

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 277/MP/2020

Subject : Petition under Section 79(1)(c), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003 seeking quashing of the letter and invoice dated 20.1.2020 issued by Power Grid Corporation of India Limited for claiming transmission charges.

Petitioner : IL&FS Tamil Nadu Power Company Limited (IL&FS)

Respondent : Power Grid Corporation of India Limited (PGCIL)

Date of Hearing : 30.7.2020

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member

Parties present : Shri Hemant Singh, Advocate, IL&FS
Shri Lakshyajit Singh Bagdwal, Advocate, IL&FS
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Nehul Sharma, Advocate, PGCIL
Ms. Jyoti Prasad, PGCIL
Ms. Swapnil Verma, PGCIL
Shri S. Vallinayagam, Advocate, TANGEDCO

Record of Proceedings

The matter was heard through video conferencing.

2. Learned counsel for the Petitioner submitted that the instant Petition has been filed for quashing of the letter and invoice dated 20.1.2020 issued by Power Grid Corporation of India Limited (PGCIL) demanding of Rs.66,45,87,861/- towards transmission charges for the period from 1.12.2016 to 2.5.2017 without considering the fact that the Petitioner had already relinquished the LTA on 30.12.2016. Learned counsel for the Petitioner further submitted as under:

(a) The Commission in its order dated 5.2.2020 in Petition No. 164/MP/2017 has clearly held that the date of relinquishment of LTA for 540 MW by the Petitioner shall be considered as 30.12.2016.

(b) Contrary to the above, PGCIL vide its letter and invoice dated 20.1.2020 proceeded to impose the transmission charges upon the Petitioner for a period from 1.12.2016 to 2.5.2017 for the said LTA. However, since LTA for 540 MW stood relinquished from 30.12.2016, PGCIL could not have imposed any liability



of transmission charges upon the Petitioner beyond the date of relinquishment of LTA.

(c) Date of operationalization of LTA i.e. 1.12.2016 was communicated to the Petitioner only on 23.12.2016, when a letter dated 1.12.2016 of PGCIL was received by the Petitioner through courier. However, the said letter was booked for courier only on 21.12.2016, which proves that it was back dated letter.

(d) The said letter of PGCIL is in complete violation of the Regulations and various orders passed by the Commission wherein it has been held that CTU, prior to the date of operationalization of LTA, shall intimate the effective date of LTA to the generators. Accordingly, the Petitioner is not liable to pay the transmission charges for the period from 1.12.2016 to 30.12.2016 as there was no prior firm intimation regarding operationalization of LTA.

3. Learned counsel for the Respondent, PGCIL, submitted that the invoice dated 20.1.2020 was issued prior to the Commission's order dated 5.2.2020 in Petition No. 164/MP/2017. However, pursuant to the said order, PGCIL has re-computed the applicable relinquishment charges as well as the transmission charges as per the Commission's order dated 5.2.2020 and is already in process of issuing the revised invoice to the Petitioner. Learned counsel further submitted that while issuing revised invoice, the Respondent will consider the submissions made by the Petitioner in the instant Petition. Learned counsel submitted that since no dispute will survive between the parties pursuant to issuance of revised invoice, the instant Petition may be disposed of accordingly. If any dispute remains, the Petitioner is at liberty to approach the Commission thereafter.

4. After hearing the learned counsels for the parties, the Commission reserved order in the Petition.

By order of the Commission

Sd/-

(T.D. Pant)

Deputy Chief (Law)

