

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Review Petition No. 20/RP/2018
In Petition No. 13/TT/2017**

Coram

**Shri P.K. Pujari, Chairperson
Dr. M. K. Iyer, Member**

Date of Order: 13.05.2019

In the matter of:

Petition of review and modification of the order dated 22.2.2018 passed in petition no. 13/TT/2017 under section 94(1)(f) of the Electricity Act, 2003.

And in the matter of:

Power Grid Corporation of India Limited,
'SAUDAMINI', Plot No-2,
Sector-29, Gurgaon – 122001 (Haryana).

..Review Petitioner

vs

1. Rajasthan Rajya Vidyut Prasaran Nigam Limited,
Vidyut Bhawan, Vidyut Marg,
Jaipur - 302 005.
2. Ajmer Vidyut Vitran Nigam Ltd.,
400 kV GSS Building (Ground Floor),
Ajmer Road, Heerapura, Jaipur.
3. Jaipur Vidyut Vitran Nigam Ltd.,
400 kV GSS Building (Ground Floor),
Ajmer Road, Heerapura, Jaipur.
4. Jodhpur Vidyut Vitran Nigam Ltd.,
400 kV GSS Building (Ground Floor),
Ajmer Road, Heerapura, Jaipur.



5. Himachal Pradesh State Electricity Board,
Vidyut Bhawan, Kumar House Complex Building II,
Shimla-171 004.
6. Punjab State Electricity Board,
Thermal Shed Tia,
Near 22 Phatak,
Patiala-147001.
7. Haryana Power Purchase Centre,
Shakti Bhawan, Sector-6,
Panchkula (Haryana) 134109.
8. Power Development Department,
Government of Jammu & Kashmir,
Mini Secretariat, Jammu,
9. Uttar Pradesh Power Corporation Ltd.,
(Formerly Uttar Pradesh State Electricity Board),
Shakti Bhawan, 14, Ashok Marg,
Lucknow - 226001.
10. Delhi Transco Ltd.,
Shakti Sadan, Kotla Road,
New Delhi-110 002.
11. BSES Yamuna Power Ltd.,
BSES Bhawan, Nehru Place,
New Delhi.
12. BSES Rajdhani Power Ltd,
BSES Bhawan, Nehru Place,
New Delhi.
13. North Delhi Power Ltd.,
Power Trading & Load Dispatch Group,
Cennet Building, Adjacent to 66/11 kV Pitampura-3,
Grid Building, Near PP Jewellers,
Pitampura, New Delhi – 110034.
14. Chandigarh Administration,
Sector -9D, Chandigarh.



15. Uttarakhand Power Corporation Ltd.,
Urja Bhawan,
Kanwali Road, Dehradun.
16. North Central Railway,
Allahabad.
17. New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi-110002.
18. Madhya Pradesh Power Management Company Ltd.,
Shakti Bhawan, Rampur,
Jabalpur - 482 008.
19. Maharashtra State Electricity Distribution Co. Ltd.,
Prakashgad, 4thFloor,
Andheri (East), Mumbai - 400 052.
20. Gujarat Urja Vikas Nigam Ltd.,
Sardar Patel Vidyut Bhawan,
Race Course Road, Vadodara-390007.
21. Electricity Department,
Government of Goa,
Vidyut Bhawan, Panaji,
Near Mandvi Hotel, Goa-403001.
22. Electricity Department,
Administration of Daman & Diu,
Daman - 396 210,
23. Electricity Department,
Administration of Dadra Nagar Haveli,
U.T, Silvassa - 396230.
24. Chhattisgarh State Electricity Board,
P.O. Sunder Nagar, Dangania, Raipur,
Chhatisgaarh-492013.
25. Madhya Pradesh Audyogik Kendra,
Vikas Nigam (Indore) Ltd.,
3/54, Press Complex, Agra-Bombay Road,
Indore-452008.



26. Korba STPS, NTPC,
NTPC Ltd, Western Region Head,
Quarter-I, 2nd Floor,
Samruddhi Venture Park, Marol, Andheri East,
Mumbai, 400093, Maharashtra.
27. RKM Powergen Pvt. Ltd.,
No. 14, Dr. Giriappa Road,
T. Nagar, Chennai-600017.
28. Jindal Power Ltd.,
2nd Floor, DCM Building, Plot No. 94,
Sector-32, Gurgaon.
29. Athena Chattisgarh Power Ltd.,
#7-1-24/1/Rt, G-1, B Block
1st Floor, "Rexona Towers" , Greenlands,
Begumpet, Hyderabad-500016.
30. SKS Power Generation Ltd.,
2nd Floor, DCM Building, Plot No. 94,
Sector-32, Gurgaon.
31. Korba West Power Co. Ltd.,
6th& 7th Floor, Vatika City Point,
M.G. Road Gurgaon-122002.
32. KSK Mahanadi Power Co. Ltd.,
8-2/293/82/A/431/A, Road No.22,
Jubilee Hills, Hyderabad-500033.
33. D.B. Power Ltd.,
Opp Dena Bank, C-31, G-Block,
3rd Floor, Naman Corporate Link,
Bandar – Kurla Complex, Bandra (East)
Mumbai-400051, Maharashtra.
34. Lanco Amarkantak Power Pvt. Ltd.,
Plot No. 397, Udyog Vihar, Pahse-III,
Gurgaon-122016.
35. Vandana Vidyut Ltd.,
VandanaBhawan, M. G. Road,
Raipur, Chattisgarh.

..Respondents



For Petitioner : Ms. Suparna Srivastava, Advocate, PGCIL
Shri S.K Venkatesan, PGCIL
Shri S.S.Raju, PGCIL
Shri V. Srinivas, PGCIL
Shri V.P Rastogi, PGCIL
Shri H.M Jain, PGCIL

For Respondents: Shri M.G Ramachandran, Sr. Advocate, RUVNL
Shri Shubham Arya, Advocate, RUVNL
Ms. Tania, Advocate, RUVNL
Ms. Swapna Seshadri, Advocate, KSKMPL
Shri Ashwin Ramanathan, Advocate, KSKMPL
Ms. Suparna Srivastava. Advocate, PGCIL
Shri Rahul Kinra, Advocate, TPDDL
Ms. Anushree Chakraborty, Advocate, DIL
Shri R.B Sharma, Advocate, BRPL
Shri Mohit Mudgal, Advocate, BYPL
Shri Sreshth Sharma, Advocate, M.B Power
Ms. Molshree Bhatanagar, Advocate, M.B Power
Shri Sourav Roy, Advocate, TRN Energy Limited
Shri Gaurav Majumadar, Advocate, TRN Energy Limited
Shri Abhishek Gupta, M.B Power
Shri S.Sanyal, DIL
Ms. Shefali Sobti, TPDDL
Shri Sandeep Kumar, TPDDL
Shri Shekar Saklani, BYPL
Shri Sanjay Srivaalan, BRPL

ORDER

The instant Review Petition arises out of the Commission's order dated 22.2.2018 in Petition No.13/TT/2017 wherein the Review Petitioner claimed transmission tariff for three assets. The Commission in the impugned order allowed tariff only for Asset-1: Pole-I of the ± 800 kV, 3000 MW Champa Pooling Station and Kurukshetra HVDC Terminals along with ± 800 kV Champa Pooling Station-Kurukshetra HVDC transmission line and it did not allow the tariff for Assets-II and III as Asset-II was not put into use as



envisaged and in case of Asset-III, the downstream assets of HVPNL were not ready. The Commission in the impugned order restricted sharing of the transmission charges only to 13 DICs who had requested for power evacuation from their respective projects to the Northern Region under Regulation 11(4)(3)(iii) of 2010 Sharing Regulations.

2. Learned counsel for the Review Petitioner submits that pursuant to order of the Commission dated 7.8.2018, the Review Petitioner has filed amended memo of parties impleading HVPNL as respondent. She further submitted that HVPNL has not yet filed its reply to the Review Petition despite serving copy of Review Petition upon it. She submitted that in the interest of justice, HVPNL may be again directed to file its reply if it intends to do so. She submitted that pursuant to the impugned order, almost all the IPPs/generators are raising the issue of excessive billing on account of Pole-I and Pole-II of Champa Pooling Station-Kurukshetra HVDC transmission line under “Western Region-Northern Region HVDC inter-connector for IPP Projects in Chhattisgarh” in Northern Region and Western Region. Referring to the reply filed KSK Mahanadi Power Limited vide affidavit dated 6.2.2019, she submitted that annual transmission charges of Pole-I and Pole-II needs to be added together and arrive at monthly transmission charges and not separately as is done by the Review Petitioner. She urged the Commission to direct POSOCO to look into the aspect of excessive billing pursuant to the impugned order and suggest measures to the Commission to streamline it in order that grievances of the IPPs/generators qua billing may be alleviated.



3. Learned counsel appearing for M.B. Power Limited (MBPL) has submitted that he has also moved an application for impleadment of MBPL in the present Review Petition as the Review Petitioner is billing MBPL excessively pursuant to the impugned order. However, it is observed that no such application has been filed by MBPL.

4. Learned counsel appearing for KSK Mahanadi Power Limited submitted that in Pole-I, the Review Petitioner has included the cost of the line plus several more assets. Consequently, its cost has increased significantly. In case of Pole-II, the number of assets is few and as such its capital cost is low. The capacity of Pole-I and Pole-II is 1500 MW each and the total transmission capacity from them is 3000 MW. She submitted that after issuance of the impugned order, the bills raised by the Review Petitioner on the respondent for LTA to UP from July, 2018 onwards and since November, 2018 show exponential rise in transmission charges. She submitted that from November, 2018 onwards the Review Petitioner is billing POC, HVDC and reliability charges for 1000 MW and further the Champa-Kurukshetra HVDC charges for 847.458 MW quantum.

5. Learned counsel for TRN Energy Limited (TRN) submitted that he has moved an Interlocutory Application for impleadment and for refund of excess charges billed to it by the Review Petitioner pursuant to the impugned order. He further submitted that the Review Petitioner has also invoked curtailment of power supply on account of non-payment of transmission charges. He submitted that delay in payment was due to inability to arrange funds for the amount which was not rightfully payable and the



outcome of the present review petition shall have an impact on the outcome of the bill disputes raised on TRN and on the bills raised by the Review Petitioner.

6. Learned counsel for the parties unanimously requested the Commission to direct the Review Petitioner to bill the generators as they were being billed prior to passing of the impugned order/till November, 2018. Learned counsel for TRN submitted that in its case the billing pattern should remain as it was followed till April, 2018. Learned counsel for the parties insisted that the billing pattern as suggested by them should remain in force till outcome of the instant Review Petition. They also requested the Commission that the Review Petitioner be directed not to invoke provisions of curtailment of power supply on the generators for non-payment due to excessive billing.

7. Learned counsel for the respondents, BRPL, MPPMCL and UPPCL have unanimously submitted that sharing of the transmission charges of the instant asset under Regulation 11(4)(3)(iii) of 2010 Sharing Regulations is entirely in accordance with 2010 Sharing Regulations.

8. Learned counsel for the respondent, TPDDL submitted that the system was planned as part of High Capacity Power System Corridor-V for evacuation and transfer of power from IPP generation projects in Chhattisgarh and it has no beneficial use to TPDDL and the transmission charges should be borne by such customers on whose request it was executed and/or by the generators in case of non-use of the system.

9. After hearing the parties, we direct the Review Petitioner to implead TRN as respondents. We further direct the Review Petitioner to bill all the generators/IIPs as



they were being billed till November, 2018 except for TRN in whose case the billing pattern will be as adopted by the Review Petitioner till April, 2018. This billing and payment will continue till the outcome of the present Review Petition. We also direct the Review Petitioner not to invoke the Central Electricity Regulation Commission (Regulation of Power Supply Regulation), 2010 imposing a curtailment of power supply on the generators/IIPs till further order/till outcome of Review Petition.

10. The instant Review Petition be listed along with Review Petition No. 3/RP/2018. The next date of hearing will be intimated to the parties in due course of time for which a separate notice will be issued.

sd/-
(Dr. M.K. Iyer)
Member

sd/-
(P.K. Pujari)
Chairperson

