

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 344/MP/2020

Subject : Petition under Section 79(1)(c) and (f) of the Electricity Act, 2003 seeking adjudication of transmission charges by Respondent No.1, MSETCL

Date of Hearing : 11.8.2023

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

Petitioner : Ratnagiri Gas & Power Private Limited (RGPPL)

Respondent : Maharashtra State Electricity Transmission Co. Ltd. (MSETCL) and 3 Ors.

Parties present : Ms. Swapna Seshadri, Advocate, RGPL
Shri G. Sai Kumar, Advocate, MSEDCL
Ms. Nikita Choukse, Advocate, MSEDCL
Shri Alok Mishra, WRLDC, Grid-India

Record of Proceedings

The instant petition has been filed by the Petitioner for directions to MSETCL to charge the transmission charges for 330 MW inter-State power despatched from RGPPL to Indian Railways at the rate of Rs. 0.73 lakh/MW/month in terms of the WRPC letter dated 17.8.2010 and also direct MSETCL to refund the transmission charges levied in excess of Rs. 0.73 lakh/MW/month for the period from 1.4.2017 till date, along with interest, to the Petitioner. The Petitioner opposed the impleadment of MSEDCL in the case.

2. The learned counsel for the Petitioner submitted as follows:
- a. The Ministry of Power has allocated 540 MW of electricity from RGPPL to Indian Railways, effective from 01.04.2017 onwards. Out of 540 MW, WRLDC allocated 210 MW to Central Railways and the balance 330 MW to other Railways for which there is no BPTA;
 - b. Initially, the power allocation to Central Railways was 250 MW, which came down to 210 MW.



- c. 330 MW of power is flowing outside the State of Maharashtra; therefore, the Commission may direct them to charge the petitioner or the Railways accordingly because that money gets deducted from the Petitioner's bills as per the methodology approved by the MERC.
- d. There is only one BPTA with Central Railways for a power quantum of 335 MW. This 335 MW power is different from the 330 MW that is flowing out of the State of Maharashtra. 335 MW of power the BPTA between MSETCL and Railways includes 210 MW of power. Further, there are two more allocations which are coming from Nabi Nagar as well as certain power plant of NALCO.
- e. Further, this 335 MW of power includes 110 MW of power that is allocated within the State of Maharashtra.
- f. Referred to the Commission's order dated 04.02.2021 in Petition No. 153/MP/2018 & 154/MP/2018 wherein the Commission allowed WRPC to revise the transmission charges and directed MSETCL to raise the revised bills based upon calculations done by WRPC.
- g. The information sought vide RoP dated 20.4.2023 has been submitted vide affidavit dated 19.5.2023, wherein it is submitted that the Petitioner has availed of a waiver of transmission charges for 2015-16 and 2016-17 under MERC order dated 20.1.2016. No separate methodology has been provided by WRPC during the waiver period.

3. The learned counsel for MSEDCL submitted that, in compliance with RoP dated 20.4.2023, MSEDCL has filed written submissions vide affidavit dated 23.5.2023. He submitted that MSEDCL is a distribution licensee. The Petitioner, RGPPL, operates a 1967.08 MW gas based combined cycle power project, out of which 95% of the power is allocated to MSEDCL and the balance 5% is allocated to the Union Territories of Daman and Diu, Dadra and Nagar Haveli, and the State of Goa. The Petitioner had not executed a Gas Supply Arrangement for procuring gas at competitive rate, therefore, MSEDCL was constrained to terminate the PPA dated 10.4.2007 with RGPPL w.e.f. 1.4.2014 as per the provisions contained in the PPA. The PPA termination has attained finality as the Petitioner has neither challenged the same before the APTEL nor has there been any stay on the termination of the PPA from any court/authority. He further submitted that MSEDCL pays charges to MSETCL as determined by MERC. Any change in the transmission charges being paid by Indian Railways will impact MSEDCL, a major stakeholder in the ISTS network in Maharashtra.

4. The Commission observed that despite the presence marked on the attendance record, no one appeared on behalf of MSETCL. The Commission directed MSETCL to file the following information by 28.9.2023:

- i. Copy of the letter of grant for open access, if any, to the Indian Railways for conveyance of 330 MW power out of the State of Maharashtra for use of Maharashtra STU system.
- ii. Copy of the BPTA, if any, signed with Indian Railways for conveyance of 330 MW Power out of the State of Maharashtra for use of the Maharashtra STU System.



- iii. Provisions of BPTA or any other MERC Regulations or MERC's orders under which bills for transmission charges have been raised by MSETCL for 330 MW to Indian Railways (other than Central Railway).
5. After hearing the learned counsels of the RGPPL and MSEDCL and keeping in view the written submissions of both parties, the Commission directed as follows:
 - i) Admit I.A. No. 45 of 2021 preferred by MSEDCL;
 - ii) Issue notice to the parties;
 - iii) Petitioner to amend the memo of parties and implead MSEDCL by 28.9.2023;
 6. MSEDCL is to file a reply on merits in the matter with an advance copy to the parties by 14.9.2023 and the petitioner to file a rejoinder, if any, by 28.9.2023.
 7. The Petitioner is to submit a copy of the PPA by 28.9.2023 signed by the Petitioner with the Indian Railways for 330 MW Power that was allocated to States other than Maharashtra for use of Indian Railways (other than Central Railways).
 8. The matter will be listed for a final hearing tentatively on 13.10.2023.

By order of the Commission

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(V. Sreenivas)
Joint Chief (Law)

