

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 380/MP/2019**

- Subject : Petition under Section 29(5), 79(1)(c) and 79(1)(k) of the Electricity Act, 2003 read with Regulations 6.4.2(c)(iii), 7(1) and 7(3) of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 seeking directions for shifting of Control Area from Eastern Load Despatch Centre to Odisha State Power Load Despatch Centre and operating the bus coupler between the Petitioner's 2×660 MW Units (viz. Unit 3 and 4) in closed condition for the common bus mode operation.
- Petitioner : Odisha Power Generation Corporation Limited (OPGCL)
- Respondents : State Load Despatch Centre, Odisha and Ors.

**Petition No. 334/MP/2019**

- Subject : Petition under Section 29 of the Electricity Act, 2003, Regulation 2.3.1(5), 2.3.1(6) and 2.3.1(7) of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 and Regulation 8(6) of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 and Regulation 6 and Regulation 8 of the Central Electricity Authority (Grid Standards) Regulations, 2010 with Regulation 1.5 of the Indian Electricity Grid Code, Section 29(6) and Section 142 of the Electricity Act, 2003.
- Petitioner : Eastern Regional Load Despatch Centre (ERLDC)
- Respondent : Odisha Power Generation Corporation Limited and Ors.
- Date of Hearing : 12.4.2022
- Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Parties Present : Shri Sitiesh Mukherjee, Advocate, OPGC  
Shri Deep Rao, Advocate, OPGC  
Shri Arjun Agarwal, Advocate, OPGC  
Ms. Suparna Srivastava, Advocate, PGCIL/CTUIL  
Shri Tushar Mathur, Advocate, PGCIL/CTUIL  
Ms. Soumya Singh, Advocate, PGCIL/CTUIL  
Shri Arijit Maitra, Advocate, GRIDCO  
Shri Hemant Singh, Advocate, OGPTL  
Shri Lakshyajit Singh Bagdwal, Advocate, OGPTL



Shri Mridual Chakravarty, Advocate, OGPTCL  
Ms. Lavanya Panwar, Advocate, OGPTL  
Shri Sakesh Kumar, Advocate, OPTCL  
Shri Swapnil Verma, CTUIL  
Shri V.Sriniwas, CTUIL  
Shri Siddharth Sharma, CTUIL  
Shri Shyam Sunder Goyal, CTUIL  
Shri Ranjeet Singh Rajput, CTUIL  
Shri Rajesh Kumar, CTUIL  
Shri Nadim Ahmad, ERLDC  
Shri Bilas Achari, ERLDC  
Shri Debajoyti Majumder, ERLDC  
Shri Shyam Kejriwal. ERPC  
Shri Shishir Kumar Pradhan. ERPC  
Shri B. B. Mehta, SLDC Odisha

### **Record of Proceedings**

Cases were called out for virtual hearing.

2. Learned counsel for OPGCL submitted that the Petition No. 380/MP/2019 has been filed *inter alia* seeking approval of the Commission to operate both the Units (Units 3 and 4 of 660 MW each) under a common bus arrangement mode by closing the bus coupler at its switchyard which is necessary in order to supply the entire power to the sole beneficiary, GRIDCO Ltd. through STU's network. The learned counsel mainly submitted the following:

(a) In compliance with the directions of the Commission vide Record of Proceedings ('RoP') for the hearing dated 10.3.2022, the Petitioner has filed the additional details/information called for. Further, as per the direction of the Commission, CTUIL has filed re-computed relinquishment charges keeping in view the direction contained in the order dated 8.3.2019 in Petition No. 92/MP/2015 and judgment of APTEL dated 21.10.2020 in Appeal No. 16 of 2020.

(b) As regards the transmission charges payable by the Petitioner for OPGC-Jharsuguda line, the APTEL in its judgment dated 21.10.2020 has held that for the period between 30.8.2017 to 22.11.2017, the Petitioner and PGCIL shall bear the transmission charges in 50:50 ratio as both the entities have caused delay in utilisation of the said line. Thereafter, for the period between 23.11.2017 to 26.12.2018, the entire transmission charges for the said line are to be borne by the Petitioner and after 26.12.2018, the OPGC-Jharsuguda line is to be treated as an ISTS line, which is to be serviced by PoC Pool.

(c) OPGCL has already paid its entire liability of Rs. 14 crore towards transmission charges of OPGC-Jharsuguda line for the period between 30.8.2017 to 26.12.2018 on 18.1.2020, which has also been recorded in the judgment of APTEL.

(d) In addition to the above, invoices for transmission charges have also been raised on OPGCL for PGCIL's 2 Nos. of 400 kV line bays at Jharsuguda sub-station pursuant to the Commission's order dated 14.2.2019 in Petition No. 59/TT/2018. While the original amount was Rs. 18.93 crore, the re-computed amount as indicated by CTUIL in its additional affidavit is Rs.10.65 crore. However, according to OPGCL, there is still an anomaly in the said amount as

the relevant period has been considered from 23.11.2017 to 20.8.2019, whereas in terms of the judgment of APTEL dated 21.10.2021, transmission charges cannot be allocated to the Petitioner after 26.12.2018. According to OPGCL, the aforesaid amount would work out to approximately Rs.6 crore. While the Commission's order dated 14.2.2019 in Petition No.59/TT/2018 has been challenged by OPGCL before the APTEL in Appeal No. 230 of 2019, in absence of any stay, OPGCL is ready to pay the aforesaid amount for PGCL's line bays from 23.11.2017 to 26.12.2018 without prejudice and subject to the outcome of Appeal No. 230 of 2019.

(e) As regards relinquishment charges, CTUIL, in terms of direction of the Commission vide RoP for the hearing dated 10.3.2022, has now re-computed the amount as Rs. 15.44 crore (as against the claim of Rs. 112.88 crore). However, presently, in Appeal No. 322 of 2019 filed by OPGCL contesting the methodology for calculation of relinquishment charges as per the Commission's order dated 8.3.2019 in Petition No. 92/MP/2015, CTUIL has undertaken that it will not take any coercive action against OPGCL in view of the order of APTEL dated 8.10.2020 passed in Appeal No. 251 of 2019.

(f) OPGCL has furnished a bank guarantee of Rs. 30.90 crore with CTUIL which will cover the transmissions charges for the bays and the relinquishment charges.

(g) As regards the connectivity, OPGCL had sought for and accordingly, had been granted the connectivity for 618 MW for its entire 2x660 MW plant. The said connectivity was not unit-specific. Reliance was placed on its connectivity application dated 22.12.2011 (CON-2) and CON-5 issued by CTUIL.

3. The learned counsel for the Respondent, CTUIL submitted that CTUIL will look into its re-computed transmission charges for bays for any anomaly cited by OPGCL and will file the modified affidavit, if required. The learned counsel also informed that they are re-assessing the relinquishment charges further. The learned counsel submitted that CTUIL, in its reply, has already submitted that the OPGC-Jharsuguda line cannot be treated as tie line. The learned counsel further submitted that during the course of previous hearing, CTUIL had also pointed out that OPGCL ought to relinquish its connectivity to ISTS to which OPGCL had also agreed to the same.

4. In response, the learned counsel for OPGCL submitted that OPGC-Jharsuguda line is presently being used as a tie line for Odisha and it being an ISTS line, the transmission charges thereof are being recovered from the PoC Pool. Thus, the PoC Pool and the ISTS grid are currently getting the benefit of the use of the OPGC-Jharsuguda line being treated as a tie line. The learned counsel added that as such OPGCL does not require the said line, however, upon its disconnection, the said line may become stranded asset. Therefore, the OPGC-Jharsuguda line may be treated as a tie-line.

5. The learned counsel for the Respondent, GRIDCO submitted that GRIDCO has already filed its reply in the matter. The learned counsel further submitted that in terms of the contractual provisions and the notification of the Government of Odisha, the OPGCL, GRIDCO and OPTCL were required to ensure evacuation of the entire capacity of expansion project (Units 3 & 4) of OPGCL through STU-OPTCL network and for that purpose a system study was also conducted by OPTCL for Unit 3 & Unit 4 to be operated in bus coupler closed condition where upon it has been concluded

that its network was adequate. The learned counsel further submitted that the affidavit filed by ERLDC dated 28.3.2022 also supports the above position.

6. The representative of ERLDC submitted that the Commission may issue an appropriate direction with regard to treatment of OPGCL, whether it shall be treated as regional entity or State entity, for the purpose of deviation settlement and charges for the period between 28.8.2019 to 29.10.2019. In response, the learned counsel for OPGCL submitted that the closure of bus coupler by OPGCL has been regularised subsequently.

7. After hearing the learned counsel for the parties and the representative of ERLDC, the Commission permitted the CTUIL to file a modified affidavit, if any, within a week.

8. Subject to the above, the Commission reserved the matter for order.

**By order of the Commission**

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