

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 306/MP/2015 with I.A. 12/2016**

Subject : Petition under Section 79 (1) (f) read with Section 79(1) (c) of the Electricity Act, 2003 regarding disputes involving Central Transmission Utility, being the nodal agency for grant of long term open access to the inter-State transmission system.

Date of hearing : 21.4.2016

Coram : Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member  
Dr. M.K. Iyer, Member

Petitioner : PTC India Limited

Respondents : Power Grid Corporation of India Ltd. and others

Parties present : Shri Rajiv Bhardwaj, Advocate for the petitioner  
Shri H.L.Choudhery, PTC  
Shri Sitesh Mukherjee, Advocate, PGCIL  
Ms. Akansha Tyagi, Advocate, PGCIL  
Shri Swapnil Verma, PGCIL  
Ms. Jyoti Prasad, PGCIL  
Shri Milanka Chaudhuary, Advocate, LANCO  
Shri Saroj Anand Jha, Advocate, LANCO

**Record of Proceedings**

Learned counsel for the petitioner submitted that the present petition has been filed seeking direction to PGCIL to reduce the quantum of LTA from 300 MW to 273 MW from the date of implementation of the Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2010 (Sharing Regulations) and to refund the extra transmission charges and fees collected since the date of reduction of LTA. Learned counsel for the petitioner further submitted as under:

- (a) PGCIL has been claiming LTA charges and other fees based on the installed capacity of the generating station rather than the net exportable generation without taking into account the auxiliary consumption of the generating station.
- (b) PGCIL has completely ignored the provisions of sub-clause (c) of clause (1) of Regulation 2 of the Sharing Regulations, wherein Approved Injection has been

variously defined to mean the net generation at the bus-bar or any other injection point of the Designated ISTS customer into the ISTS, and applied the quantum for which it had granted LTA under the earlier dispensation, even though the LTA applied by the petitioner was for the net generation after adjusting the auxiliary consumption. This fact was admitted by PGCIL in the meetings of Western Region constituents. However, PGCIL unequivocally decided to reduce LTA quantum to net generation of 273 MW.

(c) NLDC, being the implementing agency under the Sharing Regulations, has continued to use the installed capacity as the basis for computation of the transmission charges.

(d) PGCIL, on being requested to implement the decisions of the various empowered committees has now been prevaricating by saying that any reduction in the LTA quantum amounts to surrendering of the LTA and the petitioner would be liable for the relinquishment charges, being the subject matter of Petition No. 92 /MP/2015. However, the subject matter of Petition No. 92/MP/2015 has no relation to the present petition and the petitioner is only requesting for alignment of the LTA quantum with the Sharing Regulations and there is no relinquishment of the LTA quantum.

2. Learned counsel for PGCIL submitted as under:

(a) On 5.3.2007, the petitioner and PGCIL entered into a Bulk Power Transmission Agreement for 300 MW, thereby the petitioner consenting to the LTA quantum of 300 MW and therefore willingly undertaking the responsibility for payment of transmission charges corresponding to 300 MW.

(b) PGCIL has been raising invoices for transmission charges since May 2009 i.e. the petitioner has been making the payment without any dispute on the quantum of LTA for about more than 5 years.

(c) In the present regulations, there is no provision exempting reduction in LTA quantum on the basis of 'auxiliary consumption' and any reduction in LTA quantum would amount to relinquishing of the open-access and would make petitioner liable for the relinquishment charges.

(d) The petitioner is admitting that it has made an application for grant of LTA for 273 MW. However, the grant of LTA is a consultative and coordinated process and the petitioner's application was considered for grant of 300 MW (instead of 273 MW) in the LTA Meeting of Western Region held on 26.9.2005. The grant of LTA of 300 MW was acceded to by the petitioner itself.

3. Learned counsel for LANCO submitted that initially, LANCO made an application for grant of open access for 230 MW, which was subsequently revised to 273 MW. In the meeting convened for approval of the open access application, PGCIL intimated that under the extant Open-access Regulations, open-access can only be granted for the entire capacity of the generating station and it has to bear charges corresponding to the full capacity of the generating unit. Learned counsel submitted that LANCO had no choice but to accept the open access for the entire capacity. He further added that LANCO is supporting the petitioner's plea that the open access quantum be revised to 273 MW in accordance with the Sharing Regulations.

4. After hearing the learned counsels for the petitioner and the respondents, the Commission directed the petitioner and the respondents to file their written submissions by 10.5.2015 failing which order would be passed based on documents available on record.

5. Subject to above, the Commission reserved the order in the petition and I.A.

**By order of the Commission**

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