

CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi

Petition No. 113/MP/2020

- Subject** : Petition under Section 79(1)(c) and (f) of the Electricity Act, 2003 read with the provisions of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 to set aside the bill dated 1.1.2020 of the Central Transmission Utility (PGCIL) towards Transmission Charges (POC and HVDC charges) as well as the Notice for Regulation of Power Supply dated 3.1.2020.
- Date of Hearing** : 15.12.2022
- Coram** : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner** : KSK Mahanadi Power Limited (KMPL)
- Respondents** : Power Grid Corporation of India Limited (PGCIL) and 4 Ors.
- Parties Present** : Shri Anand K. Ganesan, Advocate, KMPL
Ms. Swapna Seshadri, Advocate, KMPL
Shri Ashwin Ramanathan, Advocate, KMPL
Ms. Suparna Srivastava, Advocate, CTUIL
Shri Tushar Mathur, Advocate, CTUIL
Shri Ajay Upadhyay, CTUIL
Shri Hari Babu, CTUIL
Shri Yogeswar, CTUIL

Record of Proceedings

KSK Mahanadi Power Limited has filed the present petition for setting aside the bill dated 1.1.2020 of CTUIL towards transmission charges as well as the notice for Regulations of Power Supply dated 3.1.2020.

2. The learned counsel for the Petitioner submitted that the Petitioner has filed the information sought by the Commission and has placed the Minutes of Meeting (MoM) dated 17.6.2021 vide affidavit dated 12.8.2021. The Petitioner has challenged the incorrect and illegal billing done by CTUIL contrary to the Commission's directions in orders dated 13.5.2019 and 31.7.2019 in Petition No. 20/RP/2018 and Petition No. 3/RP/2019 respectively. The learned counsel contended that instead of raising fresh



bill for transmission charges from April 2018 onwards, CTUIL raised a bill on 1.1.2020, giving a credit of the difference between the rates wrongly charged by it and the rates as determined by the Commission and has charged late payment surcharge (LPS) from the due dates of old bills.

3. The learned counsel for the Petitioner submitted that the raising of adjustment credit bills by CTUIL and computation of surcharge is disputed by the Petitioner. CTUIL is seeking LPS on amounts which were never due and payable by the Petitioner. LPS can be charged only in respect of the non-payment or delay in payment in respect of monthly transmission charges as determined by the Commission and indicated in the revised bill dated 1.1.2020 and cannot be on the higher charges which was never due. Therefore, the limited issue before the Commission is with respect to methodology adopted by CTUIL for LPS computation.

4. The learned counsel for CTUIL submitted that bills were raised during April, 2018 and September, 2019 on the Petitioner on the basis of the inputs from Regional Power Committees (RPCs) in accordance with the Commission's Regulations and procedure made thereunder. Any non-payment by a DIC shall lead to deficit in the recovery of PoC charges in the pool thereby affecting the revenues of licensees and such shortfall attracts levy of surcharge as per the Regulations. Accordingly, upon issuance of order dated 13.5.2019 and 31.7.2019 in Petition No. 20/RP/2018 and Petition No. 3/RP/2019 respectively and subsequent revision of RTA's, CTUIL could raise only credit bills for the differential charges as raising of fresh bills is not prescribed in the Regulations. She submitted that a meeting was convened wherein the Petitioner agreed that there is no issue with respect to the principal transmission charges and it has already been reconciled. She submitted that CTUIL has apprised the Petitioner about the rationale and the Regulations/ provisions on the basis of which surcharge has been levied. She suggested that the Petitioner and CTUIL may again sit together to address the issue arising from the instant petition and resolve the said issue.

5. After hearing the parties, the Commission directed CTUIL to convene meeting(s) with the Petitioner within 30 days to address the issues raised by the Petitioner and submit the minutes of the meeting(s) before the next date of hearing.

6. The matter shall be listed for hearing on 19.1.2023 for further consideration.

By order of the Commission

sd/-

(V. Sreenivas)
Joint Chief (Law)

