

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 497/MP/2020

Subject : Petition under Section 79(1)(c), (d) and (f) and Regulation 103A of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for clarification/directions in regard to the order dated 10.10.2019 passed by the Commission in No. L-1/44/2010-CERC for determination of Point of Connection (PoC) rates and transmission losses for the period of October 2018 to December 2018.

Date of Hearing : 20.8.2020

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

Petitioner : Gujarat Urja Vikas Nigam Limited (GUVNL)

Respondents : National Load Despatch Centre (NLDC) and Anr.

Parties present : Shri. M. G. Ramachandran, Sr. Advocate, GUVNL
Ms. Ranjitha Ramachandran, Advocate, GUVNL
Shri S. K. Nair, GUVNL
Shri Ashok Rajan, POSOCO
Shri Alok Kumar Mishra, POSOCO

Record of Proceedings

The matter was heard through video conferencing.

2. Learned senior counsel for the Petitioner submitted that the present Petition has been filed for seeking clarification and directions in regard to the order dated 10.10.2019 passed by the Commission in No.L-1/44/2010-CERC for determination/ revision of Point of Connection (PoC) charges and transmission losses for the period from October 2018 to December 2018. Learned senior counsel further submitted as under:

(a) The Commission in its order dated 15.11.2018 had approved the slab rates for PoC charges, Reliability Support charges, HVDC charges as well as slabs for PoC losses for the period from October 2018 to December 2018. As per the said order, the slab rate for LTA/MTOA for the State of Gujarat was Rs. 2,98,288/MW/month i.e. Slab IV for the aforesaid period. However, in view of certain modifications relating to sharing of transmission charges of various generating stations and HVDC transmission lines, etc., the Implementing Agency (IA) vide its letter dated 29.8.2019 revised the slab rates for PoC charges, Reliability Support charges and HVDC charges for various periods including the



period from October 2018 to December 2018. The revised slab rates as submitted by the IA was approved by the Commission vide its order dated 10.10.2019.

(c) As per the revised order, State of Gujarat has been considered with slab rate of Rs.3,42,274/MW/month i.e. Slab III (as against the earlier Slab IV) for the period from October 2018 to December 2018. However, in other orders revising the PoC rates, there has been no change in the slab rates for the State of Gujarat and it has been considered in the same slab both in the original order as well as in the revised order even though the rates for each slab have been changed.

(e) Thus, the consideration of the State of Gujarat in Slab III for the period from October 2018 to December 2018 is clearly an accidental mistake/ clerical error and not an actual classification of the State of Gujarat under Slab III. There is no reasoning or rationale provided either by the IA or in the order for consideration of the State of Gujarat in Slab III instead of Slab IV for the aforesaid period. Moreover, this shift of the State of Gujarat from Slab IV to Slab III has resulted in increase in transmission charges of the Petitioner by Rs. 74.56 crore.

(f) If the reasoning or rationale to be given by the Respondent IA is found correct and if it is clear that there is no accidental mistake or clerical error in the classification, GUVNL will accept the same.

3. After hearing the learned senior counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondents.

4. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately.

5. The Respondent NLDC was directed to file the reply giving detailed reasoning and rationale for the change of classification of GUVNL from slab IV to slab III and clarification as to whether there has been any accidental or clerical error in the classification by 15.9.2020, with advance copy to the Petitioner, who may file its rejoinder, if any, by 30.9.2020. The Commission further directed that the due date of filing of reply and rejoinder 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)**

