

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 126/MP/2017

- Subject : Petition for declaration and direction as to the status of 400 kV D/C Transmission Line from Indira Gandhi Super Thermal Power Station (Aravali Power Station) to Daulatabad owned, operated and maintained by Haryana Vidyut Prasaran Nigam Limited.
- Petitioners : Uttar Haryana Bijli Vitran Nigam Limited and Ors.
- Respondents : Power System Operation Corporation Limited (POSOCO) and Ors.
- Date of Hearing : 11.6.2020
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
- Parties present : Shri M. G. Ramachandran, Sr. Advocate, Haryana Utilities
Ms. Poorva Saigal, Advocate, Haryana Utilities
Shri Guarav Gupta, Haryana Utilities
Ms. Suparna Srivastava, Advocate, CTU/PGCIL
Shri V. Srinivas, CTU/PGCIL
Shri Sitesh Mukherjee, Advocate, POSOCO
Shri Aryaman Saxena, Advocate, POSOCO

Record of Proceedings

The matter was listed for hearing through video conferencing.

2. Learned senior counsel for the Petitioners submitted that present Petition has been remanded by the Appellate Tribunal for Electricity (Appellate Tribunal) vide its order dated 4.2.2020 in Appeal No.240 of 2018 for the limited extent of 'prospective application' of the Commission's decision dated 4.5.2018. Learned senior counsel submitted as under:

(a) Issue involved in the Petition relates to the refund of the Point of Connection (PoC) charges/transmission charges collected from the Petitioners wrongly by treating 400 kV D/C transmission line from Indira Gandhi Super Thermal Power Station to Daulatabad, as an inter-State line when it is only an intra-State line.

(b) The Commission in its order dated 4.5.2018 has decided the merits/principle in the favour of the Petitioners by holding that the above transmission line owned, operated and maintained by Haryana Vidyut



Prasaran Nigam Limited, is an intra-State line and not an inter-State Transmission System as decided by POSOCO and CTU.

(c) However, in regard to the direction sought for by the Petitioners for refund of the transmission charges recovered on the erroneous basis of the said transmission line being treated as an ISTS line w.e.f 1.7.2011, the Commission held that its decision shall operate prospectively only and shall not apply for the period prior to 4.5.2018.

(d) Aggrieved by this limited observation of the Commission, the Petitioners filed Appeal No. 240 of 2018 before the Appellate Tribunal. Vide order dated 4.2.2020, Appellate Tribunal has remanded the matter for consideration on the prospective nature of the order dated 4.5.2018 on the basis that the said decision is not supported by any reason.

(e) The Petitioners have paid Rs. 1236 crore (principal amount) as PoC charges for the 400 kV transmission line from 1.7.2011 till 4.5.2018 even though the same was not a part of the ISTS network.

3. Learned counsel for Central Transmission Utility (CTU), sought liberty to file written submissions covering the aspects of applicability of relief prospectively/retrospectively, verification of amounts claimed to be paid by the Petitioners and the methodology for adjustment of such recovered charges, if the Commission allows the claims/relief retrospectively.

4. Learned counsel for POSOCO also sought liberty to file its written submission. Learned counsel further submitted that the Appellate Tribunal in its order dated 4.2.2020 has not set aside the decision of the Commission granting the relief to the Petitioner prospectively, but only observed that such decision is not supported by any reason. Learned counsel added that the claims of the Petitioners for previous period are time barred.

5. Based on the request of learned counsels for CTU and POSOCO, the Commission directed CTU and POSOCO to file their respective written submissions by 26.6.2020 with copy to the Petitioners who may file their response, if any, on or before 7.7.2020. The Commission directed that due date of filing of written submissions / response should be strictly complied with.

6. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

**Sd/-
(T.D. Pant)
Deputy Chief (Law)**



