



टीएचडीसी इंडिया लिमिटेड THDC INDIA LIMITED



(भारत सरकार एवं उ.प्र.सरकार का संयुक्त उपक्रम)
(A Joint venture of Govt. of India & Govt. of UP)
CIN : U45203UR1988GOI009822

No: THDC/RKSH/COMML/C-01/51/ 659

Dt.: 17.08.2020

सेवा में,

सचिव,
केन्द्रीय विद्युत नियामक आयोग,
तृतीय एवं चतुर्थ तल, चन्द्रलोक बिल्डिंग,
36,जनपथ,
नई दिल्ली -110001

Subject : Draft Central Electricity Regulatory Commission (Regulation of Power Supply) (First Amendment) Regulations, 2020.

Ref: CERC's Public Notice no. No. L-1/42/2010/CERC Dated 16.07.2020.

Sir,

This has reference to the Hon'ble CERC's Public Notice dtd.16.07.2020, vide which comments/ suggestions from the stakeholders on Draft Central Electricity Regulatory Commission (Regulation of Power Supply) (First Amendment) Regulations, 2020, have been invited. In this connection, THDCIL's comments/ suggestions on the Draft Central Electricity Regulatory Commission (Regulation of Power Supply) (First Amendment) Regulations, 2020 are enclosed herewith for your kind perusal and further necessary action please.

It is also submitted that above comments have been sent on email secy@cercind.gov.in and shilpa@cercind.gov.in .

सधन्यवाद,

भवदीय,
कृते टीएचडीसी इण्डिया लिमिटेड,

(ए.के. पोरवाल)

महाप्रबन्धक (वाणिज्यिक)

Encl: as above.

DETAILS OF THDCIL's PROPOSED COMMENTS

Ref.: CERC's Public Notice No. L-1/42/2010-CERC dtd. 16.07.2020

S.No.	Regulation No.	Principal Regulation of Hon'ble CERC	Draft Regulation notified by Hon'ble CERC	Proposed Comments of THDCIL	Remarks
1.	Amendment to Regulation 2 of the Principal Regulations:	No provision	(4) New sub-clause (e-i) shall be added after sub-clause (e) of Clause (1) of Regulation 2 of the Principal Regulations as under: “(e-i) “Due date” for payment of outstanding dues shall be: i) as specified in Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 as amended from time to time, in respect of inter-State transmission system; or ii) 45th day from date of presentation of bills in respect of generating companies covered under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019, as amended from time to time; or iii) as per provisions of the respective Agreements for entities not covered under sub-clauses (i) and (ii) above.”	Point no. ii may be considered as given below in place of provision given in Draft Regulation: ii) In case of generating companies, as specified in the prevailing Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, Central Electricity Regulatory Commission (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations as the case may be; or	(i) Due date for payment may be different for different Regulations or different for different control periods. Therefore, it is proposed that regulation may be kept as generalised. (ii) Power of Renewable Energy Generating Stations may also be regulated. Therefore, it is proposed that Tariff Regulations for Renewable Energy may also be added.

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2	Amendment to Regulation 12 (1) of the Principal Regulations:	<p>(1) The generating company shall be entitled to sell the power rendered surplus due to regulation of power supply, to any person, including any of the existing beneficiaries, during the regulation of power supply, subject to grid security, as ascertained by the concerned Regional Load Despatch Centre, or may reduce generation in case any of the above options is not possible. The Generating Company shall inform the Regional Load Despatch Centre or the State Load Despatch Centre, as the case may be, the Defaulting Entity and Member-Secretary, Regional Power Committee of the region, of the quantum, duration and rate of such sale.</p> <p>Provided that, unless the Agreement otherwise provides, the liability to pay the capacity charges of the generating station, in respect of which the schedule has been restricted, shall be of the Regulated Entity.</p>	<p>(1) In Clause (1) of Regulation 12 of the Principal Regulations, the word 'Defaulting' shall be substituted by the word "Regulated".</p>	<p>(1) In Clause (1) of Regulation 12 of the Principal Regulations, the word 'Regulated' shall be substituted by the word 'Defaulting'.</p> <p>The following new provision shall be added after Clause (1) of Regulation 12 of the Principal Regulations as under:</p> <p>In case of surplus regulated power is sold to any entity at less than the Energy Charge Rate of the generating station or generic tariff of the renewable generating station, the liability to pay the loss of energy charge after all adjustment shall be of the defaulting entity</p>	<p>In Principal Regulation, there is no clarity about adjustment and liability to pay loss of energy charges in case power is sold to any entity less than the Energy Charge Rate or generic tariff. Therefore, it is requested that the proposed provision may be added in Amendment.</p>
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3	Amendment to Regulation 13 of the Principal Regulations:	The amount received from sale of surplus power by generating company due to regulation of power supply, shall be adjusted against the outstanding dues of the Regulated Entity, after deduction of energy charges, trading margin and other incidental expenses borne by the Generating Company, if any, and the remaining amount, if any, shall be passed on to the Regulated Entity. As mentioned in Regulation 9 above, the regulation of power supply shall be withdrawn as soon as outstanding dues are recovered.	No Change	The amount received from sale of surplus power by generating company due to regulation of power supply, shall be adjusted against the outstanding dues of the Defaulting Entity , after deduction of energy charges, loss of energy charges , trading margin and other incidental expenses borne by the Generating Company, if any, and the remaining/ payable amount, as the case may be, shall be passed/ recovered on to/ from the Defaulting Entity . As mentioned in Regulation 9 above, the regulation of power supply shall be withdrawn as soon as outstanding dues are recovered.	In Principal Regulation, there is no clarity about adjustment and liability to pay loss of energy charges in case power is sold to any entity at less than Energy Charge Rate or generic tariff. Therefore, it is requested that the proposed provision may be added in Amendment. Further, the word Regulated Entity has been replaced with Defaulting Entity as in the proposed amendment, the word 'Regulated Entity' has been omitted.
4	Amendment to Regulation 14 of the Principal Regulations:	During regulation of power supply, through a hydro generating station, in order to avoid spillage of water, if a buyer cannot be found or is not found for the full quantum of power rendered surplus, the generating station can inject power under Unscheduled Interchange (UI) mechanism, if grid conditions allow, with the permission of the Regional Load Despatch	(1) Regulation 14 of the Principal Regulations shall be substituted as under: "14. During regulation of power supply from a hydro generating station, the generating station may, in order to avoid spillage of water, sell the power rendered surplus, to any person in accordance with the provisions of Regulation 12 of these regulations. The loss of energy charge, in case of	During regulation of power supply from a hydro generating station, the generating station may, in order to avoid spillage of water or meeting the requirement of irrigation, drinking water & religious obligations sell the power rendered surplus, to any person in accordance with the provisions of Regulation 12 of these regulations. The loss of energy charge, in case of	<ul style="list-style-type: none"> •The conditions termed as meeting the requirement of irrigation, drinking water & religious obligations may also be treated under the spillage of water category. • The mechanism in case " If a buyer cannot be found or is not found for full quantum of power rendered surplus" may be devised in association with

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		Centre in which it is located, subject to the stipulations in the Central Electricity Regulatory Commission,(Unscheduled Interchange charges and related matters)Regulations, 2009, as amended from time to time. The loss of energy charge, in case of spillage of water, shall be made good from the revenue earned through sale of power and/or UI from injection of power rendered surplus due to regulation, on first charge, and the balance amount shall be adjusted in accordance with Regulation 13.	spillage of water, shall be made good from the revenue earned through sale of power rendered surplus due to regulation of power supply, on first charge, and the balance amount shall be adjusted in accordance with Regulation 13 of these regulations."	spillage of water or meeting the requirement of irrigation, drinking water & religious obligation, shall be made good from the revenue earned through sale of power rendered surplus due to regulation of power supply, on first charge, and the balance amount shall be adjusted in accordance with Regulation 13 of these regulations. If a buyer cannot be found or is not found for full quantum of power rendered surplus the generating station shall be compensated through a suitable mechanism to be incorporated in this Regulation / notified separately.	Grid Operator to utilize the regulated power by way of proper grid management. Alternatively, the energy charge may be adjusted in accordance with Regulation13.
5	Amendment to Regulation 16 of the Principal Regulations:	The generating company, as a result of reduction of open access shall be entitled to sell the power rendered surplus due to regulation of power supply, to any person including any of the existing beneficiaries, during the regulation of power supply. The revenue received on account of sale of this power shall be utilised in following sequence: a) to pay the energy charges and any incidental expenses, including trading margin if power is sold through a trader, of the generating	No change	The generating company, as a result of reduction of open access shall be entitled to sell the power rendered surplus due to regulation of power supply, to any person including any of the existing beneficiaries, during the regulation of power supply. The revenue received on account of sale of this power shall be utilised in following sequence: a (i) to pay the energy charges and any incidental expenses, including trading	In Principal Regulation, there is no clarity about adjustment and liability to pay loss of energy charges in case power is sold to any entity at less than Energy Charge Rate. Therefore, it is requested that the proposed provision may be added in Amendment. Further, the word Regulated Entity replaced with Defaulting Entity as in the proposed amendment, the word

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		<p>company</p> <p>b) to pay the outstanding dues of the transmission licensee.</p> <p>c) any remaining amount to be passed on to Regulated Entity.</p>		<p>margin if power is sold through a trader, of the generating company.</p> <p>The following new provision shall be added:</p> <p>a(ii) adjustment of loss of revenue in case power is sold at less than the Energy Charge Rate of the generating station or generic tariff of the renewable generating station, as the case may be.</p> <p>b) to pay the outstanding dues of the transmission licensee.</p> <p>c) any remaining amount to be passed on to Defaulting Entity.</p>	<p>'Regulated Entity' has been omitted.</p>
6	Amendment to Regulation 18 of the Principal Regulation:	<p>During regulation of power supply, through a hydro generating station, in order to avoid spillage of water, if a buyer cannot be found or is not found for the full quantum of power rendered surplus, the generating station can inject power under Unscheduled Interchange (UI) mechanism, if grid conditions allow, with the permission of the Regional Load Despatch</p>	<p>(1) Regulation 18 of the Principal Regulations shall be substituted as under: "18. During regulation of power supply from a hydro generating station, the Generating station may, in order to avoid spillage of water, sell the power rendered surplus, to any person in accordance with the provisions of Regulation 12 of these regulations. The loss of energy charge, in case of</p>	<p>During regulation of power supply from a hydro generating station, the generating station may, in order to avoid spillage of water or meeting the requirement of irrigation, drinking water & religious obligations sell the power rendered surplus, to any person in accordance with the provisions of Regulation 12 of these regulations. The loss of energy charge, in case of</p>	<ul style="list-style-type: none"> •The conditions termed as meeting the requirement of irrigation, drinking water & religious obligations may also be treated under the spillage of water category. • The mechanism in case " If a buyer cannot be found or is not found for full quantum of power rendered surplus" may be devised in association with

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		<p>Centre in which it is located, subject to the stipulations in the Central Electricity Regulatory Commission,(Unscheduled Interchange charges and related matters) Regulations, 2009, as amended from time to time. The loss of energy charge, in case of spillage of water, shall be made good from the revenue earned through sale of power and/or UI from injection of power rendered surplus due to regulation, on first charge, and the balance amount shall be adjusted in accordance with Regulation 16.</p>	<p>spillage of water, shall be made good from the revenue earned through sale of power rendered surplus due to regulation, on first charge, and the balance amount shall be adjusted in accordance with Regulation 16 of these regulations.”</p>	<p>spillage of water or meeting the requirement of irrigation, drinking water & religious obligation, shall be made good from the revenue earned through sale of power rendered surplus due to regulation of power supply, on first charge, and the balance amount shall be adjusted in accordance with Regulation 16 of these regulations. If a buyer cannot be found or is not found for full quantum of power rendered surplus the generating station shall be compensated through a suitable mechanism to be incorporated in this Regulation / notified separately.</p>	<p>Grid Operator to utilize the regulated power by way of proper grid management. Alternatively, the energy charge may be adjusted in accordance with Regulation16.</p>
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