

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 313/MP/2018**

**Coram:**

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

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

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

**Date of Order: 28<sup>th</sup> of October, 2019**

**In the matter of:**

Petition under Section 79(1)(c), (d) and (f) of the Electricity Act, 2003 read with the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 and Regulations 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for re-determination of Slab Rates for the period January, 2016 to March, 2016 i.e. Quarter Q 4 of FY 2015-16 determined vide order dated 12.3.2016.

**And**

**In the matter of:**

GRIDCO Limited

Janpath, Bhubaneswar – 751 022

**....Petitioner**

**Versus**

1. Power Grid Corporation of India Limited

Saudamini, Plot No. 2, Sector 29,

Gurgaon – 122 001

2. National Load Despatch Centre,

Power System Operation Corporation Limited (POSOCO)

B- 9, Qutub Institutional Area, Katwaria Sarai,

New Delhi – 110 016

3. Eastern Regional Power Committee

14, Golf Club Road, Tollygunge,

Kolkata – 700 033

4. Eastern Regional Load Despatch Centre,

14, Golf Club Road, Tollygunge,

Kolkata – 700 033

**....Respondents**

**The following were present:**

(a) Shri Rajkumar Mehta, Advocate, GRIDCO

(b) Ms. Himashi Andley, Advocate, GRIDCO

(c) Shri K. S. Maharana, GRIDCO

- (d) Shri Prashant Kumar Das, GRIDCO  
(e) Shri K. K. Jain, PGCIL

### ORDER

The present Petition has been filed by the Petitioner, GRIDCO Limited (hereinafter referred to as 'GRIDCO') under Section 79(1)(c), (d) and (f) of the Electricity Act, 2003 (hereinafter referred to as 'the Act') read with the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 seeking revision of Point of Connection (PoC) slab rates for the period from January, 2016 to March, 2016 approved by the Commission in its order dated 12.3.2016 along with following prayers;

- i) Direct NLDC, the Implementing Agency to compute PoC Rates for the month of January to March 2016 considering the LTA demand of Odisha for the Quarter 4 of F.Y. 2015-16 as 1223.72 MW instead of 1035 MW.*
- ii) Revise the PoC Slab Rates for the period January to March 2016 basing on the correct LTA demand of Odisha, i.e., 1223.72 MW;*
- iii) Direct the respective Regional Power Committees (RPCs) to revise the RTAs for the months of January to March 2016 based on the revised PoC Rates determined by the Commission; and*
- iv) Direct PGCIL to revise the PoC Bill #1 for the Months of January to March 2016 as per the revised RTAs, as soon as the Regional Power Committee (RPCs) publishes the same."*

2. Brief facts leading to filing of the present Petition are as under:

- (a) The Respondent, Power Grid Corporation of India Ltd. (PGCIL) had raised bills in respect of inter-State transmission charges as per Regional Transmission Account (RTA) issued by Eastern Regional Power Committee (hereinafter referred to as "ERPC") for the months of January 2016 to March 2016 to GRIDCO which were paid under protest within due date to avail rebate as per the provisions of the Billing, Collection and Disbursement Procedure (BCD) issued under Sharing Regulations;

(b) The Implementing Agency, National Load Despatch Centre (NLDC) uploaded the details of PoC data for 2015-16 quarter 4 on its website. After examination of the same, it was observed that the LTA of Odisha has been considered as 1,035 MW, instead of 1223.72 MW which resulted in excess PoC charges of approximately Rs. 4.5 crore per month. Therefore, GRIDCO paid approximately Rs. 13.5 crore in excess for Quarter 4 of 2015-16.

(c) GRIDCO vide its letter dated 5.8.2016 pointed out the above discrepancy in LTA quantum of Odisha for Quarter 4 of 2015-16 to NLDC, the Commission and ERPC, and the same was also followed up vide letters dated 24.12.2016, 4.2.2017, 18.11.2017, 19.12.2017 and 13.4.2018. However, despite a number of communications and discussions, the above issue could not be resolved. Accordingly, the Petitioner has filed the present Petition for revision of PoC slab rates for the period from January 2016 to March 2016 approved by the Commission in order dated 12.3.2016.

3. The matter was heard after notice to the Respondents. No reply has been filed by the Respondents.

### **Analysis and Decision**

4. The present Petition has been filed by the Petitioner seeking, *inter alia*, re-determination of PoC slab rates for the period from January 2016 to March 2016 on account of an inadvertent error in considering LTA demand of Odisha while determining the PoC slab rates. The Petitioner has submitted that while determining the PoC slab rates, the LTA demand of the State of Odisha has been considered as 1,035 MW instead of 1,223 MW, which has led to higher PoC slab rates for the Petitioner and consequently the higher PoC Charges. The Petitioner

has submitted that NLDC vide its letter dated 24.4.2017 acknowledged that the LTA data of the State of Odisha for the period from January 2016 to March 2016 was inadvertently considered as 1,035 MW instead of 1,223 MW and furnished the revised PoC Slab rates for the said period.

5. During the course of hearing on 27.9.2019, the learned counsel for the Petitioner submitted that the Commission vide corrigendum order dated 4.2.2019 has revised the PoC rates for Quarter 4 of 2015-16 considering the correct LTA data for the States of Odisha and Bihar. Subsequently, ERPC issued the revised RTAs for the said period on 31.7.2019. However, PGCIL has till date not issued the revised bills for the period from January 2016 to March 2016 pursuant to the revision in RTAs by ERPC. Learned counsel for the Petitioner requested to direct CTU/ PGCIL to revise the bills for the period from January 2016 to March 2016 and refund/ readjust the excess transmission charges paid by GRIDCO in the subsequent bills of Odisha.

6. Considering the submission of the Petitioner, we direct the CTU/ PGCIL to revise the bills for the months of January, February and March, 2016 within fifteen days from the issue of order failing which the Petitioner may approach the Commission for appropriate relief in accordance with law.

7. The Petition No. 313/MP/2018 is disposed of in terms of the above.

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

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

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