

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Date of Hearing: 7.8.2018

I.A. No. 49/2018 in Petition No. 124/MP/2017

Subject : Application under Section 94(2) of the Electricity Act, 2003 read with Regulations 111, 112 and 113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking appropriate directions upon the respondent.

Petitioner : Kanchanjunga Power Company Pvt. Ltd. (KPCPL)

Respondents : H.P. Power Transmission Corporation Ltd. and Others

Petition No. 196/MP/2018

Subject : Petition under Section 142 of the Electricity Act, 2003 for action against Respondent no.1 for continuous non-compliance with the order dated 20.6.2017 of the Commission in regard to payment to the Petitioner.

Petitioner : AD Hydro Power Ltd.

Respondents : Kanchanjunga Power Company Pvt. Ltd. and Another

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

Parties present : Shri Matrugupta Mishra, Advocate, KPCPL
Shri Ambuj Dixit, Advocate, KPCPL
Shri Anand K. Ganesan, Advocate, HPPTCL
Ms. Swapna Seshadri, Advocate, HPPTCL
Shri Sumit Garg, ADHPL
Ms. Kakoli Sengupta, ADHPL

Record of Proceedings

Learned counsel for the Kanchanjunga Power Company Pvt. Ltd. (KPCPL) submitted that the present Interlocutory Application (IA) has been filed for modification of the RoP dated 20.6.2017. Learned counsel further submitted as under:

(a) The Commission vide RoP dated 20.6.2017 directed KPCPL to pay 80% of the outstanding bills raised by AD Hydro/HPPTCL and continue to pay the monthly charges, subject to adjustment after the outcome of the petition. Accordingly, KPCPL has been making payment of transmission charges to AD Hydro.

(b) Subsequently, AD Hydro filed an IA No.69/2017 in Petition No.209/MP/2017 for seeking direction against Everest Power Private Ltd. (EPPL) to make payment for use of the AD line in terms of the IPTA till disposal of the petition. The Commission

vide RoP dated 22.12.2017 directed EPPL to make payment of 60% of the outstanding bills and to continue the payment of monthly transmission charges at the said rate for use of the dedicated transmission line of the Petitioner.

(c) Since, the Petitioner and EPPL are on the same pedestal as they are using the same transmission assets, there cannot be any justification in applying different standards for EPPL and the Petitioner. Therefore, the Petitioner should also be allowed to pay only 60% of the outstanding transmission charges on grounds of parity and equality.

2. On a specific query of the Commission as to whether the Petitioner is paying the transmission charges as per the Commission's directions, learned counsel replied in affirmative.

3. In his rebuttal, the representative of AD Hydro submitted that KPCPL is not complying with the Commission's directions dated 20.6.2017 and has not made the payment of transmission charges to AD Hydro as per the Commission's directions. The representative of AD Hydro submitted that AD Hydro has also filed petition under Section 142 of the Electricity Act, 2003 for wilful contravention of the Commission's directions by KPCPL. The representative of AD Hydro requested for short adjournment in the matter due to non-availability of the arguing counsel.

4. Learned counsel for HPPTCL submitted that KPCPL cannot claim the parity on the interim arrangement and requested for time to file its reply to the IA.

5. After hearing the learned counsels for KPCPL, HPPTCL and representative of AD Hydro, the Commission admitted the IA and petition and directed to issue notices to the respondents on the petition and on IA.

6. The Commission directed KPCPL and AD Hydro to serve copy of the petition and IA on the respondents immediately, if not served already. The respondents were directed to file their replies on petition and on IA, by 28.8.2018, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 14.9.2018.

7. The Commission directed KPCPL to submit on an affidavit by 28.8.2018, the details of the payment of transmission charges made by it to AD Hydro from the date of the issuance of RoP dated 20.6.2017.

8. The Commission directed that due date of filing the replies, rejoinder and information should be strictly complied with. No extension shall be granted on that account.

9. The Petition and IA No. 49/2018 in Petition No. 124/MP/2017 shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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