

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 375/MP/2019**

Subject : Petition under sub-section (4) of Section 28 of the Electricity Act, 2003 read with Regulation 10 of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2019 for determining the NLDC charges for the control period 1.4.2019 to 31.3.2024.

Petitioner : National Load Despatch Centre (NLDC)

Respondents : Uttar Pradesh Power Corporation Limited (UPPC) and Ors.

**Petition No. 376/MP/2019**

Subject : Petition under sub-section (4) of Section 28 of the Electricity Act, 2003 read with Regulation 10 of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2019 for determining the NERLDC charges for the control period 1.4.2019 to 31.3.2024.

Petitioner : North Eastern Regional Load Despatch Centre (NERLDC)

Respondents : Assam Power Distribution Company Limited (APDCL) and Ors.

**Petition No. 378/MP/2019**

Subject : Petition under sub-section (4) of Section 28 of the Electricity Act, 2003 read with Regulation 10 of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2019 for determining the SRLDC charges for the control period 1.4.2019 to 31.2.2024.

Petitioner : Southern Regional Load Despatch Centre (SRLDC)

Respondents : Transmission Corporation of Andhra Pradesh Limited (APTRANSCO) and Ors.

**Petition No. 399/MP/2019**

Subject : Petition under sub-section (4) of Section 28 of the Electricity Act, 2003 read with Regulation 10 of Central Electricity



Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2019 for determining the ERLDC charges for the control period 1.4.2019 to 31.2.2024.

Petitioner : Eastern Regional Load Despatch Centre (ERLDC)

Respondents : Bihar State Power Holding Company Limited (BSPSHCL) and Ors.

**Petition No. 430/MP/2019**

Subject : Petition under sub-section (4) of Section 28 of the Electricity Act, 2003 read with Regulation 8 of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2015 for truing up of NLDC Fees and Charges for the control period 2014-19.

Petitioner : National Load Despatch Centre (NLDC)

Respondents : Uttar Pradesh Power Corporation Limited (UPPC) and Ors.

**Petition No. 433/MP/2019**

Subject : Petition under sub-section (4) of Section 28 of the Electricity Act, 2003 read with Regulation 8 of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2015 for truing up of NERLDC Fees and Charges for the control period 2014-19.

Petitioner : North Eastern Regional Load Despatch Centre (NERLDC)

Respondents : Assam Power Distribution Company Limited (APDCL) and Ors.

**Petition No. 435/MP/2019**

Subject : Petition under sub-section (4) of Section 28 of the Electricity Act, 2003 read with Regulation 8 of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2015 for truing up of ERLDC Fees and Charges for the control period 2014-19.



Petitioner : Eastern Regional Load Despatch Centre (ERLDC)

Respondents : Bihar State Power Holding Company Limited (BSPSHCL) and Ors.

**Petition No. 437/MP/2019**

Subject : Petition under sub-section (4) of Section 28 of the Electricity Act, 2003 read with Regulation 8 of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2015 for truing up of SRLDC Fees and Charges for the control period 2014-19.

Petitioner : Southern Regional Load Despatch Centre (SRLDC)

Respondents : Transmission Corporation of Andhra Pradesh Limited (APTRANSCO) and Ors.

**Petition No. 68/MP/2020**

Subject : Petition under sub-section (4) of Section 28 of the Electricity Act, 2003 read with Regulations 6 and 29 of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2015 for approval of Performance Linked Incentive for NLDC for the financial year 2018-19 with reference to NLDC Charges for the control period 1.4.2014 to 31.3.2019.

Petitioner : National Load Despatch Centre (NLDC)

Respondents : Uttar Pradesh Power Corporation Limited (UPPC) and Ors.

**Petition No. 159/MP/2020**

Subject : Petition under sub-section (4) of Section 28 of the Electricity Act, 2003 read with Regulations 6 and 29 of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2015 for approval of Performance Linked Incentive for ERLDC for the financial year 2018-19 with reference to ERLDC Charges for the control period 1.4.2014 to 31.3.2019.



Petitioner : Eastern Regional Load Despatch Centre (ERLDC)

Respondents : Bihar State Power Holding Company Limited (BSPSHCL) and Ors.

**Petition No. 184/MP/2020**

Subject : Petition under sub-section (4) of Section 28 of the Electricity Act, 2003 read with Regulations 6 and 29 of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2015 for approval of Performance Linked Incentive for SRLDC for the financial year 2018-19 with reference to SRLDC Charges for the control period 1.4.2014 to 31.3.2019.

Petitioner : Southern Regional Load Despatch Centre (SRLDC)

Respondents : Transmission Corporation of Andhra Pradesh Limited (APTRANSCO) and Ors.

**Petition No. 186/MP/2020**

Subject : Petition under sub-section (4) of Section 28 of the Electricity Act, 2003 read with Regulations 6 and 29 of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2015 for approval of Performance Linked Incentive for NERLDC for the financial year 2018-19 with reference to NERLDC Charges for the control period 1.4.2014 to 31.3.2019.

Petitioner : North Eastern Regional Load Despatch Centre (NERLDC)

Respondents : Assam Power Distribution Company Limited (APDCL) and Ors.

Date of Hearing : 29.5.2020

Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member

Parties present : Shri Shiv Kumar Sharma, NLDC  
Shri Rakesh Kumar, NLDC  
Shri Nishdeep Singh, NLDC  
Shri Ankit Jain, NERLDC



Ms.Himani Dutta, NERLDC  
Shri Venkateshan M, SRLDC  
Shri Sunil Kumar Jaiswal, SRLDC  
Shri Vivek Upadhyay, ERLDC  
Shri Manas Das, ERLDC  
Shri S. S. Raju, PGCIL  
Shri B. K. Saxena, UPPCL

### **Record of Proceedings**

The matters were listed for hearing through video conferencing.

2. The representative of the Petitioners submitted that the instant Petitions have been filed for truing up of NLDC and RLDCs charges for the control period 2014-19, determination of Fees and Charges for the control period 2019-24 and approval of Performance Linked Incentive (PLI) for the financial year 2018-19. The representative of the Petitioners further submitted that similar Petitions in respect of WRLDC and NRLDC were heard by the Commission on 23.5.2020 and the Petitioners therein have been directed to provide certain additional details/information. He submitted that the Petitioners are in the process of compiling additional details in respect of the instant Petitions also and the same will be filed within the stipulated time frame.

3. The representative appearing on behalf of Respondent, UPPCL in Petition Nos. 375/MP/2019, 430/MP/2019 and 68/MP/2020 requested for a week's time to file its reply. The representative of UPPCL further submitted as under:

(a) Petition No. 375/MP/2019 filed by NLDC under Section 28 (4) of the Electricity Act, 2003 ('the Act'), which empowers the RLDCs to levy and collect the fees and charges, is not maintainable. NLDC has been constituted under Section 26 of the Act, which does not provide for levy and collection of fees and charges by NLDC. However, Regulation 10 of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2019 ('Fees and Charges Regulations') provides for determination of fees and charges for NLDC and filing of tariff Petition by it. There are no corresponding enabling provisions in the Act. Accordingly, any expenses incurred by NLDC may only be collected through RLDCs. There is a substantial increase in the O&M Expenses and Human Resource (HR) Expenses for the control period 2019-24 compared with previous control period 2014-19. NLDC be directed to provide detailed justification in this regard.

(b) In Petition No. 430/MP/2019, there is substantial increase in the O&M Expenses and HR Expenses for the control period 2014-19 without any justification. Performance Linked Incentive has been included in the HR Expenses. However, PLI being an incentive, cannot be considered as an expense and therefore, ought not to be part of HR Expenses.

(c) Petition No. 68/MP/2020 is not maintainable on the grounds as raised in Petition No. 375/MP/2019 above. Further, the Commission in its order dated 10.6.2019 in Petition No. 344/MP/2018 has allowed the Petitioners to recover incentive @ 15% instead of 7% by exercising 'power to relax'



provisions under Fees and Charges Regulations. However, as on date of order i.e. 10.6.2019, control period for the Fees and Charges Regulations was already over on 31.3.2019. Accordingly, no changes in the Regulations could have been effected and the Petitioners ought to be allowed to recover incentive @ 7% only.

(d) Out of the various Key Performance Indicators (KPIs), KPI - 'Reporting of inter-connection meter error', has no relevance with NLDC as meter reading and reporting of error therein is sole responsibility of RLDCs as per Regulation 2.3.2 of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010. Similarly, for KPI - 'Reporting of Grid Incidents and Grid Disturbance', the role of NLDC is limited to compilation of such incidence reported by RLDCs to it and bring to the notice of the Commission. Accordingly, points for such KPIs ought not to be considered for NLDC.

4. In response, the representative of the Petitioners submitted that the Petition No. 375/MP/2019 has been filed in terms of Regulation 10 of the Fees and Charges Regulations. Further, the charges relating to NLDC are not recovered by NLDC but are apportioned among the RLDCs on the basis of peak demand met (in MW) in the respective region. As regards, O&M Expenses and HR Expenses for control period 2019-24, the same are only the projections/estimates calculated in terms of the Regulations and are subject to true-up. Further, in Petition No. 430/MP/2019, NLDC has already provided the detailed reasons for increase/variation in the O&M Expenses and HR Expenses in the Petition. The overall actual HR Expenses for the control period 2014-19 have been lower than that approved by the Commission. The representative of the Petitioners further submitted that his submissions made during the hearing on 20.5.2020 may also be considered in respect of the similar submissions made by UPPCL therein.

5. The representative for SRLDC submitted that in response to the Petition, Kerala State Electricity Board (KSEBL) has filed its reply on the issues of Capex and HR Expenses and SRLDC has filed its rejoinder to the reply of KSEBL.

6. After hearing the representatives of the parties, the Commission directed the Respondent, UPPCL to file its reply by 19.6.2020 with advance copy to the Petitioners who may file their rejoinders, if any, by 26.6.2020.

7. The Commission directed the Petitioners to provide the following details/information, on or before 24.6.2020:

(i) In Petition Nos.68/MP/2020, 159/MP/2020, 184/MP/2020 and 186/MP/2020, copy of Board approval on PRP/PLI payments disbursement for each year (2014-15 to 2018-19) paid to the employees.

(ii) In Petition Nos.375/MP/2019, 376/MP/2019, 378/MP/2019, and 399/MP/2019, assumptions considered while calculating O&M Expenses and HR Expenses for the years 2019-24 indicating the items excluded for normalization.

(iii) In Petition Nos. 430/MP/2019, 433/MP/2019, 435/MP/2019 and 437/MP/2019, year-wise income tax returns filed and assessment order thereof.



(iv) Assumptions considered and details of due diligence carried out while working out the HR and O & M Expenses for the period 2019-24 for all RLDCs and reasons for increase (factor/head-wise viz. increase due to hike in pay, increase due to enhancement in employees and infrastructure, etc.) with reference to expenditure for 2014-19 period.

(vi) Detailed justification for additional manpower, wherever proposed for 2019-24 period.

8. The due date of filing of reply, rejoinder and information should be strictly complied with.

9. Subject to the above, the Commission reserved orders in the Petitions.

**By order of the Commission**

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

