

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 175/MP/2021**

**Coram:**

**Shri P.K. Pujari, Chairperson**

**Shri I.S Jha, Member**

**Shri Arun Goyal, Member**

**Shri P. K. Singh, Member**

**Date of Order: 13<sup>th</sup> December, 2021**

**In the matter of:**

Petition under Section 79(1)(c) and 79(1)(k) of the Electricity Act, 2003 read with Clause 6.4.3 of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 seeking approval for scheduling of power for Chuzachen Hydro Electric Power Plant from Eastern Regional Load Dispatch Centre.

**And**

**In the matter of:**

**Gati Infrastructure Private Limited,**

14/19/2 Old Delhi Gurgaon Road,

Opposite Hira Public School, Samalkha,

New Delhi – 110 037.

**...Petitioner**

**Vs**

**1. Eastern Regional Load Dispatch Centre,**

14, Golf Club Road, Tollygunj,

Kolkata – 700 033.

**2. Government of Sikkim,**

Energy and Power Department,

Arithang, East District, NH-31A, DPH Road,

Gangtok, Sikkim – 737 101.

**3. Eastern Regional Power Committee,**

Secretariat, 14<sup>th</sup> Golf Club Road, Tollygunj,

Kolkata – 700 033.

**...Respondents**

**Parties Present:**

Shri Tabrez Alawat, Advocate, Gati Infrastructure

Shri Syed Hamza, Advocate, Gati Infrastructure

Shri Nadim Ahmad, ERLDC

Shri Debajyoti Majumder, ERLDC

Shri Gajendra Sinha Vasava, ERLDC



## ORDER

The Petitioner, Gati Infrastructure Private Limited, has filed the present Petition under Section 79(1)(c) and Section 79(1)(k) of the Electricity Act, 2003 (hereinafter referred to as 'the Act') and Regulation 6.4.3 of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 (hereinafter referred to as 'the Grid Code') seeking approval for scheduling of power for Chuzachen Hydro Electric Power Plant from Eastern Regional Load Dispatch Centre. The Petitioner has made the following prayers:

*“(a) Allow the Petition and approve scheduling of the power of the Petitioner Plant’s 110 MW (2×55 MW) Chuzachen Hydro Electric Plant through the Eastern Regional Load Dispatch Centre; and*

*(b) Pass such other or further order as this Commission deem think fit in the eyes of justice.”*

2. The matter was called out for admission through virtual hearing on 7.12.2021.
3. During the course of hearing, the learned counsel for the Petitioner submitted that the present Petition has been filed seeking approval for scheduling of power from 110 MW (2×55 MW) Chuzachen Hydro Electrical Plant (in short, 'the Hydro Electric Plant') through Eastern Regional Load Dispatch Centre ('ERLDC'). The learned counsel submitted that presently the Hydro Electric Plant is an embedded entity of the Respondent No. 2, State of Sikkim. However, since the Respondent No. 2 is not equipped to schedule power from the Hydro Electric Plant, the Petitioner has sought approval of the Commission, under Regulation 6.4.3 of the Grid Code, for scheduling of power from the Hydro Electric Plant through ERLDC even though the same is not directly connected to Inter-State Transmission System.
4. In response to query of the Commission regarding arrangement of supply and scheduling of power since the Commercial Operation Date of the Hydro Electric Plant, the learned counsel submitted that the Hydro Electric Plant of the Petitioner achieved the commercial operation on 18.5.2013 and up to 2018, the Petitioner was

undertaking various merchant transactions on bilateral basis. The Petitioner has submitted that thereafter it entered into long-term Power Purchase Agreement for supply of power with Haryana Power Purchase Centre. The learned counsel further informed that currently the scheduling of the power from the Hydro Electric Plant is already being carried out through ERLDC.

5. In response to further query of the Commission regarding difficulties being faced by the Petitioner in scheduling power from the Hydro Electric Plant over past 8 years for contending that Respondent No. 2 is not equipped to schedule such power, the learned counsel submitted that in this regard, the Respondent No. 2 may be directed to file the reply. The learned counsel submitted that Respondent No. 2 has already issued 'No Objection Certificate' (NOC) for scheduling of power from the Hydro Electric Plant through ERLDC and further as evident from the minutes of 37<sup>th</sup> Commercial Sub-Committee meeting held on 11.6.2018, 38<sup>th</sup> TCC meeting held on 29.6.2018 and 38<sup>th</sup> ERPC meeting held on 30.6.2018, all the parties were agreeable to the proposal of the Petitioner.

6. We have considered the submissions made by the learned counsel for the Petitioner. We observe that the Petition in its present form is incomplete and bereft of material details/information, as listed below, on the basis of which the Petitioner has prayed for reliefs sought by it:

(a) Despite having contended that the Respondent No. 2 is not equipped to schedule power from the Hydro Electric Plant and thereby invoking the power of the Commission under Regulation 6.4.3 of the Grid Code citing the reasons of operational expediency, the Petition fails to specifically lay down the

adverse circumstances/ difficulties having faced by the Petitioner over past 8 years since the commercial operation of date.

(b) The Petitioner has not brought out the fact in its Petition or submissions as to since when ERLDC has been scheduling power from the Hydro Electric Plant.

(c) Though the Hydro Electric Plant is an embedded entity of the State of Sikkim, the Petitioner has not mentioned the provisions under which ERLDC has been scheduling power from the Hydro Electric Plant.

(d) The Petitioner has merely relied upon the NOC issued by the Respondent No.2 and minutes of various meetings. However, the NOC issued by Respondent No.2, which dates back to 12.1.2018, clearly indicates that the NOC granted was for a temporary period till commissioning of 132 kV GIS bays at New Rangpo 400/220/132 kV Pooling Station of Power Grid Corporation of India Ltd. (PGCIL) or till further instructions.

(e) The Petitioner has relied upon a conditional NOC issued in 2018 but not furnished the current status of 132 kV GIS bays at New Rangpo 400/220/132 kV Pooling Station of PGCIL or the status of NOC as it stands now.

7. In view of the above, the Commission observed that it is not inclined to admit the Petition in its present form. The learned counsel for the Petitioner submitted that it would rectify the Petition by incorporating all the required details. Accordingly, the Petitioner is directed to approach the Commission within fifteen (15) days from the date of this order with amended Petition complete in all respect along with requisite details.

8. Petition No. 175/MP/2021 will be listed for hearing on admission in due course.

Sd/-  
**(P.K. Singh)**  
Member

sd/-  
**(Arun Goyal)**  
Member

sd/-  
**(I.S. Jha)**  
Member

sd/  
**(P.K. Pujari)**  
Chairperson