

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 211/MP/2011
(Remanded by APTEL in 2015)**

Subject : Petition under Regulations 20 and 21 of the Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses), Regulations, 2010 and against the arbitrary action of Western Regional Load Despatch Centre by loading transmission losses on the 220 kV lines being used for transfer of power from the generating station of NSPCL to Bhilai Steel Plant.

Date of hearing : 18.6.2015

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

Petitioner : Steel Authority of India Limited

Respondents : Western Regional Load Despatch Centre (WRLDC)

Parties present : Shri M.G. Ramachandran, Advocate, SAIL
Shri Aditya Das, WRLDC
Ms. Pragya Singh, WRLDC
Shri S.S. Barpanda, NLDC

Record of Proceedings

Learned counsel for petitioner submitted as under:

(a) Hon`ble Appellate Tribunal for Electricity (Tribunal) in para 17 of the judgment dated 22.4.2015 in Appeal No. 41/2014 has observed that “CERC has not dealt with the Appellant`s case that it has an independent contract demand from CSEB/CSPDCL and it has entered into an agreement with CSPDCL on 26/10/2009 for supply of power during the exigencies of tripping of captive unit of NSPCL and the Appellant is paying Rs. 7.7 crores per month towards contract demand charges to ensure power security”.

(b) The Tribunal has also observed that the Commission has relied upon a wrong flow chart in para 17 of the order where a connectivity of CSPTCL Bhilai 400/220 kV sub-station Khedamara with NSPCL Bhilai 2x500 MW has been shown which does not exist.

(c) The matter has been remanded to the Commission to consider the submission of the petitioner and pass appropriate order.

(d) The generating station of NSPCL with capacity of 2x250 MW has been set up primarily to meet the requirements of the BSP for captive use.

(d) 2x220 kV lines from NSPCL to the BSP facilities connecting at the blocks, namely MSDS-5 and MSDS-6, are dedicated transmission lines and are not part of any inter-State or intra-State transmission system. The said two lines are entirely and exclusively used for conveyance and transmission of electricity from NSPCL's generating station to the BSP facilities at MSDS-5 and MSDS-6. No part of the power belonging to any other person including CSPDCL or any other State or inter-State utilities flows on the said two lines.

(e) There are only incidental unintended flow of a negligible quantum of electricity at lines from BSP facilities towards CSPTCL's sub-station at Khedamara. The incidental power flow is not in pursuance of any sale to third parties or otherwise a commercial trading in any manner. Such power is taken by CSPDCL at the sub-station at Khedamara against a nominal payment of ₹ 1 per unit and becomes the property of CSPDCL delivered at the Khedamara sub-station and the title in the power passes to CSPDCL at that time.

(f) The petitioner's facilities at Bhilai Steel Plant is connected to the sub-station of CSPTCL by an independent transmission line as indicated in the Schematic Diagram. The supply of electricity from the sub-station to the petitioner's facilities is under an agreement entered into by the petitioner with CSPDCL as a EHT consumer with a contract demand of 225 MVA.

(g) The supply of electricity by CSPDCL to the petitioner through the sub-station of CSPTCL at Khedamara is as per the contract demand maintained by the petitioner with CSPDCL and is not subjected to any scheduling and dispatch mechanism to be undertaken by the petitioner or by NSPCL.

(h) In the circumstances mentioned above, it would be wrong on the part of the respondent to contend that any power to the petitioner's facility to be supplied by NSPCL is sourced through the 400 kV line connecting to the CTU sub-station at Raipur or otherwise flows through such CTU sub-station to the integrated transmission network of CTU and the transmission network of CSPTCL and thereafter through the 220 kV line from CSPTCL sub-station at Khedamara to the facilities of the petitioner.

(i) There has been no use by the petitioner of the inter-State transmission network of the CTU in regard to the power sourced by the petitioner from NSPCL.

(i) The adjustment of inter-State transmission losses by the respondent against BSP is patently erroneous and is liable to be set aside for the entire past period and a direction should be issued to the respondent to cease and desist from making any such adjustment in the losses.

2. The representative of WRLDC submitted that NSPCL control area was transferred to RLDC on 1.8.2011. The loss was applied from the date of transfer of control area as per Regulation 6.5.7 (ii) of the Gird Code. On the issue of reliance upon a wrong flow chart, he submitted that it does not have any impact on the decision of the Commission, since it shows connectivity between NSPCL and Bhilai. The representative of WRLDC requested the Commission to implead CSPDCL and SLDC, Chhattisgarh as parties to the petition to resolve the issues.

3. After hearing the learned counsel for the petitioner and representative of WRLDC, the Commission directed the Chief (Engineering) of the Commission to convene a meeting within two weeks with the representatives of the petitioner, POSOCO/WRLDC, CSPDCL and SLDC, Chhattisgarh to discuss and sort out the issue between the parties with regard to the use of the subject transmission line as ISTS and submit a report in this regard to the Commission within one week from the date of the meeting.

4. Subject to above, order in the petition was reserved. The Commission further directed that the petition may be listed for hearing only if any contentious issue remains unresolved.

By order of the Commission

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