

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 227/MP/2017

Subject : Petition under Section 79(1)(c) read with Section 79(1)(f) of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999.

Date of hearing : 18.10.2018

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

Petitioner : Lanco Amarkantak Power Limited (LAPL)

Respondents : Power Grid Corporation of India Ltd. and Others

Parties present : Shri Deepak Khurana, Advocate, LAPL
Shri Tejas V. Anand, Advocate, LAPL
Shri Sitesh Mukherjee, Advocate, PGCIL
Shri Deep Rao, Advocate, PGCIL
Shri Divyanshu Bhatt, Advocate, PGCIL
Ms. Jyoti Prasad, PGCIL
Shri Apoorv Kurup, Advocate, CSPTCL
Shri G. Kaushal, Advocate, CSPTCL
Shri Ravi Kishore, Advocate, PTC India

Record of Proceedings

At the outset, learned counsel for the Petitioner argued at length and submitted that the present petition has been filed for seeking direction to PGCIL to charge transmission charges commensurate to power being supplied from Unit-II of the Petitioner's Power Project to PTC India Limited for onward supply to Haryana Power Purchase Centre (HPPC) i.e. 95% of 300 MW and not for the entire 300 MW. Learned counsel for the Petitioner further submitted that pursuant to the Hon'ble Supreme Court's judgment dated 18.9.2015, PGCIL is wrongly collecting 100% transmission charges from PTC India and 5% from Chhattisgarh State Power Trading Co. Ltd. (CSPTCL) amounting to 105% of transmission charges for supply of power from Unit-II of the Petitioner.

2. Learned counsel for PGCIL submitted that the present petition is not maintainable and the liability to pay the transmission charges are bilateral in nature and exist only between PTC India and the Petitioner. PGCIL is entitled to recover the transmission charges on the total LTA capacity of 300 MW. In support of its contention, learned counsel relied upon the Commission's order dated 11.4.2017 in Petition No.166/MP/2015 wherein the Commission observed that the parties are required to comply with the provisions of the TSA i.e. the respondent is bound to pay the transmission charges in accordance with the TSA. Therefore, PTC is required to open the LC and is liable to pay the transmission charges to the Petitioner. Learned counsel further submitted that the transmission charges for LTA capacity of 300 MW is liable to be paid by the Petitioner or PTC India unless it is relinquished wholly or partly as per the Sharing Regulations.

3. Learned counsel for PTC India submitted that the present petition is not maintainable. Learned counsel further submitted that pursuant to the Hon'ble Supreme Court's judgement dated 18.9.2015, the Petitioner unilaterally agreed to open the LC for an amount of Rs.13.82 crore for the total quantum of power i.e. 300 MW in favour of PGCIL for availing the benefit of the infrastructure of the Petitioner. Therefore, the supply of power by the Petitioner to HPPC through PTC India was as per the Hon'ble Supreme Court direction.

4. Learned counsel for CSPTCL submitted that CSPTCL is paying 5% of transmission charges under Short Term Open Access to PGCIL.

5. After hearing the learned counsels for the Petitioner, PGCIL, PTC India and CSPTCL, the Commission reserved order in the petition.

By order of the Commission

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