

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 344/MP/2020**

Subject : Petition under Section 79 (1)(c) and (f) of the Electricity Act, 2003 seeking adjudication of transmission charges by Respondent No.1, MSETCL.

Date of Hearing : 25.8.2020

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

Petitioner : Ratnagiri Gas & Power Private Limited (RGPPL)

Respondents : Maharashtra State Electricity Transmission Company Limited (MSETCL) and 3 Ors.

Parties present : Ms. Swapna Seshadri, Advocate, RGPPL  
Shri Anand Ganesan, Advocate, RGPPL  
Shri Ashwin Ramanathan, Advocate, RGPPL  
Ms. Ritu Apurva, Advocate, RGPPL  
Shri Arvind Jhalani, RGPPL

**Record of Proceedings**

The matter was heard through video conferencing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking directions to the Respondent No.1, MSETCL to claim the transmission charges for 330 MW inter-State power from RGPPL to Indian Railways only at Rs.0.73 lakh/MW/month in terms of Western Regional Power Committee (WRPC) communication dated 17.8.2010 and to refund the transmission charges levied in excess of Rs.0.73 lakh/MW/month for the period from 1.4.2017 onwards along with interest. Learned counsel for the Petitioner further submitted as under:

(a) The Petitioner operates 1967.08 MW gas-based combined cycle power project out of which 95% of the power stands allocated to Maharashtra State Electricity Distribution Company Limited and the balance 5% is allocated to the Union territories of Daman & Diu (DD), Dadra & Nagar Haveli (DNH) and the State of Goa. However, at present 540 MW of its capacity has been allocated to Indian Railways out of MSEDCL's share for 5 years effective from 1.4.2017.

(b) The Petitioner has entered into a Power Purchase Agreement (PPA) with Indian Railways on 29.3.2017. In terms of the said PPA, the bills raised by STU/CTU towards transmission charges are first paid by the Indian Railways and thereafter the charges are deducted from the next bill to be paid to the Petitioner.



(c) The present Petition concerns transmission charges levied by MSETCL on 330 MW inter-State power from RGPPL (the Petitioner) to Indian Railways for use of MSETCL's transmission lines as an intervening transmission system.

(d) There are only two transmission lines which are being used by MSETCL for evacuation of power from RGPPL's generating station to CTU periphery, namely, Dabhol-Nagothane and Nagothane-Padghe transmission lines, which were commissioned in the years 2000 and 2001 respectively.

(e) On 17.8.2010, WRPC had communicated the manner of calculation of transmission charges for the transmission of RGPPL power to DD and DNH through the above transmission system. WRPC, after examining all details furnished by MSETCL, had identified the contract path for delivery of power to DNH and DD through Petitioner-Nagothane route and calculated the transmission charges @ Rs. 0.73 lakh/MW/month.

(f) The above methodology having been accepted by MSETCL, clearly suggests that the transmission charges for use of its network to deliver RGPPL's power outside the State is Rs.0.73 lakh/MW/month.

(g) However, the transmission charges being billed by MSETCL for inter-State supply to Indian Railways (330 MW) are much more than what are being levied on DD and DNH despite the fact that both the Indian Railways and DD&DNH use the same transmission lines for evacuation of power from RGPPL..

(h) The Petitioner through its various letters requested MSETCL to review the transmission charges being applied by it for conveying the inter-State power of Indian Railways. The matter was also discussed at CCM meetings. However, no response has been received from MSETCL so far.

3. In response to the Commission's specific query on the jurisdiction of the Commission, the learned counsel for the Petitioner submitted that use of MSETCL's transmission lines/ system is clearly as an intervening transmission system for supply of inter-State power (330 MW) to Indian Railways. Thus, the Commission has the jurisdiction in the present case under Section 79(1)(c) read with Section 35 and 36 of the Electricity Act, 2003. Learned counsel further submitted that the charges determined by WRPC for MSETCL's above transmission lines/systems are on the basis of methodology given by the Commission in its order dated 31.6.3009 in Petition Nos. 64 and 67 of 2008, regarding transmission charges for use of Gujarat transmission system for conveyance of Central Sector Power to Union Territory of DD and DNH.

4. After hearing the learned counsel for the Petitioner, the Commission directed to issue notice to the Respondents on admissibility of the Petition.

5. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately. The Respondents were directed to file their reply by 25.2.2021, with advance copy to the Petitioner, who may file its rejoinder, if any, by 15.3.2021. 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)**

