

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 94/MP/2017 along with
I.A. No. 22 of 2017**

- Subject : Petition under Section 79 (1)(f) of the Electricity Act, 2003 read with the relevant provisions of CERC (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 for seeking quashing of notices dated 16.3.2017, 24.3.2017, 6.4.2017 and email dated 19.4.2017 sent by the PGCIL and refund of the payments made under protest by the petitioner against the impugned invoices.
- Date of hearing : 9.5.2017
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Petitioner : Bharat Aluminium Company Limited (BALCO).
- Respondent : Power Grid Corporation of India.
- Parties present : Shri Sanjay Sen, Senior Advocate, BALCO
Ms. Shikha Ohri, Advocate, BALCO
Shri Nishant Kumar, Advocate, BALCO
Shri M.G. Ramachandran, Advocate, PGCIL
Ms. Ranjitha Ramachandran, Advocate, PGCIL
Shri A.M. Pavgi, PGCIL

Record of Proceedings

Learned senior counsel for the petitioner submitted that the present petition has been filed seeking quashing of notices dated 16.3.2017, 24.3.2017, 6.4.2017 and e-mail dated 19.4.2017 issued by PGCIL vide which the petitioner has been called upon to make payment of transmission charges and surcharge for the period of October 2011 - March 2012 and for seeking direction to PGCIL to refund the amount which has already been paid by the petitioner.

2. Learned senior counsel for the petitioner submitted that PGCIL has threatened the petitioner with curtailment of Short Term Open Access granted to it in case of failure to make payments against the invoices raised by PGCIL. Learned senior counsel

further submitted that the petitioner has made a payment of Rs. 1.54 crore on 5.4.2017 under protest towards the transmission charges for utilization of Korba-Birsinghpur transmission assets during the period of October 2011 to March 2012.

3. Learned senior counsel for the petitioner submitted that the petitioner has also filed an IA for grant of an ad interim stay of the operation of the letter dated 1.5.2017. The Commission declined to issue any direction in this regard.

4. After hearing the learned senior counsel for the petitioner, the Commission admitted the petition and directed to issue notice to the respondent. The Commission directed the petitioner to serve copy of the petition and IA on the respondent immediately, if already not served. The respondent is directed to file its reply by 20.5.2017 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 25.5.2017. The Commission directed that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The petition alongwith IA shall be listed for hearing on 13.7.2017.

By order of the Commission
Sd/-
(T. Rout)
Chief (Legal)