

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 210/MP/2014 with IA. No. 47/2014

Subject : Petition under section 79 (1) (c) of the Electricity Act, 2003 read with Regulation 35 of the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2004.

Date of hearing : 14.10.2014

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri M. Deena Dayalan, Member
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member

Petitioner : AD Hydro Power Limited

Respondents : Power Grid Corporation of India Ltd. and others

Parties present : Ms. Seema Jain, Advocate for the petitioner
Shri P K Giri, AD Hydro
Shri Sumit Garg, AD Hydro
Ms Kakoli Sen Gupta, AD Hydro
Shri Sanjay Jana, AD Hydro
Shri C. Thiagarajan, PGCIL

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed by AD Hydro Power Limited, seeking direction to PGCIL to refund the transmission charges paid by it on free power along with interest thereon. Learned counsel for the petitioner further submitted as under:

(a) As per the Implementation Agreement signed with Government of Himachal Pradesh (Respondent No. 2), the petitioner was supplying free power to Govt. of Himachal Pradesh at the inter-connection point which in the present case is physical touch point at Nalagarh sub-station of CTU through its own 220 kV D/C dedicated transmission line at its own cost.

(b) Despite supplying free power to Govt. of Himachal Pradesh at inter-connection point, the petitioner was being forced to pay transmission charges for the free power supplied by the petitioner to Govt. of Himachal Pradesh even

beyond the inter-connection point even though the same was not payable by the petitioner.

(c) About ₹ 12 crore has already been paid by the petitioner in this regard.

(d) The petitioner had taken up the issue of transmission charges for free power with PGCIL in 2009. PGCIL as per the minutes of LTOA meeting dated 30.5.2009, stated that since entire power is being injected in the ISTS system, LTOA would be applicable for entire capacity and asked the petitioner to take up the matter with Govt. of Himachal Pradesh. Accordingly, the petitioner took up the issue with Govt. of Himachal Pradesh. However, Govt. of Himachal Pradesh declined to pay the same stating that it is the responsibility of the petitioner to deliver the free power at Nalagarh which in fact the petitioner is already doing.

(e) The issue of transmission charges for transmission of free power was taken up several times with Govt. of Himachal Pradesh. The Govt. of Himachal Pradesh in its letter dated 17.12.2013 has stated that since the petitioner is selling power under short term open access, it should withdraw its claim.

2. The representative of PGCIL submitted that the LTOA was granted to the petitioner for 192 MW which was subsequently revised during the meeting on 30.5.2009. Though the petitioner informed that free power was to be supplied to Govt of Himachal Pradesh at the Inter-connection point, LTOA was accorded for 192 MW as the entire power was to be injected into the ISTS system. The representative of PGCIL submitted that the petitioner should settle the issue with Govt of Himachal Pradesh considering this as a bilateral issue.

3. In response to the Commission`s query regarding method of treatment of UI charges, the representative of the petitioner submitted that UI is being settled by the petitioner for the entire quantum. However, in case of over/under generation, 12% share belongs to Govt. of Himachal Pradesh.

4. Learned counsel for the petitioner submitted that the petitioner has also filed IA to restrain PGCIL from encashing the Letter of Credit furnished by the petitioner towards the transmission charges of free power supplied to Govt. of Himachal Pradesh. Learned counsel for the petitioner also submitted that it has received bill for transmission charges which includes the transmission charges for free power about ₹44 lakh and requested for suitable direction to PGCIL not to take any coercive action till adjudication of the dispute. In response to the prayer of learned counsel for the petitioner, the Commission declined to grant interim relief and decided to list the petition for final disposal.

5. After hearing the learned counsel for the petitioner and representative of PGCIL, the Commission observed that none appeared for Govt. of Himachal Pradesh despite notice.

6. The Commission directed the respondents to file their replies by 31.10.2014 with an advance copy to the petitioner, who may file its rejoinder, if any, by 10.11.2014.

7. The Commission directed PGCIL to submit on affidavit by 31.10.2014, details of Long Term Access granted to all hydro generators who sought access to ISTS and treatment of free power thereof.

8. The Commission directed that due date of filing the replies, rejoinders and information should be strictly complied with. The reply, rejoinder and information filed after due date shall not be considered.

9. The petition shall be listed for hearing on 18.11.2014.

By order of the Commission

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