

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 497/MP/2020

- Subject : Petition under Section 79(1)(c), (d) and (f) of the Electricity Act, 2003 and Regulation 103A of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for clarification/direction 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 : 3.9.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Gujarat Urja Vikas Nigam Limited (GUVNL)
- Respondents : National Load Despatch Centre (NLDC) and Anr.
- Parties Present : Shri M. G. Ramachandran, Senior Advocate, GUVNL
Ms. Ranjitha Ramachandran, Advocate, GUVNL
Ms. Srishti Khindaria, Advocate, GUVNL
Shri K. P. Jangid, GUVNL
Shri Sanjay Mathur, GUVNL
Shri V. L. Lathia, GUVNL
Shri Sanny Machal, POSOCO
Shri Alok Kumar, POSOCO

Record of Proceedings

Case was called out for virtual hearing.

2. The learned senior counsel for the Petitioner submitted that the present Petition has been filed 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, consequent to the which the Petitioner has been moved from Slab IV to Slab III for the aforesaid period and has been subjected to the increased PoC charges. Learned senior counsel mainly submitted the following:

- (a) The Respondent No.1 (NLDC) has not accounted for certain Long Term Access ('LTA') capacity in the aggregate LTA of Gujarat.
- (b) There is a change in the LTA capacity of Gujarat before revision (5734 MW) and after revision (5721 MW). However, there is no explanation for such reduction in the LTA capacity.

(c) As per the Regional Transmission Account published by Western Region Power Committee based on which Power Grid Corporation of India Limited is raising transmission charges, LTA of Gujarat including embedded entities is shown as 5746.69 MW [Gujarat - 5618.81 MW; Indian Railways - 115 MW; and Heavy Water Plant of DAE - 12.88 MW]. It appears that NLDC has not accounted for the LTA of Heavy Water Plant of DAE.

(d) Considering the Gujarat LTA capacity at 5746.69 MW, Gujarat aggregated PoC rate works out Rs. 3,18,721 per MW which is lower than average of revised Slabs III and IV and accordingly, scaled slab rate of Gujarat works out to be Slab IV. A brief comparative statement indicating the LTA quantum calculation (as per the Petitioner and as per the Respondent No.1) and computations indicating the aggregate PoC rates and the applicable Slab rate at 5746.69 MW has also been submitted.

(e) An annexure has inadvertently been left out from the affidavit dated 30.9.2020 filed by the Petitioner. Accordingly, the Petitioner may be permitted to place on record the same.

3. The representative of the Respondent No.1 submitted that it has not excluded any LTA capacity. It was further submitted that NLDC has followed sharing mechanism as directed by the Commission in its order dated 6.11.2018 in Petition No. 261/MP/2017 (NTPC v. PGCIL and Ors.) for the generating station of Bharatiya Rail Bijlee Company Limited ('BRBCL'). Accordingly, LTA of 485.50 MW from BRBCL was considered for the beneficiaries and 50% of the transmission charges for Nabinagar-Sasaram transmission line were considered under PoC, whereas the balance 50% of the transmission charges for the said line were allocated to BRBCL. Accordingly, the corresponding LTA capacity of BRBCL was reduced as the transmission charges for half of such capacity are paid by BRBCL.

4. In response to the query of the Commission as to whether NLDC has filed reply to the Petition, the representative of NLDC replied in negative.

5. After considering the submissions of learned senior counsel for the Petitioner and the representative of NLDC, the Commission permitted the Petitioner to file its computation along with short note and the left out annexure within a period of ten days. The Respondent No.1, NLDC was directed to file its reply/ response thereon, giving the detailed reasoning/ clarification on the computation, within two weeks thereafter.

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)
Joint Chief (Law)