

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 48/RP/2018
in Petition No. 261/MP/2017**

Subject : Petition for review of order dated 6.11.2018 in Petition No. 261/MP/2017.

Date of Hearing : **20.12.2018**

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

Petitioner : Kudgi Transmission Limited

Respondents : Power Grid Corporation of India Limited & Ors.

Parties present : Shri Sanjay Sen, Senior Advocate, KTL
Ms. Swapna Seshadri, Advocate, NTPC
Ms. Parichita Chowdhury, Advocate, NTPC
Ms. Suparna Srivastava, Advocate, PGCIL
Shri Alok Shankar, KTL
Shri K.K. Jain, PGCIL
Shri J. Mazumder, PGCIL
Ms. Jyoti Prasad, PGCIL

Record of Proceeding

Learned senior counsel for the Petitioner submitted that in terms of the Commission's order dated 30.11.2018 in Petition No. 261/MP/2017, NTPC is liable to pay the transmission charges corresponding to the units not declared under the commercial operation till the respective COD of the concerned units of the generation station. While CTU has written a letter to NTPC to make payments, CTU vide its letter dated 30.11.2018 directed the Petitioner to refund the transmission charges for an amount of ₹273.82 crore to the PoC pool. Learned senior counsel submitted that CTU has also recovered about ₹3 crore from the monthly transmission charges of the Petitioner and the Commission may direct CTU to refund the said amount.

2. Learned counsel for CTU submitted that proportionate transmission charges of the assets of the Petitioner, till September, 2018, that was to be collected from NTPC in terms of the Commission's order was already disbursed to the Petitioner from the PoC pool till date. Accordingly, the Petitioner was asked to refund back the amount to the PoC pool in order to regularize the payments. Learned counsel further submitted that in terms of the order of the Commission, NTPC is liable to pay the transmission charges to the Petitioner till the COD of its generating units and the payments, as and when received, will be released to the Petitioner.

3. Learned counsel for CTU submitted that bills have been raised on NTPC. Learned counsel for NTPC submitted that CTU has raised the bill which was challenged by NTPC and the said bill has been set aside by the Commission. Learned counsel for NTPC submitted that the CTU has not raised the bills in terms of the Commission's order dated



6.11.2018. NTPC would make the payment after proper bill is raised in terms of the order of the Commission.

4. Learned counsel for CTU suggested that there are *inter se* issues between NTPC and CTU and the Commission may grant time to sort out the same amicably.

5. The Commission directed CTU to raise revised bills in terms of the Commission's order dated 6.11.2018 immediately but not later than seven days and NTPC shall make payments within 15 days thereafter. The Commission observed that any *inter se* issues between NTPC & CTU may be sorted out amicably and in case of any dispute, either party is at liberty to approach the Commission through appropriate application.

6. The Commission directed the Respondents to file their replies to the petition by **10.1.2019** with copy to the Petitioner who may file its rejoinder, if any, by **14.1.2019**.

7. The Commission directed the CTU not to take any coercive steps against the Petitioner for recovery of the amount of ₹273.82 crore, until further orders.

8. Matter shall be listed for hearing during January, 2019 for which separate notices shall be issued to the parties.

By order of the Commission

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

