

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 95/MP/2013

Subject : Petition seeking directions that no State transmission charges and losses are leviable on the petitioner by the respondent No. 1 (State transmission utility) for scheduling and evacuation of 150 MW power from the petitioners plant through inter-State transmission lines of Power Grid Corporation of India Limited as the intra-State transmission system of respondent No. 1 shall not be used for such open access.

Date of hearing : 11.7.2013

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

Petitioner : Jai Prakash Power Ventures Limited, Noida

Respondents : 1. MP Power Transmission Company Limited, Jabalpur
2. M.P. State Load Despatch Centre, Jabalpur
3. Power Grid Corporation of India Limited, Gurgaon

Parties present : Shri Vishal Gupta, Advocate, JPVL
Shri Sanjeev Goel, JVPL
Shri Ansul Garg, JPVL
Shri G.Umpathy, Advocate, MPPTCL
Shri R.C Chakraborty, MPPTCL
Ms. Manju Gupta, CTU
Shri Y.K.Sehgal, CTU
R.A. Sharma, MPSTLDC

Record of Proceedings

At the outset, learned counsel for the petitioner submitted that Bina TPS is directly connected to CTU network and thus, any surplus power scheduled by it to be supplied outside the State will not attract any State transmission charges and losses due to the nature of the transmission system existing for the purpose of scheduling and evacuation of power its Bina TPS. The respondents No. 1 and 2 while admitted the fact that Bina TPS is directly connected to 400 kV Bina (PG) line. However, both

respondents have tried to lay great emphasis on the fact that Bina TPS is also connected to 400 kV Bina (MP) MPPTCL line. On the said basis, the respondents No. 1 and 2 claim that since the petitioner's generating station is directly connected to both the CTU as well as STU line which are virtually running parallel to each other the power generated at Bina TPP is being evacuated through both the circuits. Learned counsel submitted that when a generating station is directly connected to both CTU and STU networks, the flow of power, which will depend on the laws of physics, have no relevance for the purpose of levying State transmission charges and losses. The relevant aspect is the scheduling of power being done through CTU network or STU network. The Commission in its order dated 8.6.2013 in Petition No. 189/MP/2012 has held that no State transmission charges and loss are payable by the generating company in case its generating station is directly connected to CTU network. In view of the said order dated 8.6.2013, no State transmission charges and losses are payable by the petitioner for scheduling 150 MW surplus power for supplying outside the State of Madhya Pradesh.

2. Learned counsel for the Respondents No. 1 and 2 submitted that the petitioner has filed present petition on the assumption that the surplus power to be traded through IEX which utilizes the STU lines should not be subjected to the transmission charges. However, the short term open access granted for evacuation of surplus power utilizes the State transmission lines to certain extent and therefore to the extent it utilizes the same, the petitioner is bound to pay the transmission charges as per the MPERC Regulations. Learned counsel for the respondents further submitted as under:

(a) Since the petitioner's generating station is connected with the network of CTU as well as STU, the power flow cannot be segregated for certain quantum through the network of both as the power flow on these lines depends on impedance and is governed by law of electricity.

(b) In case of tripping of tie line from Bina TPS to Bina PGCIL, the power evacuation from Bina TPS will be through MPPTCL network only.

(c) As per Regulation 16 (3) of Central Electricity Regulatory Commission (Open Access in inter-state transmission) Regulations, 2008, intra-State entities are required to pay the transmission charges for use of State network as fixed by the respective State Commission. Therefore, transmission charges are applicable to the petitioner for using of MPPTCL network.

(d) The surplus power through intra-State transmission system is not used by Distribution Companies of MP.

(e) In case of availability of surplus transmission capacity in the State network, the SLDC shall convey its concurrence or no objection to the proposed transaction. As per the relevant regulations, SLDC can issue the NOC/ standing

clearance for transaction of power through State network only. No consent is required from SLDC if power transaction is through CTU network.

3. The Commission directed SLDC, MP to file on affidavit by 8.8.2013 that the transmission system of STU is being used as intervening system for the conveyance of electricity.
4. The Commission further directed the petitioner to file its written submission by 8.8.2103 with an advance copy to the respondents.
5. Subject to above, the Commission reserved order in the petition.

By order of the Commission,

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