

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 23/TT/2023

- Subject** : Petition for approval of transmission charges, transmission losses and other conditions for use of the 24.23 km long 132 kV Double Circuit Dedicated Transmission Line of Malana Power Company Limited from its 86 MW Malana-I HEP Generating station at Village-Chowki Post Jari Distt. Kullu Himachal Pradesh upto 33/132 kV Bajaura Sub-station of HPSEBL situated at Sarabhai Distt. Kullu Himachal Pradesh
- Petitioner:** : Malana Power Company Limited (MPCL)
- Respondents** : Himachal Pradesh State Electricity Board Limited (HPSEB) and Anr.
- Date of Hearing** : 6.4.2023
- Coram** : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P.K. Singh, Member
- Parties Present** : Dr. Seema Jain, Advocate, MPCL
Shri Vimlesh Kumar, Advocate, MPCL
Shri Sumit Garg, MPCL
Shri Sanjay Jana, MPCL

Record of Proceedings

The Petitioner, a hydro generating company, constructed a 24.23 km long 132 kV double circuit dedicated transmission line from its project up to interconnection point i.e. 132 kV Bajaura Sub-station of HPSEB for onward transportation outside the state of Himachal Pradesh. In this regard, the Petitioner and HPSEB had entered into an agreement dated 3.3.1999. As per the Agreement HPSEB could use the Petitioner's dedicated transmission line for evacuation of its power up to Bajaura at mutually decided rates at the appropriate time

2. During the hearing, the learned counsel for the Petitioner submitted as follows:
 - a. The Petitioner commissioned its generation on 5.7.2001 and started



generating and injecting the energy at interconnection point using its dedicated transmission line for sale of power inter-state. The Petitioner used its dedicated transmission system exclusively for evacuation of power generated by it at its generating station to 132 kV Bajaura Sub-station from 2001 to July 2009.

- b. In April 2009, the Petitioner agreed to the Government of HP's proposal for using the Petitioner's dedicated transmission line for transmitting the power to be generated by other small generating companies of the area by HPSEB as an interim arrangement during which an independent permanent EHV evacuation system will come into existence for the purpose.
- c. During 2009-2012, HPSEB, started injecting power generated by various HEPs such as Toss (10MW) Jirah (4MW) and Chakshi (2MW). However, no payment from HPSEB was received towards the use of the transmission line of the Petitioner till 2015 in the absence of a methodology for payment in such cases where the transmission line is used by others.
- d. As per the directions of Government of Himachal Pradesh, HPSEB released 30% of the outstanding amount payable to Petitioner for power wheeled up to October 2014. Thereafter, no payment was made by HPSEB.
- e. The Petitioner filed a writ petition before the High Court of Himachal Pradesh seeking the directions to HPSEB to pay the entire outstanding wheeling charges to the Petitioner for the period w.e.f. August 2009 to March 2016 with interest.
- f. The High Court directed HPSEB to pay the outstanding payment and also directed the parties to approach the Commission for further adjudication. Accordingly, HPSEB paid certain amount and ₹3 crore is still outstanding from HPSEB as on August 2020.
- g. Sandhya Hydro Power Projects Balarga Pvt. Limited (Sandhya Power), Respondent No. 2, started using the Petitioner's dedicated transmission line w.e.f. 7.1.2018. The Petitioner has been raising the invoices for conveyance of the power of Respondent No. 2 on provisional basis.
- h. Prayed for issuing an interim order by the Commission for payment of the outstanding dues by HPSEB.

3. The Commission observed that it is not clear whether the Petitioner is seeking determination of tariff for the dedicated transmission line (since it has not filed any tariff forms) or for adjudicating the disputes between the Petitioner and Respondents HPSEB and Sandhya Power regarding the outstanding payments. The Commission further observed that it would be appropriate and proper to hear HPSEB and Sandhya Power on the Petitioner's plea for grant of interim orders for payment of outstanding amount.



4. The Commission directed the Respondents, HPSEB and Sandhya Power, to file reply in the matter by 5.5.2023 on affidavit with an advance copy to the Petitioner, and also to be present during the next date of hearing, and the Petitioner to file rejoinder, if any, by 23.5.2023. The Commission also directed the parties to comply with the directions within the specified time and observed that no further extension of time shall be granted.

5. The matter shall be listed for further hearing on 20.6.2023.

By order of the Commission

sd/-
(V. Sreenivas)
Joint Chief (Law)

