

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 74/MP/2013

Subject : Petition under section 79 of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Grant of Connectivity, long term access and medium term open access and inter-state transmission and related matters) regulations, 2009 as amended from time to time read with Central Electricity Regulatory Commission (unscheduled interchange charges and other related matters) Regulations 2009 as amended on 28.4.2010.

Date of Hearing : 21.5.2013

Coram : Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Petitioner : Lanco Budhil Hydro Power Private Limited

Respondents : Northern Regional Power Committee (NRPC), New Delhi
Northern Regional Load Dispatch Centre (NRLDC), New Delhi

Parties present : Shri C.Jain, Advocate for the petitioner
Shri K.P Singh, NRPC
Ms. Kanika Gupta, NRPC

Record of Proceedings

Learned counsel of the petitioner submitted that the present petition has been filed for seeking direction to NRPC to revise the UI Accounts for the power injected by the petitioner's plant into the grid. Learned counsel submitted that the petitioner has set up the 70 MW Hydro Power Project (project) in the State of Himachal Pradesh. After construction of the project, on 13.4.2012 a connection agreement was signed with NHPC Ltd. and PGCIL. He further submitted that upon connection to the CTU, the petitioner synchronized its project on 23.5.2012 and started injecting infirm power into the grid from 25.5.2012. Thereafter, the project was declared under commercial operation on 30.8.2012

2. Learned counsel of the petitioner submitted that Regulation 8 (7) of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 (Connectivity Regulations) provides that a unit of a generating

station, including a captive generating plant which has been granted connectivity shall be allowed to inject infirm power into the grid during testing including full load testing before its COD for a period not exceeding six months from the date of first synchronization after obtaining prior permission of the concerned RLDC. Accordingly, the petitioner has injected infirm power into the grid before its date of commercial operation, after obtaining prior permission of the concerned RLDC. Therefore, the petitioner is entitled for payment of injection of infirm power in accordance with the provisions of CERC UI Regulations, 2009.

3. Learned counsel for the petitioner further submitted that Regulation 5 of the UI Regulations 2009, which was amended on 28.4.2010, is applicable to the project of the petitioner during the relevant period i.e. from 25.5.2012 to 29.8.2012 for the purpose of calculation of Unscheduled Interchange Charges. Accordingly, the petitioner is entitled to UI charges for the infirm power injected into the grid during the period from 25.5.2012 to 29.8.2012. In terms of the Regulation 5 (1) of UI Regulations, the said charges are required to be worked out on the average frequency of a time-block at the rate specified in the Schedule A of the UI Regulations.

4. Learned counsel submitted that the petitioner vide its letter dated 12.12.2012 had brought the discrepancies in the UI accounts, to the notice of the first respondent and requested to revise the UI accounts in line with the applicable regulations. However, no response was received from the first respondent in this regard.

5. After hearing learned counsel of the petitioner, the Commission directed to admit the petition.

6. The Commission directed the petitioner to serve copy of the petition on the respondents by 30.5.2013, if already not served. The respondents were directed to file their replies by 14.6.2013. The petitioner may file its rejoinder, if any, by 28.6.2013.

7. The petition shall be listed for hearing on 9.7.2013.

By order of the Commission

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