

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. : 104/MP/2018

Subject : Petition under Section 79(1)(c) and (f) and other applicable provisions of the Electricity Act, 2003 seeking directions against the direct bilateral billing of transmission charges by the Respondent No.1, NRSS XXXI (A) Transmission Limited on the Petitioner for the transmission system established in the State of Himachal Pradesh.

Date of Hearing : 14.6.2022

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

Petitioner : Himachal Pradesh State Electricity Board (HPSEB)

Respondents : Powergrid Kala Amb Transmission Ltd.(PAKTL) formerly known as (NRSS XXXI (A) Transmission Ltd.)

Parties present : Shri Anand K. Ganesan, Advocate, HPSEBL
Shri Shubham Arya, Advocate, PAKTL (NRSS)
Ms. Poorva Saiga, Advocate, PAKTL (NRSS)
Shri Ravi Nair, Advocate, PAKTL (NRSS)
Shri Nipun Dave, Advocate, PAKTL (NRSS)
Ms. Reeha Singh, Advocate, PAKTL (NRSS)
Shri Swapna Seshadri Advocate, HPPTCL
Shri Mansoor Ali Shoket, Advocate, TPDDL
Shri Nitin Kala Advocate, TPDDL
Shri Kunal Singh Advocate, TPDDL
Ms. Adya Verma, PAKTL (NRSS/PKA)
Ms. Supriya Singh, PAKTL (NRSS)
Shri V.C. Sekhar, PAKTL (NRSS)
Shri Prashant Kumar, PAKTL (NRSS)
Shri Arjun Malhotra, PAKTL (NRSS)
Ms. Shefali Sobti, TPDDL



Record of Proceedings

The matter was called out for virtual hearing.

2. The Petitioner has filed instant petition seeking declaration that the PAKLT/NRSS, Respondent No.1 is not entitled to the recovery of the entire YTC from the scheduled COD of the transmission system from the Petitioner. The Commission vide its order dated 18.9.2018 in Petition No.104/MP/2018 held that the Petitioner is liable to pay 84.5% of the charges on bilateral basis to Respondent No.1 till the completion of downstream assets under the scope of the Petitioner and the balance 15.5% would be included in the PoC mechanism as per the Sharing Regulations. Aggrieved by the order dated 18.9.2018, Petitioner filed Appeal No. 343 of 2018 before the APTEL and APTEL vide its judgment dated 9.5.2022 allowed the Appeal and remanded the matter to Commission for determination of mode of recovery of transmission charges. In view of the APTEL's judgment dated 9.5.2022, the matter is listed for hearing.

3. The learned counsel for the Petitioner submitted that APTEL in its judgment dated 9.5.2022 in Appeal No.343 of 2018 while considering the issue of mode of recovery of transmission charges to be recovered by the Transmission Service Provider (TSP) for the Kala Amb Transmission system has set aside the Commission's order dated 18.9.2018 and has held that the transmission charges be recovered under the PoC mechanism. Accordingly, he prayed to the Commission that 84.5% of the transmission charges paid by the Petitioner in terms of the bilateral bills issued by the Respondent No.1 be refunded along with the interest amount.

4. The learned counsel appearing on behalf of Respondent No.1 submitted that it is concerned with recovery of transmission charges either from the Petitioner or through the PoC mechanism. He submitted that bills have been issued for the month of April and May and the due date for the April instalment of transmission charges is also approaching. He further submitted that NRSS is also entitled to receive Late Payment Surcharge (LPS) of ₹2 crore for which a statement evidencing LPS amount can be placed on record. Accordingly, he requested the Commission to address these aspects while issuing the order.

5. The learned counsel appearing on behalf of Himachal Pradesh Power Transmission Corporation Limited (HPPTCL), Respondent No. 23 submitted that it does not have any objection if the transmission charges are recovered through PoC mechanism instead of charging the same from a single utility.

6. The learned counsel appearing on behalf of Tata Power Delhi Distribution Limited (TPDDL), Respondent No. 17 also adopted the same line of submissions.



7. In response to a query of the Commission regarding whether the downstream assets have been executed, the learned counsel for the Petitioner submitted that due to severe RoW issues, the downstream assets are still not ready.

8. After hearing the parties, the Commission reserved its order in the matter.

By order of the Commission

Sd/-
(V. Sreenivas)
Joint Chief (Law)

