

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. MP/085/2014**

Subject : Petition under section 79 (1) (c) and (f) of the Electricity Act, 2003 read with appropriate provisions 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 and Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and losses) Regulations, 2010.

Date of hearing : 17.6.2014

Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri A.K. Singhal, Member

Petitioner : Power Grid Corporation of India Limited

Respondent : Damodar Valley Corporation

Parties present : Shri S.B. Upadhyay, Senior Advocate, PGCIL  
Shri Sanjey Sen, Advocate, PGCIL  
Ms Anisha Upadhya, Advocate, PGCIL  
Shri M.M. Mondal, PGCIL  
Ms. Seema Gupta, PGCIL  
Shri Ashok Pal, PGCIL  
Shri R.P. Padhi, PGCIL  
Shri A.M. Pavgi, PGCIL  
Shri V. Srinivasan, PGCIL  
Shri Binod Kumar Rai, DVC

**Record of Proceedings**

Learned senior counsel for the petitioner submitted that the present petition has been filed for seeking direction to the respondent to make payment of transmission charges to CTU for the LTA of 119.19 MW power from Mejia Unit-8 since October 2012 along with delayed payment surcharge. Learned senior counsel further submitted as under:

(a) The petitioner had developed a designated ISTS transmission system for evacuation of power from DVC generating stations. It becomes the responsibility of DVC to bear the transmission charges.

(b) The burden of transmission charges was shifted to BYPL which under the bilateral agreement with DVC was allotted power from each unit of MTPS Unit 8. However, the power allocated to BYPL was surrendered by it vide letter dated 3.12.2012.

(c) In case DVC identifies BYPL as a beneficiary, it would be the responsibility of DVC, as a generator, to take up with its LTA customer, BYPL, to make payment towards the subject transmission charges, else the subject LTA shall have to be treated as the LTA of the generator without identified beneficiary and the transmission charges are payable by the generator as per the Regulation 11 (9) of the Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and losses) Regulations, 2010 (Sharing Regulations). Accordingly, the petitioner vide its letter dated 11.7.2013 informed DVC that the transmission charges are payable by it and started billing DVC. However, DVC is not making payment of the transmission charges.

(d) The Commission in its order dated 25.1.2012 in Petition No. 213/MP/2011 had observed that as per Regulation 13 (5) of the Sharing Regulations, the notified Model Transmission Service Agreement shall be the default transmission service agreement and shall mandatorily apply to all designated ISTS customers (DICs). Therefore, there is a mandatory requirement for signing of the TSA and till TSA is signed by DIC, the petitioner is bound by Model TSA.

3. After hearing the learned senior counsel, the Commission directed to issue notice to the respondent. The Commission further directed the petitioner to implead BYPL and POSOCO as parties to the petition and file revise memo of parties.

4. The Commission directed the petitioner to clarify the following on affidavit by 18.7.2014:

(a) Whether the transmission asset for which bill was raised to DVC is included in Schedule-II of Transmission Service Agreement?

(b) Whether the bill raised to BYPL was refused by it and whether BYPL had signed the TSA or not?

(c) Since the PPA between DVC and BYPL was approved by DERC, what is the difficulty in raising the bill to BYPL as per the Regulation 8 (6) of the Sharing Regulations?

5. The Commission directed the petitioner to serve copy of the petition on the respondent, BYPL and POSOCO by 5.7.2014. The Commission directed the

respondent, BYPL and POSOCO to file their replies by 18.7.2014 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 30.7.2014.

6. The petition shall be listed for hearing on 7.8.2014 on the issue of maintainability.

By order of the Commission

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