

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.187/MP/2022 along with IA No.70/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 along with statutory framework and the Transmission Service Agreement dated 23.10.2019 executed between Jam Khambaliya Transco Ltd. and Powerica Limited and the Long-Term Access Agreement dated 17.10.2019 executed between Power Grid Corporation of India Ltd. and Powerica Ltd. seeking directions to JKTL/ CTU/PGCIL not to raise invoices for transmission charges till the SCOD of the Petitioner's Project.

Date of Hearing : 25.5.2023

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

Petitioner : Powerica Limited

Respondents : Central Transmission Utility of India Limited (CUTIL) and 4 Ors.

Parties Present : Shri Venkatesh, Advocate, Powerica
Shri Praveen Arora, Advocate, Powerica
Ms. Suruchi Kotky, Advocate, Powerica
Shri Ashutosh Srivastava, Advocate, Powerica
Shri Nihal Bhardwaj, Advocate, Powerica
Ms. Suparna Srivastava, Advocate, Powerica
Shri Tushar Mathur, Advocate, Powerica
Ms. Priyakshi Bhatnagar, Advocate, JKTL
Shri Siddharth Sharma, CTUIL
Shri Shubhendu Mukherjee, Grid- India
Shri Neeraj Kumar, Grid – India
Shri Lashit Sharma, CTUIL
Shri Hari, CTUIL

Record of Proceedings

At the outset, learned counsel for the Petitioner submitted that, vide Record of Proceedings for the hearing dated 11.4.2023, CTUIL was directed to furnish certain details at para 4(ii) of the said Record of Proceedings. However, CTUIL has not filed the information called for so far.

2. Learned counsel for the Respondent, CTUIL tendered the additional affidavit in response to the said Record of Proceedings for the hearing dated 11.4.2023 and sought liberty to upload it on the e-filing portal of the Commission. Learned counsel submitted that insofar as the contention of the Petitioner that it cannot be made liable to pay transmission charges and is entitled to compensation on account of generation of loss suffered by it during the period from 17.5.2022 to 31.5.2022 due to outage of the 400 kV JKTL- Bhachau transmission line is concerned, the part



generation capacity of the Petitioner to the tune of 24.3 MW out of 50.6 MW was declared under commercial operation only on 3.6.2022 whereas the deemed COD of the JKTL- Bhachau line was declared on 12.4.2022 itself. She further added that, in line with the provisions of the TSA and the Sharing Regulations, 2020, the transmission service provider/licensee concerned is entitled to receive the monthly transmission charges from 12.4.2022. Learned counsel submitted that there is no provision in the Sharing Regulations, 2020 or the TSA regarding compensation on account of generation loss, if any.

3. In response to the specific observation of the Commission regarding levy of transmission charges for the period from 17.5.2022 to 31.5.2022 (i.e. period for which the 400 kV JKTL Bhachau transmission line was under outage) which might have possibly contributed to the delay in commercial operation of 24.3 MW, learned counsel for CTUIL submitted that there was no power flow from the Petitioner's project prior to 17.5.2022.

4. Learned counsel for the Petitioner submitted that the Respondent, CTUIL may be directed to indicate the amount of transmission charges for the delayed period that may be arrived at on the basis of the methodology proposed by it vide affidavit dated 10.4.2023. In response, learned counsel for CTUIL submitted that at this stage, CTUIL has merely proposed the methodology for consideration of the Commission and the computation/amount of charges will be relevant once the Commission approves the said methodology. However, if the Commission so directs, CTUIL will indicate the amount of transmission charges based on the proposed methodology.

5. Learned counsel for the Respondent, JKTL submitted that the Respondent, WRLDC, in its affidavit dated 27.4.2023, has clearly indicated that the 400 kV JKTL – Bhachau transmission line was taken under outage as per the instruction issued by WRLDC itself. Learned counsel further submitted that a substantial amount of Rs.10.29 crore is outstanding under the bilateral bills and the Petitioner's entitlement towards such charges is clearly established as per the Sharing Regulations, 2020 and therefore, as an interim measure, a direction may be issued for at least part payment of the aforesaid outstanding charges.

6. After hearing the learned counsel for the parties, the Commission directed CTUIL to submit the following information, which was not submitted earlier, on affidavit within three weeks:

(a) Dates of readiness of all the elements of transmission systems that were required for LTA granted to the Petitioner as per the Annexure-I of the intimation letter for grant of LTA.

(b) Details of connectivity system for RE Projects (1500 MW) in Dwarka (Gujarat).

(d) Details of the common strengthening scheme required for LTA.

(e) Response to the Petitioner's contention that it cannot be made liable to pay transmission charges and is also entitled to compensation on account of generation loss suffered by it during the period from 17.5.2022 to 31.5.2022 due to outage of 400 kV JKTL-Bhachau transmission line.

7. The Petitioner and the other Respondents may file their comments, if any, within three weeks thereafter.
8. The Petition shall be listed for hearing on 16.8.2023.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)