

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 627/MP/2020**

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

**Date of Order: 24<sup>th</sup> January, 2022**

**In the matter of:**

Petition under Sections 79 (1)(c) and (d) of the Electricity Act, 2003 read with Regulations 11(4) and other Regulations of the Central Electricity Regulatory Commission (Sharing of Inter State Transmission Charges and losses) Regulations 2010 as amended by the third amendment effective 01.04.2016 and orders, for directions in regard to the levy and collection of charges and losses from the petitioners for the 500 kV Bipole Mundra – Mohindergarh HVDC Transmission Line along with its associated facilities.

**And**

**In the matter of:**

1. Haryana Power Purchase Centre,  
Shakti Bhawan,  
Sector -6,  
Panchkula (Haryana)
2. Uttar Haryana Bijli Vitaran Nigam Limited,  
Vidyut Sadan,  
Plot No. C-16, Sector 6,  
Panchkula, Haryana- 134112
3. Dakshin Haryana Bijli Vitran Nigam Limited,  
Vidyut Nagar, Vidyut Sadan,  
Hissar, Haryana- 125
4. Haryana Vidyut Prasaran Nigam Limited,  
Shakti Bhawan,  
Sector -6, Panchkula (Haryana)

**...Petitioners**

## **Versus**

1. National Load Despatch Centre,  
Power System Operation Corporation Limited,  
B-9 (1st Floor), Qutab Institutional Area, Katwaria Sarai,  
New Delhi 110016
2. Central Transmission Utility,  
Power Grid Corporation of India Limited,  
“Saudamini” Plot No.2, Sector -29,  
Gurgaon – 122 001, Haryana
3. Power Grid Corporation of India Limited,  
“Saudamini” Plot No.2, Sector -29,  
Gurgaon – 122 001, Haryana
4. Northern Regional Load Dispatch Centre,  
18-A, Shaheed Jeet Singh Sansalmal Marg, Katwaria Sarai,  
New Delhi-110 016
5. Northern Regional Power Committee,  
18-A, Qutab Institutional Area,  
Shaheed Jeet Singh Marg, Katwaria Sarai,  
New Delhi-110 016
6. Adani Power (Mundra) Limited,  
9th Floor, Shikhar, Mithakali Six Roads, Navrangpura  
Ahmedabad, Gujarat - 380 009

## **...Respondents**

### **Parties Present:**

1. Shri M. G. Ramachandran, Sr. Advocate for the Petitioners
2. Shri Shubham Arya, Advocate for the Petitioners

## **ORDER**

The instant petition has been filed by the Petitioners, Haryana Power Purchase Centre (HPPC), Uttar Haryana Bijli Vitran Nigam Limited (UHBVN), Dakshin Haryana Bijli Vitran Nigam (DHBVN) and Haryana Vidyut Prasaran Nigam Limited (HVPNL) for claims against sharing of the transmission charges and losses related to ±500 KV Bipole Mundra

– Mohindergarh HVDC Transmission Line (hereinafter referred as “the HVDC Line”) connected to the generating units of the Mundra Power Project of Adani Power (Mundra) Limited i.e. Respondent No. 6. The Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations 2010 (hereinafter referred as ‘the 2010 Sharing Regulations’) read with orders of the Commission governs the liability to pay the transmission charges and bearing of losses on inter-State transmission system.

2. The Petitioners have made the following prayers:

- i. Admit the petition;*
- ii. Declare that the Petitioners are not liable to pay any POC charges or make any adjustment for losses in regard to the transmission of power from Mundra generating stations in Kutch Gujarat to Mohindergarh in Haryana through the 500 kV HVDC line of Adani Power including for injection of 1 MW for the purpose of intervening AC network as claimed by the Respondents 1 to 5 or on account of socialization of cost accounted with 500 KV DC line or otherwise;*
- iii. Direct Respondents 1 to 5 to take immediate steps to re-compute and render accounting of the loss/charges and give refund to the Petitioner of the amount collected from the Petitioners with interest;*
- iv. Alternatively hold Adani Power (Mundra)Limited to pay the amount collected by Respondents No. 1 to 5 towards transmission charges and Compensation for the losses adjusted both with interest;*
- v. Award cost of the present petition*
- vi. Clarify that the POC regulations notified on 04.05.2020 will be implemented considering the exemption made for Haryana subject to which transmission licence was granted under Hon’ble Commission’s orders dated 08.06.2013 and 29.07.2013*
- vii. Pass such further order or orders as may be deemed just and proper to give justice to the Petitioners*

### **Submissions of Petitioners**

3. The Petitioners have submitted as follows:

- a) HPPC (Petitioner No.1) is responsible for all power purchases, long term as well as short term, from within and outside the State of Haryana including trading of power for two distribution companies UHBVN (Petitioner No.2) and DHBVN (Petitioner No.3). UHBVN and DHBVN are collectively referred to as ‘the Haryana Utilities’.
- b) Pursuant to a competitive bid for procurement of power for consumers in the State of Haryana, Adani Power Limited, now known as Adani Power (Mundra)

Limited ('APML') was selected as the successful bidder based on the tariff quoted for delivery of power at nearest STU sub-station in Haryana. UHBVN and DHBVN entered into Power Purchase Agreements (PPAs) both dated 07.08.2008 with APML where APML has agreed to undertake generation and supply of electricity of the contracted capacity aggregating to 1424 MW from Unit 7, Unit 8 and Unit 9 of the Mundra Power Project located at Kutch District in the State of Gujarat and for delivery of electricity at the delivery point at State periphery of Haryana through a dedicated transmission system to be established by APML entirely at its own cost, expense and risk.

c) The bid conducted by APML under the competitive bid was clearly based on the fact that there would be no direct or indirect costs related to transmission system till nearest STU sub-station, associated with the purchase of power from APML to be borne by the Haryana Utilities. For wheeling of electricity from generating facility of APML at Mundra to Haryana periphery i.e. STU sub-station at Dhanoda, the HVDC Line was constructed by APML in lieu of its offer/bid. The HVDC Line was constructed with vision to have reliability margin in case one circuit is unavailable. The HVDC Line has a total capacity of carrying 2500 MW of electricity if both the poles of the HVDC line are under regular operation and are fully available i.e. each pole of the HVDC Line is capable of evacuating and carrying 1250 MW. If one of the pole is backed down or otherwise not in operation for any reason including scheduled maintenance and forced outages, etc. the capacity that could be evacuated from the other pole, would be only 1250 MW. Accordingly, on the basis of the optimum capacity requirement for evacuation of 1424 MW from the Mundra Power Station to Mohindergarh in Haryana, both the poles of the HVDC Line are required to be available in a dedicated manner at all times and for the above quantum, there is no extra or redundant capacity available for carrying any other power on a long term committed basis.

d) Therefore, the HVDC Line was envisaged to be developed as a dedicated transmission line primarily for evacuation and supply of power to Haryana Utilities at the delivery point at nearest STU sub-station or in common parlance of electricity terminology, it was an extended bus of the generating units and such use of the transmission line having dedicated nature for evacuation and delivery of 1424 MW needs to be given an absolute priority without any reservation. The consideration of

setting up the dedicated line while quoting tariff was suitable and beneficial proposition at relevant point of time to APML on the premise of avoidance cost towards transmission charges of Western Region, Northern Region and WR-NR Inter-regional link and transmission losses of Western Region and Northern Region under the then prevailing Postage Stamp Transmission Pricing in order to edge out other competing bidders and the same was clearly provided by APML in the letter dated 10.04.2008.

e) Despite the above, APML filed Petition No. 44/TL/2012 before the Commission under Section 15 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') for grant of inter-State transmission licence for the HVDC Line. The Haryana Utilities opposed the grant of such transmission line. The Commission, considering the submissions of the parties, vide orders dated 08.06.2013 and dated 14.06.2013,, had inter-alia granted in-principle approval for transmission licence for 400 kV DC Mundra-Dehgam Transmission Line and the HVDC Line including associated 400 kV lines.

f) On 1.4.2015, the Commission notified the Third Amendment to the 2010 Sharing Regulations whereby the said HVDC transmission system was covered vide Clause (4)(3)(iii) of Regulation 11 of the 2010 Sharing Regulations.

g) The Commission in its orders dated 08.06.2013 and 29.07.2013 had, inter alia, secured the interest of Haryana Utilities considering the Regulations in vogue. In paragraph 60 of order dated 08.06.2013, the Commission had categorically observed that under the circumstances, the question of any additional liability, direct or indirect, on UHBVNL/DHBVNL cannot arise. Further, in terms of paragraph 45.22 of the Statement of Reasons dated 26.10.2015, Haryana Utilities, as drawl DIC, were not required to pay the transmission charges or bear the transmission losses in regard to the HVDC Line. The actual drawl by Haryana Utilities has been from the Dhanoda 400 kV sub-station of the Petitioner No. 4 i.e. HVPNL which is connected to the Mohindergarh sub-station of APML.

h) Despite the above clear provisions, the Respondent, National Load Dispatch Centre (NLDC) proceeded to compute the POC (point of connection) charges and losses as the liability to/ account for by Haryana Utilities purported to be based on the maximum withdrawal, involving the HVDC Line approved by the Validation

Committee by increasing the demand in each node by 1 MW and thereby assuming the usage of the said transmission system by Haryana Utilities.

i) In the above circumstances, by letter dated 11.06.2018, HVPNL approached the Chairman of the Validation Committee for redressal of dispute regarding payment of the transmission charges and for meeting the losses in regard to the HVDC Line. In the said letter, HVPNL also specifically placed on record that the amount being collected by NLDC constitute double payment as Haryana Utilities are already paying the tariff to APML inclusive of admissible transmission charges and adjustment for losses in terms of the PPAs and, therefore, NLDC should stop the recovery and that HVPNL reserves the right to approach the Commission for such recovery already made.

j) In the meeting of the Validation Committee held on 20.06.2018, wherein the issues raised by HVPNL were discussed, after due deliberations, it was conveyed that the Validation Committee is not a right forum to seek such relief. The Validation Committee advised to approach the Commission in the matter.

k) A meeting was scheduled with the officers of the Commission on 20.08.2018 in which concerns of Haryana Utilities on double billing under POC mechanism in lieu of 1424 MW power through the HVDC Line were deliberated and it was decided that Haryana Utilities need to substantiate their argument with the system studies for which options may be as follows:

i. Treat 1424 MW flow on the HVDC Line as internal generator at Mohindergarh (STU side) - HVDC set point to be reduced by 1424 MW and APL generation to be reduced by 1424 MW.

ii. Reduce 1424 MW demand from Haryana and equivalent reduction at APML HVDC generation side and reduce set point of HVDC accordingly.

l) In pursuance to the above, a study was undertaken by NLDC and the result of the study was communicated to the Validation Committee. After receiving the study report, by letter dated 29.05.2019, HVPNL approached the Chief (Engineering) of CERC, who was Chairman of the Validation Committee, for necessary modifications in the computation of POC charges and losses qua the HVDC Line. In the said letter, HVPNL inter alia placed on record the following analysis of the Study Report:

"II. Now, on 09.04.2019 NLDC in association with HVPNL has studied following two cases for transmission cost allocation on the case file of Q2 of 2018-19 i.e. July 2018 to Sept 2018 (wherein the HVDC set point for Mundra-Mohindargarh HVDC link in base case was 1500 MW):

- i. The HVDC link between Mundra-Mohindargarh was opened. APL generation at Mundra was reduced by 1500 MW. An internal generator of 1500 MW was assumed at 400kV Adani's Mohindargarh substation (Generation of 1500 MW generation was reduced from APL Mundra. HVDC Mundra-Mahendgarh is blocked)
- ii. Demand of Haryana was reduced by 1500 MW and equivalent reduction of generation at APL Mundra. The HVDC link between Mundra-Mohindargarh was opened (Load of 1500 MW reduced from APL Mundra. HVDC Mundra-Mahendgarh is blocked).

III. The study results are discussed as under:

- i. The transmission network usage cost and slab rates attributed to Haryana by Webnet Software in the aforesaid three cases is tabulated as under:

	Original Case	Generator at Mohindargarh	Load Reduction of Haryana
Allocated cost share (Rs)	1552201733	1236549879	1146458882
Aggregate PoC rates (prior to slabbing) (Charges/LTA) (Rs/MW)	423477	337360	312781
Slab rates allocated (Rs/MW)	423694	334588	334050
Scaled Slab rates (Rs/MW)	421436	333135	333023

- ii. The variation in nodal cost prior to slabbing, allocated to Haryana in three scenarios (by using the Webnet software) is tabulated as under:

	Allocated cost share (Rs)	Difference Compared to Original Case (Rs)	% Difference Compared to original case	Difference in position of scaled slab rate
Original Case	1552201733	-	-	First Slab
Generator at Mohindargarh	1236549879	315651854	20.34%	Third Slab
Load Reduction of Haryana	1146458882	405742851	26.14%	Third Slab

- iii. The bill for usage of AC network (excluding the HVDC & Reliability Support Charge Slab Rate, which are independent of the study results) in the three scenario's by considering LTA of 3665.3719 MW has been construed as under:

	Allocated cost share (Rs)	LTA (MW)	Cost for usage of AC network (Rs)	Difference Compared to original case (Rs)
Original Case	421436	3665.3719	1544719672	-
Generator at Mohindargarh	333135	3665.3719	1221064325	323655347
Load Reduction of Haryana	333023	3665.3719	1220651732	324067940

IV. From above it is evident that the transmission network usage cost allocated to Haryana in two cases studies as explained above have decreased by Rs.30 to Rs.40

*Crores, which is around 20 to 60 percent of the cost allocated in the original studies of the Q2 of 2018-19. Thus the slab position of Haryana has reduced by two slabs and in both the cases Haryana has been positioned in the third slab, instead of the originally allocated first slab. The net impact on the PoC bill for Haryana for the AC network is a reduction of around Rs.32 Crores per month during the period of July to September, 2018.*

V. xxx

VI. xxx

VII. xxx

*VIII. Nevertheless, as per hybrid methodology in vogue for determining the POC Charges & losses, the generators at M/s APL Mundra becomes dispersed slack bus to the loads of Haryana during average participation method due to injection of Power at Mahindergarh Bus from M/s APL Mundra through Mundra –Mohindergarh HVDC line. However, while allocating usage of transmission system as per marginal participation method, when the generation at Mundra is increased corresponding to the one MW perturbation of the loads of Haryana, the flow in the Mundra – Mohindergarh HVDC line remains constant, but power flow in the intervening AC network increases, which provides sensitivity of AC network to the loads of Haryana and thus attributing the usage of intervening AC network to the loads of Haryana, for the quantum of power which is actually transmitted through the Mundra – Mohindergarh HVDC line.Xxx*

IX. xxx

X. xxx

*XI. Moreover, since M/s APL Mundra was also liable to bear the losses for the power transmitted from Mundra bus to Dhanonda bus of Haryana. Haryana is sure that if similar studies are conducted for losses also, will result in reduction of losses attributed to Haryana. During studies on 9.04.2019 the matter was deliberated with NLDC and it was conveyed that for further studies regarding losses, the matter may be taken up with CERC.”*

m) Despite the above, the Petitioners' grievance has not been redressed and the Petitioners are being subjected to double charging as set out in the said letters dated 11.06.2018 and dated 29.05.2019 to the serious prejudice of the Petitioners. The Petitioners through HPPC vide its letter dated 06.03.2020 requested the Chief (Engineering) of CERC for appropriate amendments and revisions to ensure that conversion of the HVDC Line to ISTS has no direct or indirect financial impact on Haryana.

n) There is no cause or justification for imposing the liability of POC charges and losses under the 2010 Sharing Regulations effective from 01.04.2015 on Haryana Utilities on the assumption of marginal participation of Haryana Utilities on account of increasing the load on intervening AC network and for the said purpose



increasing the generation at Mundra by one MW particularly, when the load meant for Haryana and flow of the quantum of power to Haryana Utilities with delivery point at Haryana remains constant. The usage of one MW power for the intervening AC network cannot lead to fastening of the liability to pay any transmission charges or losses on the Haryana Utilities contrary to the entire scheme considered in the 2010 Sharing Regulations and the third amendment to the 2010 Sharing Regulations, etc. dealing specifically with the HVDC Line, in the light of conditions subject to which the transmission licence itself was granted by the Commission.

o) Therefore, the Petitioners are entitled for refund of amount paid towards double payment and losses on account of 1424 MW power from the HVDC Line since 01.10.2013 (date of deemed CoD), attributed to POC mechanism along with interest and further monetary compensation with interest for the losses adjusted either by appropriate adjustments by Respondents 1 to 3 in the pool account or in the alternative recover the same from APML.

p) Besides above, the Petitioner is required to share the cost of 1005 MW indirectly as the cost of this part is included in the POC calculations by scaling up Yearly Transmission Charges of AC lines on all India basis. Considering the fact that the total cost of the HVDC Line constructed for supplying power to the State of Haryana against the PPA has already been factored in the tariff quoted by APML, any recovery for remaining capacity of 1005 MW is impacting the Haryana Utilities adversely. The Haryana Utilities are required to bear the socialized charges on account of 1005 MW in lieu POC mechanism in vogue.

q) The Commission vide Notification dated 04.05.2020, has specified the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 (in short, "the 2020 Sharing Regulations"). However, despite submissions from Haryana, the interest of Haryana as per the Commission orders dated 08.06.2013 and dated 29.07.2013 have not been secured and the situation is more or less same in the revised POC regime whereby Haryana will be impacted indirectly with the inclusion of the HVDC Line as ISTS.

### **Hearing dated 20.04.2021**

4. The matter was heard on 20.04.2021 through video conferencing. During the course of hearing, the learned senior counsel for the Petitioners reiterated the submissions made in the Petition. In response to the Commission's specific query regarding nature of the reliefs sought, learned senior counsel submitted that the Petitioners have, *inter-alia*, sought a declaratory relief under Sections 79(1)(c) and 79(1)(d) of the Act on account of being aggrieved by the Respondent, NLDC's wrong interpretation of the provisions of the 2010 Sharing Regulations and the Commission's order dated 08.06.2013. It was further submitted that the Petitioners are neither contesting the provisions of the 2010 Sharing Regulations nor the present Petition contains any dispute under the PPAs dated 07.08.2008. After hearing the learned senior counsel for the Petitioners, the Commission reserved the order on the admissibility of the matter.

### **Maintainability of the Petition**

5. We have considered the submissions of the Petitioners. The Petitioners have mainly argued on liability of transmission charges and losses on Haryana Utilities due to grant of license to APML for the HVDC Line as part of ISTS. The Petitioners have submitted that the HVDC Line was developed by APML as dedicated transmission line for evacuation and supply of 1424 MW power to Haryana Utilities under Power Purchase Agreements (PPAs) dated 07.08.2008 and that the Commission, while granting in-principle approval for grant of transmission license in respect of the HVDC Line (whereby it became part of ISTS), vide its orders dated 08.06.2013 and dated 29.07.2013 in Petition No. 44/TL/2012, had observed that APML shall have the obligation to supply power to Haryana Utilities in accordance with the terms and conditions of the PPAs, without any extra burden of transmission charges on them.

6. The Petitioners have contended that despite the fact that the Commission in its orders dated 08.06.2013 and 29.07.2013 had secured the interest of Haryana Utilities considering the Regulations in vogue, NLDC computed the POC charges and losses involving the HVDC Line as approved by the Validation Committee and thereby assuming the usage of the HVDC Line by Haryana Utilities.

7. In view thereof, the Petitioners have claimed that despite clear decision of the Commission vide orders dated 08.06.2013 and 29.07.2013, the Haryana Utilities are being billed and charged transmission charges for the HVDC Line twice – one, as part of the PPAs with APML (wherein it has been agreed that no direct or indirect cost would be levied on the Haryana Utilities) and the other, being charged through the PoC mechanism. The Petitioners have contended that they are entitled for refund of amount paid since 01.10.2013 (date of deemed CoD of the HVDC Line) towards double payment on account of 1424 MW power from the HVDC Line, along with interest.

8. The Petitioners have also submitted that the Haryana Utilities are also required to share the cost of 1005 MW indirectly as the cost of this part is included in the PoC calculation by scaling up Yearly Transmission Charges of AC lines on all-India basis. Considering the fact that the total cost of the HVDC Line constructed for supplying power to the State of Haryana against the PPAs has already been factored in tariff quoted by APML, any recovery for the remaining capacity of 1005 MW is adversely impacting the Haryana Utilities.

9. The issue for our consideration at this stage is whether the present Petition is maintainable in the present form.

10. The Petitioners have placed reliance on the order of the Commission dated 08.06.2013 in Petition No. 44/TL/2012 while according in-principle approval granting

transmission license to APML for the HVDC Line. We note that the Commission had considered the concerns of Haryana Utilities and, *inter alia*, observed as under:

*“60. One specific concern of Haryana is regarding levy of transmission charges. The petitioner has already accepted that its delivery point for the contracted power is STU, Haryana and it will bear all the open access charges for the power to be delivered up to the delivery point. Therefore, once the dedicated transmission lines are converted into licensed lines, the petitioner shall be treated as a long-term customer for the quantum to be supplied under PPAs with UHBVNL/DHBVNL. **It is made clear that the petitioner shall have the obligation to supply power to UHBVNL/DHBVNL in accordance with the terms and conditions of PPAs, without any extra burden on them for the mere fact that the petitioner has been granted transmission licence for Mundra–Mohindergarh HVDC bi-pole transmission line. Therefore, under the circumstances, the question of any additional liability, direct or indirect, on UHBVNL/DHBVNL cannot arise”***

11. From the above-quoted order, we note that the Commission had directed that no additional liability (direct or indirect) on the Haryana Utilities should arise on account of grant of license to AMPL. Seemingly, the Petitioners, in this petition have contended that there is additional liability on them on account of methodology adopted by NLDC in calculating the transmission charges.

12. The Petitioners have also submitted that they had taken up the matter of alleged double billing and charging of transmission charges and losses with the Validation Committee (constituted under the 2010 Sharing Regulations) through letter dated 11.06.2018 of HVPNL. In the meeting of the Validation Committee held on 20.06.2018 wherein the issues raised by HVPNL were discussed, it was conveyed to the Petitioners that the Validation Committee was not a right forum to seek such relief and that the Petitioners may approach the Commission in the matter.

13. The Petitioners have further submitted that subsequently a study was undertaken by NLDC and the result of the study was communicated to the Validation Committee. Through letter dated 29.05.2019, HVPNL approached the Validation Committee for necessary modifications in the computation of POC charges and losses qua the HVDC Line. However, the Validation Committee, instead of modifying or revising the POC

charges, suggested that the Petitioners may approach the Commission in the matter to resolve the dispute. Therefore, the matter remained unresolved and, hence, the Petition.

14. From the above-mentioned submissions of the Petitioners, we note that the Petitioners are contesting alleged double billing and charging on account of granting the HVDC Line a status of ISTS which was initially envisaged as a dedicated line. They have placed reliance on the orders of the Commission dated 08.06.2013 and 29.07.2013 in Petition No. 44/TL/2012 and submitted that in those orders, the Commission had specifically held that no additional charges would be levied on account of the HVDC Line becoming part of ISTS.

15. Therefore, we are of the view that the petition to the extent that there is alleged double billing or charging of transmission charges in the calculations done by NLDC allegedly in contravention to the provisions of the 2010 Sharing Regulations and in violation of orders dated 08.06.2013 and 29.07.2013 in Petition No. 44/TL/2012, is maintainable.

16. We note that the 2010 Sharing Regulations has since been repealed and the the 2020 Sharing Regulations has come into effect from 01.11.2020. Relevant provision of Regulation 3 of the 2020 Sharing Regulations provides as follows:

*“(3) National Component-HVDC shall comprise of the following:*

*.*

*(c) Yearly Transmission Charges of Mundra–Mohindergarh 2500 MW HVDC transmission system corresponding to 1005 MW capacity:*

*Provided that Yearly Transmission Charges corresponding to 1495 MW for the said transmission system shall be borne by M/s Adani Power (Mundra) Limited or its successor company; and*

*...”*

17. We note from above-quoted extract that proviso to Regulation 3(c) of the 2020 Sharing Regulations provides that the liability for payment of transmission charges for

1495 MW capacity of the HVDC Line is with APML while transmission charges corresponding to 1005 MW is part of the National Component-HVDC.

18. It is also observed that the Statement of Reasons dated 10.08.2020 for the 2020

Sharing Regulations mentions as follows:

*“73.2.1 HVPN has suggested that the 2010 Sharing Regulations mentions the treatment of HVDC lines as under: “Treatment of HVDC: Flow of HVDC systems is regulated by power order and remains constant for marginal change in load or generation. Hence marginal participation (MP) of HVDC systems is zero”. This results in increase of PoC charges of Haryana as Haryana is receiving power from M/s Adani through a dedicated HVDC Mundra-Mohindergarh HVDC transmission line. Under Marginal Participation method, an increase in 1 MW of load in Haryana has to be compensated by a corresponding increase in generation at the slack buses at Mundra end, but as stated above, HVDC line doesn’t respond in the marginal participation. Hence, power flows through alternate AC transmission lines which results in increase in the PoC charges for the State of Haryana. However, the Draft 2019 Sharing Regulations are silent about treatment of HVDC transmission line.*

### *73.3 Analysis and Decision*

*73.3.1 Marginal participation of HVDC system is zero since its flow is regulated by power order. The Statement of Reasons for the 3rd amendment to the 2010 Sharing Regulations had clearly recognised this, when it was noted that “As tariff of HVDC links cannot be allocated with marginal participation method, a separate treatment is unavoidable.” The treatment of HVDC system is provided for in the Regulations under NC-HVDC and RC components.”*

19. In the present petition, the Petitioners have also submitted that in the 2020 Sharing Regulations, despite submissions from Haryana, the interest of Haryana as per the Commission orders dated 08.06.2013 and dated 29.07.2013 have not been secured. Any contention of the Petitioner that it is aggrieved with any of the provisions of the 2020 Sharing Regulations cannot be entertained or dealt with in this petition. Any amendment of the Regulations in the garb of rectification in the computation of transmission charges is not maintainable.

20. In light of the foregoing discussions, we find that the present petition is maintainable to the limited extent for examining whether the transmission charges as calculated by NLDC are in contravention to the provisions of the 2010 Sharing Regulations and in violation of the Commission’s order dated 08.06.2013 and 29.07.2013 in Petition No.

44/TL/2012 and consequently, there is any double billing and charging of transmission charges, as alleged by the Petitioner.

21. The parties are directed to complete the pleading in the matter within four weeks. The Petition shall be listed for hearing on merits in due course for which separate notice shall be issued.

Sd/  
**(P. K. Singh)**  
Member

Sd/  
**(Arun Goyal)**  
Member

Sd/  
**(I.S. Jha)**  
Member

Sd/  
**(P.K. Pujari)**  
Chairperson