₹1700 crores which is threatening the financial health of the petitioner and other ISTS Licensees under PoC regime.

3. Learned counsel submitted that as per Regulation 15 of the Power Supply Regulations, the transmission licensee is required to decide the quantum and duration of denial of the open access/access in consultation with any of the concerned generating company. Learned counsel referred to the letter dated 31.5.2012 written by NTPC Ltd. and submitted that NTPC has raised the issue of locating alternative buyers due to uncertainty due to quantum and period of the regulation, corridor constraints, the possibility of restricted operation of generating station and its impact on the commitment of NTPC make to Government of India and frequent part load operation increasing the risk of machine outages and the disputes by the beneficiaries in payment of NTPC dues. Learned senior counsel submitted that the petitioner is not pressing for the prayer at para 22 (i) (b) and (c) and sought appropriate directions of the Commission on the remaining prayers.

4. On a query of the Commission, the representative of the NLDC clarified that the word 'in consultation with' in Regulation 15 of Power Supply Regulations is being interpreted by some of the generating companies as 'consent'. As a result, it is practically difficult to resort to regulation of power supply in case of the default of payment to transmission licensees.

5. After hearing the learned counsel for the petitioner, the Commission directed to issue notice to the respondents and NLDC who may file their reply by 18.7.2012. The petitioner may file its rejoinder, if any, by 26.7.2012.

6. The petition shall be listed for hearing on 2.8.2012.

By Order of the Commission

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