

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 252/MP/2019**

**Coram:**

**Shri P. K. Pujari, Chairperson**

**Dr. M. K. Iyer, Member**

**Shri I.S.Jha, Member**

**Date of Order: 11<sup>th</sup> December, 2019**

**In the matter of**

Petition under section 79(1)(c) read with Regulation 111 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking direction for impending order dated 8.3.2019 passed by this hon'ble commission in petition no.92/MP/2015.

**And**

**In the matter of**

Central Transmission Utility (PGCIL)  
B-9, Qutub Industrial Area,  
Katwaria Sarai, New Delhi-110016.

**..... Petitioner**

Versus

1. Jindal India Thermal Power Limited,  
Plot No. 12, Sector B-1, Pocket-1,  
Local Shopping Complex, Vasant Kunj,  
New Delhi-110 079
  
2. Lanco Babandh Power Pvt Limited,  
2<sup>nd</sup> Floor, Plot No.397, Phase-III,  
Udyog Vihar, Gurgaon-122016.



3. Monnet Power Company Limited,  
Monnet house, 11, Masjid Moth,  
Greater Kailash, Part-2,  
New Delhi-110048.
4. Brahmani Thermal Power Private Limited,  
(Formerly Navbharat Power Pvt. Ltd.),  
L-1-2073, Near Asthal Mandir,  
P 010, Sangam Vihar,  
New Delhi-110062.
5. Sterlite Energy Limited,  
Vedanta Aluminium & Power Bhurkhamunda,  
Kalimandir, Jharsuguda, Odhisa-768202.
6. Ind Barath Energy (Utkal) Limited,  
Plot No. 30-A, Road No-1, Film Nagar,  
Jubilee Hills, Hyderabad-500033.
7. Corporate Power Limited,  
Prashant Nagar, Ajni Nagpur,  
Maharashtra- 4400015.
8. Adhunik Power and Natural Resources Limited,  
9B, 9th Floor, Hansalia, Barakhamba Road,  
Connaught Place, New Delhi-110001.
9. Essar Power (Jharkhand) Limited,  
5th Floor, Tower-2 Equinox business Park,  
Off BKC, LBS Marg, Kurla (W).  
Mumbai- 4000070.
10. PTC India Limited (Teesta-II HEP),  
2nd Floor, NBCC Tower,  
15 Bhikaji Cama Place,  
New Delhi-110066.
11. Lanco Teesta Hydro Power Limited,  
2nd Floor, Plot No.397, Phase-III,



Udyog Vihar, Gurgaon-122016.

12. Jal Power Corporation Limited,  
A-102, Sector-65, Noida,  
Uttar Pradesh-201307.
13. Madhya Bharat Power Corporation Limited,  
1st Floor, Vanijya Bhawan,  
Devendra Nagar Square, Jail Road,  
Raipur, Chhattisgarh- 492001
14. Aryan M.P. Power Generation Pvt. Limited,  
129, Transport Centre, Punjabi Bagh,  
Rohtak Road, New Delhi- 110035
15. Dheeru Power Gen Pvt. Limited,  
2nd Floor, Capital Court,  
Olof Palme Marg, Munirka,  
New Delhi-110067.
16. Jaiprakash Power Ventures Limited (Bina Power),  
Sector-128, Gautam Buddh Nagar,  
Noida, Uttar Pradesh- 201304.
17. Chhattisgarh State Power Trading Co. Limited(HCPTC-IV),  
2nd Floor, Vidyut Sewa Bhawan,  
Dangania, Raipur-492013.
18. GMR Chhattisgarh Energy Limited,  
New Shakti Bhawan,  
Building No-302, New Udaan Bhawan Complex,  
Opp. Terminal 3, IGI Airport,  
New Delhi-110037,
19. VISA Power Limited,  
VISA House, 8/10 Alipore Road,  
Kolkata-700027,
20. SKS Power Generation (Chhattisgarh) Limited,  
501-B, Elegant Business Park,



Andheri Kurla Road, J B Nagar,  
Andheri East, Mumbai-400059.

21. Athena Chhattisgarh Power Limited,  
7-1-24/1/RT, G-1, B-Block,  
1st Floor, Roxana Towers, Greenslands,  
Begumpet, Hyderabad, Telangana-500016.
22. Lanco Amarkantak Power Limited,  
Plot no-397, Udyog Vihar,  
Phase-3, Gurugram-Haryana-122016.
23. Vandana Vidyut Limited,  
Vandana Bhawan, M.G Road, Raipur,  
Chhattisgarh-492001.
24. RKM Powergen Pvt. Limited,  
No.14, Dr. Giriappa Road, T. Nagar,  
Chennai-600017.
25. Meenakshi Energy Pvt Limited,  
405 Saptagiri Towers, 1-10-75/1/1 to 6,  
Begumpet, Secunderabad, Telangana-500016,
26. Simhapuri Energy Limited,  
Madhucon Greenslands, 6-3-866/2,  
3rd Floor, Begumpet,  
Hyderabad, 500016.
27. Coastal Energy Pvt Limited,  
5th Floor Buhari Towers,  
4 Moores Road, Chennai-600006.
28. Ind Barath Power (Madras) Limited,  
Plot No. 30-A, Road No-1, Film Nagar,  
Jubilee Hills, Hyderabad-500033.
29. PEL Power Limited,  
8-2-293/82/A/76 Road No.9A,  
Jubilee Hills Hyderabad, Telanagana-500033.



30. IL & FS Tamil Nadu Power Company Limited,  
B Block Navin's Presidium, 4th Floor,  
103, Nelson Manickam Road,  
Aminjikarai, Chennai-600029.
31. GMR Kamalanga Energy Limited (Ph-II),  
Airport Building 302, 1st Floor,  
New Udaan Bhawan Complex,  
New Terminal 3, IGI Airport,  
New Delhi- 110037.
32. ODISHA Power Generation Corporation Limited,  
Zone A, 7th Floor, Fortune Towers,  
Chanderasekharapur, Bhubaneswar,  
Odisha-751023.
33. M.P. Power Management Company Limited,  
Shakti Bhawan, Vidyut Nagar, Rampur, Jabalpur,  
Madhya Pradesh – 482008.
34. Telangana State Southern Power Distribution Company Limited,  
6-1-50, Ground Floor, TSSPDCL Corporate Office,  
Mint Compound, Hyderabad-500022.
35. Essar Power Gujarat Limited,  
44KM Stone, Jamnagar-Okha Highway,  
PO Box No-07, Devabhoomi, Dwarka,  
Khambha, Gujrat-361305.
36. Essar Power MP Limited,  
Essar House, 11 K.K. Marg,  
Mahalaxmi, Mumbai-400034.
37. Spectrum Coal and Power Limited,  
7th Floor, Officer Tower, Ambience Mall,  
Gurugram-122002.
38. Torrent (Sugen Power Limited),  
Torrent House, Off Ashram Road,  
Ahmedabad-380009.
39. Adani Power Limited,



Plot No.-83, Institutional Area,  
Sector-32, Gurugram-122001.

40. M B Power (M.P.) Limited,  
213B, Okhla Industrial Estate,  
Phase-III, New Delhi-110020.

41. Sarda Energy & Minerals Limited,  
73A, Central Avenue, Sri Ram Niketan,  
Nagpur, Maharashtra-440018.

42. K V K Nilachal Power Private Limited,  
Plot No. 484/A, Road No 36,  
Jubilee Hills, Hyderabad-500033.

43. Himachal Sorang Power Private Limited,  
D-14, Ashirvad Building Sector-1,  
Near state Bank of India,  
New Shimla, Shimla-171009.

44. PTC India Limited (Budhil),  
2nd Floor NBCC Tower, 15,  
Bikhaji Cama Place, New Delhi-110066.

..... Respondents

**Parties present:**

Ms. Suparna Srivastava, Advocate, PGCIL

Ms. Sajna, Advocate, PGCIL

Dr V.N. Paranjape, PGCIL

Shri Ranjeet Singh, PGCIL

Shri K.K. Jain, PGCIL

Shri Hemant Singh, Advocate, JITPL, Adani Power, Corporate Power, Coastal Energy Pvt. Limited, SKS Power Generation, Simhapuri, Himachal Sorang Power Ltd., IL& FS.

Shri Molshree Bhatnagar, Advocate, MB Power

Shri Shreshth Sharma, Advocate, MB Power

Shri Abhishek Gupta, MB Power

Shri Naveen Kumar, MB Power

Ms. Shruti Verma, ESSAR



## ORDER

The present Petition has been filed by Central Transmission Utility (CTU) seeking direction for implementation of the Commission's order dated 8.3.2019 in Petition No. 92/MP/2015.

### Background:

2. The Petitioner has submitted that the following facts have led to the filing of the present Petition:

(a) In accordance with the methodology specified by the Commission in para 121 of the said Order dated 8.3.2019, CTU was directed to calculate the stranded capacity and the relinquishment charges payable by each relinquishing long-term customer. Further, based on the Methodology for calculating relinquishment charges, in para 132 of the Order, CTU was directed to assess the stranded transmission capacity and calculate the charges payable towards relinquishment.

(b) The CTU was further directed to publish the calculations so made in accordance with above procedure pertaining to the stranded capacity and the relinquishment charges payable by each relinquishing long-term customer on its website and the relinquishing LTA customers were directed to deposit the relinquishment charges so calculated by CTU, within a period of six months.

(c) In compliance with the above directions of Commission, the Petitioner calculated the stranded capacity and resultant relinquishment charges qua each Long Term Customer and published the same on its website on



20.5.2019. The said information also contains the premises and assumptions forming basis of calculations.

(d) Consequently, following 10 number of parties moved before Hon'ble APTEL by filing appeal against the Order dated 08.3.2019 in 92/MP/2015 passed by the Commission, which appeals are now posted for hearing in due course:

<b>Sl. No.</b>	<b>Appeal No</b>	<b>Appellant</b>
1.	DFR No. 1841 of 2019	Odisha Power
2.	DFR No. 1858 of 2019	Corporate Power Limited
3.	DFR No. 1861 of 2019	Coastal Energy Private Limited
4.	DFR No. 1865 of 2019	SKS Power
5.	DFR No.1866 of 2019	Jindal Power Limited
6.	DFR No.1915 of 2019	Vedanta
7.	DFR No.1927 of 2019	Jindal India Thermal Power Limited
8.	DFR No.1942 of 2019	IL & FS
9.	DFR No.1481 of 2019	Aryan MP
10.	DFR No. 2017 of 2019	Association of Power Producers

(e) Moreover, several LTTC's vide letters addressed to CTU started raising grievances regarding the calculations posted on the website and sought *inter-alia* following details/information relating to primary source data for computation of stranded capacity and resultant relinquishment charges from CTU:

- (i) Base line data provided by POSOCO and base line data as taken by CTU in the studies.
- (ii) Assumptions made in Step-2 of the CTU document (i.e. relinquished scenario) in reduction of relinquished quantum
- (iii) Various generating stations in the region where generation has been increased correspondingly with quantum at each generating station.





(iv) Results of the study showing stranded capacity on the identified transmission system and computation of stranded capacity and relinquishment charges.

(v) Reasons why relinquishment charges have been worded out to be more as compared to other LTTC's with comparable quantum of LTA in the same Region.

3. The Petitioner has submitted that CTU has attempted to redress the concern of the aggrieved parties, and has provided replies to the letters so received from LTTC's describing the methodology, assumptions etc. explained in the information published by CTU on its website. However, the information relating to study results, up/down time relating to generation, line-wise stranded capacity etc. has not been shared with the entities by CTU, as the same are not as per the directions of the Commission vide Order dated 8.3.2019. The CTU is thus facing difficulty in satisfying the relinquishing LTTC's despite just and proper compliance of the Order dated 8.3.2019 passed by the Commission in Petition No.92/MP/2015.

4. In the above background, the Petitioner has made the following prayers:

(a) Admit the present Petition and pass appropriate directions in the above petition;

(b) Pass such further and other order(s) as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the present case.

5. The Petition was heard on 16.10.2019 and the Commission after hearing the parties appearing in the instant Petition reserved the Order.



## **Analysis and Decision:**

6. The Petitioner, CTU has filed the present Petition seeking direction for implementation of the Commission's order dated 8.3.2019 in Petition No. 92/MP/2015. CTU in its submission has mainly submitted that the Commission vide Order dated 8.3.2019 in Petition No. 92/MP/2015 has specified the methodology to calculate the stranded capacity and the relinquishment charges payable by each relinquishing long-term customer. As per the Commission's direction in the said Order, CTU on 20.5.2019 has published the calculation in accordance with the methodology specified by the Commission pertaining to stranded capacity and the relinquishment charges payable by each relinquishing long-term customer on its website.

7. The CTU has further submitted that Long-term Transmission Customers (LTTCS) have started raising the grievances regarding the calculations posted on the website and have sought various details/information relating to primary source data for computation of stranded capacity and resultant relinquishment charges.

8. During the course of hearing Learned counsel appearing on behalf of the Respondents 1, 7, 20, 26, 27, 30, 39 and 43 referred to the orders of APTEL dated 4.7.2019 and 2.9.2019 in Appeals (Appeal No. 171/2019 and Appeal No. 250 of 2019) challenging the order dated 8.3.2019 in Petition No. 92/MP/2015 and submitted that merely on the basis of publishing the chart on its website, the Petitioner cannot insist upon the payment and the Petitioner is liable to provide details/data as sought by the Respondents for calculation purpose. Learned counsel



submitted that since the issue on the subject is pending before APTEL, the Petitioner cannot seek direction for implementation of the order.

9. We have considered the submissions of the Petitioner and the Respondent. The issue for consideration is whether the Petitioner is liable to furnish the details/data's pertaining to calculation of stranded capacity and the relinquishment charges to the LTTCs?

10. In this regard, it is noted that the Commission vide record of proceedings (RoP) dated 16.10.2019 has directed the Petitioner to provide all such details/data as available to it to the relinquishing LTTCs/generators. The relevant part of record of processing dated 16.10.2019 is extracted as under:

“3. After hearing the learned counsels for the Petitioner and the Respondents, the Commission directed the Petitioner to provide all such details/data as available to it to the relinquishing LTTCs/generators.”

In view of above, CTU is directed to provide all such details/data as available to it to the relinquishing LTTCs/generators.

11. The Commission in para 11 of the order dated 8.3.2019 in Petition No.92/MP/2015 issued the following directions with regard to the payment of relinquishment charges determined and calculated in terms of the said order:

“160. The relinquishing LTA customers are directed to deposit the relinquishment charges calculated and billed by CTU, within a period of six months of raising the bill by CTU. CTU is directed to calculate the stranded capacity and the compensation (relinquishment charges) payable by each relinquishing long-term customer as per methodology specified in this Order respectively within one month of date of issue of this Order and publish the same on its website.”

12. In para 161(h) of the order dated 8.3.2019, long term customers have been directed to pay the relinquishment charges within 6 months of raising bills by CTU. As per the above directions, CTU was required to upload on its website the



calculation of stranded capacity and the relinquishment charges payable by each relinquishing long-term customer as per the methodology specified in the order dated 8.3.2019 within one month of the issue of the said order and the relinquishing long-term customers were required to pay the relinquishment charges within 6 months of raising of the bills by CTU. In compliance with the said directions, CTU has calculated the stranded capacity and resultant relinquishment charges and uploaded the same on its website on 20.5.2019. Several long term customers raised their grievances regarding calculation posted on the website and sought certain details regarding the primary sources of data. The Commission vide RoP dated 16.10.2019 has directed the CTU to provide all such data/details to the relinquishing long term customers. We direct the CTU to ensure that all relevant details/data sought by the long term customers are shared with them within 15 days of this order, if not already done.

13. Further, CTU is directed to take action as per para 161 (h) of the order dated 8.3.2019 in Petition No. 92/MP/2015, if not done already.

14. The Petition No. 252/MP/2019 is disposed of in terms of the above.

Sd/-  
**(I.S.Jha)**  
**Member**

Sd/-  
**(Dr. M.K.Iyer)**  
**Member**

(Sd/-  
**(P. K. Pujari)**  
**Chairperson**

