

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 261/MP/2019

Subject : Petition under Regulation 12 of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014 as amended from time to time read with the Central Electricity Regulatory Commission (Cross Border Trade of Electricity) Regulations, 2019.

Date of Hearing : 18.10.2022

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

Petitioner : PTC India Limited (PTC)

Respondents : National Load Despatch Centre and 6 Ors.

Parties Present : Shri Ravi Kishore, Advocate, PTC
Shri Keshav Singh, Advocate, PTC
Shri Navin Prakash, Advocate, BSPHCL
Shri Alok Mishra, POSOCO

Record of Proceedings

The learned counsel for the Petitioner submitted that present Petition has been filed seeking relaxation to the effect that the provisions of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2014 ('DSM Regulations') shall not be applicable to the power exported from the Mangdechhu Hydro Electric Project (HEP) located in Bhutan to India. The learned counsel further referred to the Petition and mainly submitted as under:

(a) Government of India and Royal Government of Bhutan signed an agreement dated 30.4.2010 regarding Mangdechhu HEP wherein the Royal Govt. of Bhutan has agreed to sale the surplus power from the said HEP to the Govt. of India. The Mangdechhu HEP has been implemented under inter-governmental mode by the Royal Govt. of Bhutan and Govt. of India.

(b) The power from the said HEP has been allocated by the Ministry of Power, Government of India vide its letter dated 20.12.2018, which was subsequently amended vide letter dated 7.3.2019, to the States of Assam, Bihar, Odisha, and West Bengal. Moreover, the Ministry of Power, vide letter dated 6.5.2019, designated the PTC as a nodal agency for transfer of power from Mangdechhu HEP to India.

(c) Pursuant to the above, the Ministry of Power vide letter dated 6.8.2019 to this Commission had, *inter-alia*, conveyed that the Royal Government of Bhutan had expressed its reservation on applicability of DSM on power to be exported to India from Mangdechhu HEP and thus, the PPA for Mangdechhu HEP was yet to be concluded. Accordingly, the Ministry of Power advised the Commission that the



necessary exemption may be provided to Mangedchhu HEP from the provision of the DSM Regulations for the power exported to India.

(d) The Commission vide order dated 11.9.2014 in Petition No. 187/MP/2014 in the matter of TPTCL v. NLDC and Ors., has already considered the arrangement for energy accounting/settlement (on actual basis) for certain HEPs, namely, Tala, Chuka & Kurichhu HEPs located in Bhutan and that similar dispensation may be adopted in the present case.

(e) The PPA has already been entered into between the Petitioner and the nodal agency on behalf of the Royal Government of Bhutan for Mangdechhu HEP and supply under the PPA has also started from 2019. Currently, such supply is subjected to the same methodology as the other HEPs, namely, Tala HEP, Chukha HEP & Kurichhu HEP as considered by the Commission in its order dated 11.9.2014.

2. The representative of the Respondent, NLDC submitted that NLDC has already filed its reply in the matter and the same may be considered.

3. The learned counsel for the Respondents, Bihar Utilities, submitted that the Petitioner ought to submit the details regarding status of the PPA and settlement methodology already under implementation, etc. as these are not forthcoming from the Petition. The learned counsel added that while relaxing the provisions of the DSM Regulations for Mangdechhu HEP, the aspect of grid discipline also ought to be considered.

4. Considering the submissions made by the parties, the Petitioner was directed to submit the details of PPAs and methodology already under implementation within two weeks. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**