

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 205/MP/2018

Subject :Petition under Section 79(1) (c) of the Electricity Act, 2003 read with the Indian Electricity Grid Code seeking direction for scheduling overload capacity.

Date of Hearing : 15.11.2018

Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member

Petitioner : Himachal Baspa Power Company Limited

Respondents : National Regional Load Dispatch Centre and Others

Parties Present : Shri Amit Kapur, Advocate, HBPCCL
Ms. Raveena Dhamija, Advocate, HBPCCL
Ms. Swapna Seshadri, Advocate, PSPCL
Shri Ashwin Ramanathan, Advocate, PSPCL
Shri Rajiv Srivastava, Advocate, UPPCL
Shri Arpit Shukla, Advocate, UPPCL
Ms. Harshita Sinha, Advocate, UPPCL
Ms. Suparna Srivastava, Advocate, PGCIL
Shri Tushar Mathur, Advocate, PGCIL
Shri Rajiv Porwal, NRLDC
Shri Jyoti Prakash Pawda, HBPCCL
Shri Ranjeet S. Rajput, PGCIL
Ms. Jyoti Prasad, PGCIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking directions to Respondent No. 1, NRLDC to schedule overload capacity upto 10% within existing LTOA granted by CTU in terms of the Regulation 5.2 (h) of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2017. Learned counsel further submitted as under:

(a) The Petitioner owns and operates 1000 MW Karcham Wangtoo Hydroelectricity power plant. The project was approved by the Central Electricity Authority in the 10th Plan and is a run of the river plant with pondage having peaking capability of more than 3 hours.

(b) During the summer and monsoon season, the Project has the capability to generate 10% more than its capacity due to high water flow. In past years, the Petitioner was utilizing high water flow and generating overloading power up to

10% of the capacity and supplying the same to the beneficiaries, except Punjab, in proportion to their PPAs.

(c) The Commission in its earlier order dated 30.3.2017 in Petition No. 434/GT/2014 had directed NRLDC to ensure that scheduling of the Project is based on the installed capacity of 1000 MW with overload capacity of 10%. Accordingly, the Petitioner vide its letter dated 5.6.2018 and 6.6.2018 requested NRLDC for scheduling of the overload capacity. However, NRLDC had restricted the scheduling of the Project up to the LTA quantum of 880 MW and is not permitting overload schedule of 10% under the existing LTA.

(d) Regulation 5.2 (h) of Central Electricity Regulatory Commission (Indian Electricity Grid Code) (Fifth Amendment) Regulations, 2017 stipulates that scheduling of hydro stations shall not be reduced during high inflow period in order to avoid spillage. Therefore, there is statutory mandate and obligation on NRLDC and PGCIL to schedule overload up to 10%. Further, there is no additional requirement of LTOA/ open access for scheduling such overload capacity.

(e) As per Section 28 (2) of the Electricity Act, 2003, NRLDC is obliged to comply with the principles, guidelines and methodologies in respect of transmission and scheduling of electricity specified in the Grid Code. NRLDC is under a statutory obligation to ensure that the overload capacity is scheduled to ensure that there is no spillage.

(f) Since overloaded capacity lasts only for approximately 3 months in a year, and if, the Petitioner takes the long term open access to schedule the overloaded capacity, the same would result in higher open access charges being borne by the beneficiaries. This is neither in the interest of the consumers nor in the interest of efficient utilization of natural resources since the LTOA for scheduling of seasonal overloaded capacity would lead to stranded capacity for the rest of year.

(g) The Petitioner has an existing long term access arrangement for transmission of power. Neither the Connectivity Regulations nor the Grid Code prohibits scheduling of overload capacity within the existing long term access. There is no requirement in the Grid Code for open access for overload capacity since the same is temporary and seasonal in nature.

(h) NRLDC is scheduling the overload capacity of the Government owned projects by considering deemed open access. Therefore, the Petitioner should also be treated at par with the Government owned projects.

(i) NRLDC's has also refused to grant certificate for Plant Availability Factor achieved during the month on the ground of pendency of the present Petition. The refusal to grant certificate of monthly plant availability factor is contrary to Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014.

2. The representative of NRLDC submitted that the Petitioner is required to take appropriate access in the Inter-State Transmission System for the additional overloaded

capacity. The interchange of any power with grid has to be through a form of access in the grid. The LTA granted by CTU clearly mentions the quantum of access and schedules can only be upto LTA granted quantum.

3. Learned counsel for PGCIL submitted that Central Government Generating Stations are granted deemed LTA and therefore, any increase in quantum of power gets automatically added to its allocated share and the allocated share as well as the enhanced quantum of power goes through the system of CTU and is billed by CTU, accordingly. However, in the case of LTA grantee, LTA is never granted on the installed capacity of the generating station. Learned counsel further submitted that whenever, there is increase in quantum of power, the enhanced capacity will not get automatically added in the existing LTA quantum and therefore, the Petitioner is required to take some form of access in the Inter-State Transmission System i.e. LTOA, MTOA or STOA. Learned counsel submitted that Section 38 (2) of the Electricity Act, 2003 empowers the CTU to grant open access on the payment of transmission charges. The transmission charges has to be factored somewhere in the form of open access, otherwise, CTU will be denied its legitimate transmission charges.
4. After hearing the learned counsels for the parties, the Commission directed the parties to file their written submissions on or before 30.11.2018, with an advance copy to each other.
5. The Commission directed NRLDC to certify DC of the generating station of the Petitioner. In response, the representative of NRLDC submitted that NRLDC will certify DC of the Petitioner upto the LTA quantum.
6. Subject to the above, the Commission reserved the order in the petition.

By order of the Commission

**Sd/-
(T. D. Pant)
Deputy Chief (Law)**