

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.** : 451/MP/2019

**Subject** : Petition under Section 79(1)(f) of the Electricity Act, 2003 in compliance of directions issued by the Commission vide order dated 10.5.2019 in Petition No. 65/RP/2016, Petition No. 66/RP/2016, Petition No.18/RP/2017 and Petition No.19/RP/2017 for payment of Transmission Charges for the period from 1.11.2011 to 24.5.2012 for power evacuation from the Budhil Hydro Electric Project in Himachal Pradesh.

**Date of Hearing** : 27.9.2022

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

**Petitioner** : Power Grid Corporation of India Limited (PGCIL)

**Respondents** : NHPC Limited and Ors.

**Parties present** : Ms. Suparna Srivastava, Advocate, PGCIL  
Ms. Aastha Jain, Advocate, PGCIL  
Ms. Somya Singh, Advocate, PGCIL  
Shri Buddy Ranganathan, Advocate, Greenko Budhil Hydro Power Pvt. Ltd. (GBHPPL)  
Shri Hemant Singh, Advocate, GBHPPL  
Shri Lakshyajit Singh Bagdwal, Advocate, GBHPPL  
Shri Alchithapliyal, Advocate, GBHPPL  
Shri Yogeshwar, PGCIL

**Record of Proceedings**

The learned counsel for the Petitioner submitted that the instant petition has been filed pursuant to directions/orders issued by the Commission vide order dated 16.11.2012 in Petition No. 92/TT/2011 and order dated 10.5.2019 in Petition Nos. 65/RP/2016, 66/RP/2016, 18/RP/2017 and 19/RP/2017. The gist of the submissions made by learned counsel for the Petitioner are as follows:

- a) Lanco Green Power Private Limited (LGPPL) owned and operated a 70 MW Hydro Power Plant located at Budhil Village in Chamba District, Himachal Pradesh ( "Budhil HEP"). GBHPPL (Greenko Budhil Hydro Power Pvt. Ltd.), took over the Budhil HEP from LGPPL in the year 2014-15
- b) LGPPL, through PTC India Ltd. (PTC), made an application to PGCIL for grant of long-term open access (LTOA) for evacuation and sale of power from the Budhil HEP.



- c) Accordingly, Tripartite BPTA dated 18.10.2007 was executed between LGPPL, PTC and PGCIL. LGPPL was required to construct a dedicated transmission line from Budhil HEP to the nearest pooling station of PGCIL. On the other hand, PGCIL was required to construct the 400/220 kV pooling station near Chamera-II HEP of NHPC. It was further agreed in the BPTA that the transmission charges for 400/220 kV pooling station and its 400 kV connectivity to Chamera-II HEP of NHPC would be borne by LGPPL till the time Chamera-III of NHPC was commissioned.
- d) PGCIL filed Petition No.92/TT/2011 for approval of transmission charges for (a) 400 kV D/C transmission line from GIS Pooling Station Chamba-Jalandhar, (b) 220 kV D/C transmission line from GIS Pooling Station Chamba-Chamera HEP and (c) Jalandhar Sub-station Extension under Transmission System associated with Chamera-III HEP for 2009-14 period. The Commission vide order dated 16.11.2012 granted tariff for these assets and the Commission observed that the transmission charges for the assets would be borne by Lanco Green Power Private Ltd. (as PTC/ LANCO) in line with the BPTA dated 18.10.2007 signed between the Petitioner and PTC/ LANCO till they become part of the regional system. Based on the order dated 16.11.2012, PGCIL raised bilateral bills/ invoices in July, 2014, July, 2015 and May, 2016 on GBHPPL in terms of the BPTA dated 18.10.2007 towards transmission charges for the period between November, 2011 and June, 2012.
- e) Subsequently, PGCIL filed Petition No. 18/TT/2015 for truing up the tariff for the transmission assets under the 2009 Tariff Regulations and for grant for the tariff for the 2014-19 tariff period under the 2014 tariff Regulations. The Commission vide order dated 23.2.2016 trued up the tariff and determined the transmission charges for the 2014-19 tariff period.
- f) Aggrieved by the order dated 16.11.2012 in Petition No. 92/TT/2011 and order dated 23.2.2016 in Petition No. 18/TT/2015, GBHPPL filed Review Petition No.18/RP/2017 against the invoices issued by the Petitioner.
- g) GBHPPL has paid Rs. 6 crore out of the outstanding transmission charges of Rs. 30 crore and a Bank Guarantee of Rs.10 crore has been furnished by the GBHPPL to PGCIL for the balance amount.
- h) In terms of the BPTA, GBHPPL had undertaken the liability to bear the transmission charges till the time Chamera-III of NHPC was commissioned. Accordingly, Petitioner initially did not implead NHPC.
- i) There was a scheduled and agreed timeline for commissioning of generation of the Budhil HEP of LGPPL, Chamera-III HEP of NHPC and associated transmission assets by PGCIL in terms of BPTA dated 18.10.2007.
- j) The transmission assets under the scope of PGCIL were constructed for evacuating power from Budhil HEP of LGPPL and Chamera-III HEP of NHPC and they were scheduled to be put into commercial operation on 1.4.2010. Budhil HEP of LGPPL and Chamera-III HEP of NHPC were anticipated to be commissioned by December, 2009 and August, 2010 respectively.



- k) LGPPL made a request to PGCIL for pre-ponement of the date of COD of the 440/220 kV pooling station as the Budhil HEP was anticipated to commence generation and supply of power in 2008-09. PGCIL agreed to pre-pone the establishment of 440/220 kV Chamera-II pooling station to match with the commissioning of the Budhil HEP. However, neither Budhil HEP of LGPPL nor the Chamera-III HEP of NHPC nor the transmission system of PGCIL could achieve COD as scheduled.
- l) The units of GBHPPL were commissioned in two different two phases. First unit was commissioned on 25.5.2012 and second unit was commissioned on 30.5.2012. The transmission system of the Petitioner was ready on 1.11.2011 and Chamera-III HEP of NHPC was commissioned in June 2012 which was originally envisaged to come in August, 2010.
- m) The Commission vide order dated 10.5.2019 in Petition No.18/RP/2017 observed that NHPC was not a party in the Petition No. 92/TT/2011. Accordingly, PGCIL was directed to file a fresh petition for determining the issue of sharing of transmission charges from 1.11.2011 to 24.5.2012, impleading GBHPPL and NHPC. Accordingly, the Petitioner has filed the instant petition impleading GBHPPL and NHPC.

2. Learned counsel for the GBHPPL, Respondent No.2, made the following submissions:

- a) The directions issued by Commission on the issue of payment of transmission charges by GBHPPL in Petition No. 18/RP/2017 has been challenged by GBHPPL before the Hon'ble Appellate Tribunal for Electricity (APTEL) by way of appeals, being Appeal Nos. 69, 70, 71 and 72 of 2020 and the said appeals on the issue of exclusive levy of transmission charges is pending adjudication.
- b) GBHPPL moved an application before APTEL for stay of the instant proceedings before the Commission, however APTEL vide order dated 16.9.2022, directed GBHPPL to approach the Commission for seeking appropriate directions. Pursuant to the directions of the APTEL, GBHPPL has filed I.A. bearing Diary No. 402/2022 seeking directions that in terms of the order dated 31.5.2018 in Petition No. 190/MP/2016, the LTTC under the BPTA is PTC India Ltd and not GBHPPL and the Petitioner cannot be made liable for payment of transmission charges and has also challenged the exclusive levy of transmission charges. He requested the Commission to take on record and consider the I.A.
- c) In order dated 31.5.2018 in Petition No 190/MP/2016, the Commission has observed that the liability for payment of LTA charges remains with PTC till the time the LTA is relinquished in accordance with the provisions of the BPTA.

3. In response, the learned counsel for the Petitioner submitted that the present application i.e. Diary No. 402/2022 filed by GBHPPL is to delay the instant proceedings. The instant petition was filed in the year 2019 and was admitted on 14.1.2020 and till date no reply has been filed by the Respondents. She submitted that the GBHPPL did not raise the issue of PTC is liable for payment of transmission charges in Review Petition No. 18/RP/2017. She further submitted that BPTA provides for the liability of payment of transmission charges prior to LTA operationalization and



after LTA operationalization. Learned counsel for PGCIL requested for time to file reply to the IA filed by GBHPPL.

4. After hearing the parties, the Commission directed the staff to register the IA and also admitted the IA. The Commission directed GBHPPL/ Applicant to serve the copy of the IA on the Petitioner, if not served already. The Commission directed the respondents to file their reply to both the petition and the IA by 14.10.2022, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 26.10.2022. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with and no extension of time shall be granted.

5. The Petition along with the I.A shall be listed for hearing on 15.11.2022.

**By the order of the Commission**

**sd/-**

V. Sreenivas  
Joint Chief (Law)

