



NTPC Submission on Draft CERC (Sharing of Inter-State Transmission Charges and Losses) (Second Amendment) Regulations, 2023



Disparity in treatment of delay in achieving CoD of generator vis a vis CoD of system of a Transmission licensee

- Amendment to Clause (12) of Regulation 13 of the Principal Regulation provides that:

(12) For the cases including those covered under Clauses (3), (6) or (9) of Regulation 13 of these regulations, the YTC for the inter-State transmission system approved or declared as deemed COD shall be treated as follows:

(d) In case an inter-State transmission licensee is responsible for the delay (for any reason including the reason attributable to Force Majeure events) in commencement of power flow in the inter-State transmission system of another inter-State transmission licensee which has achieved deemed COD, inter-State transmission licensee of the delayed inter-State transmission system shall pay 20% of YTC of its transmission system OR 20% of YTC of the transmission system which has achieved deemed COD, whichever is lower, till its delayed inter-State transmission system achieves COD.

Submission:

- ✓ Exclusion of Clauses (3), (6) or (9) of Regulation 13, is causing a disparity in treatment of delay of Generator vis a vis Transmission licensee as mentioned below:

In case of Delay what Transmission Licensee is to pay	In case of delay what Generator is required to pay
20% of YTC of its transmission system OR 20% of YTC of the transmission system which has achieved deemed COD, whichever is lower.	100% of the YTC of the system which has achieved COD. (Regulation 3).

Disparity in treatment of delay in achieving CoD of generator vis a vis CoD of system of a Transmission licensee **Contd.**

- Such treatment is not equitable, as generator may get delayed due to various reasons which are beyond its control.
- In case of generators, they may also be required to pay similar as what a transmission licence is required to pay i.e. generator may also be required to pay 20% of AFC of station or unit thereof (or the generation lost in case of RE) which has not achieved CoD OR 20% of YTC of the transmission system which has achieved deemed COD, whichever is lower, till its delayed unit/station achieves COD.
- The suggestive clause is:

(12) For the cases including those covered under Clauses (3), (6) or (9) of Regulation 13 of these regulations, the YTC for the inter-State transmission system approved or declared as deemed COD shall be treated as follows:

(d) In case an inter-State transmission licensee or a generator is responsible for the delay (for any reason including the reason attributable to Force Majeure events) in commencement of power flow in the inter-State transmission system of another inter-State transmission licensee which has achieved deemed COD, then the delayed inter-State transmission licensee or the generator, as the case may be, shall pay 20% of YTC of such inter-State transmission system OR 20% of AFC of such generating capacity (or the generation lost in case of RE), as the case may be,

Or

20% of YTC of the transmission system which has achieved deemed COD, whichever is lower, till such delayed inter-State transmission system achieves COD or such generating capacity achieves CoD

Disparity in Compensating the Affected Entity Achieving the CoD

- Amendment to Clause (12) of Regulation 13 of the Principal Regulation provides that:
 - ✓ (12) For the cases other than those covered Clauses (3), (6) or (9) of Regulation 13 of these regulations, the YTC for the inter-State transmission system approved or declared as deemed COD shall be treated as follows:
 - ✓ (a) The inter-State transmission **licensee shall be paid 20% of YTC** of its inter-State transmission system **for a period of six (6) months** from date of deemed COD or till commencement of actual power flow, whichever is earlier.
 - ✓ (b) The inter-State transmission licensee **shall be paid 100% of YTC** of its inter-State transmission system **from seventh (7th) month till commencement of actual power flow**, in case actual power flow does not commence within a period of 6 months from date of deemed COD.

Submission: A disparity is also getting created in compensating the affected entity as mentioned below:

Payment to Transmission Licensee if achieves deemed CoD and other Licensee has not come	Payment to Generator if achieves CoD, ATS has not come and there is no evacuation of power
20% its own YTC for 6 months from the date of its CoD and 100% of YTC from 7th month till commencement of actual power flow.	YTC of the system for the period for which the transmission system has got delayed (Principal Regulation 13(12)(8))

Disparity in Compensating the Affected Entity Achieving the CoD

- In order to provide the equitable treatment generator may also be paid 20% & 100% of its AFC (or the generation lost in case of RE) till the actual power flow commences.
- Accordingly clause 13(8) may be modified as:

“In case a generating station or unit(s) thereof has achieved COD and the Associated Transmission System is delayed, the concerned inter-State transmission licensee(s) shall make alternate arrangement at its own cost for despatch of power of the generating station or unit(s) thereof in consultation with the Central Transmission Utility

Provided that till such alternate arrangement is made, generating station or unit(s) thereof shall be paid 20% of AFC (or the generation lost in case of RE) of its station or unit thereof for a period of six (6) months from date of deemed COD or till commencement of actual power flow, whichever is earlier.

Further generating station or unit(s) thereof shall be paid 100% of AFC (or the generation lost in case of RE) of its station or unit thereof from seventh (7th) month till commencement of actual power flow, in case actual power flow does not commence within a period of 6 months from date of deemed COD.

- The proposed second amendment deals with the delay on the part of transmission licence.
- ✓ However nothing has been mentioned for the cases when more than one transmission licensee or both transmission licence and generating station has also not achieved the COD.
- ✓ The principal Regulation 2020 deals with such cases and following has been provided:
 - ✓ ***13 (12) (c) shared in the manner as decided by the Commission on case to case basis, where more than one inter-State transmission licensee is involved or both transmission system and generating station are delayed.***
- ***Submission: As the existing provision provides that liability for such cases shall be dealt by Hon'ble Commission on case to case basis, existing clause 13 (12) (c) of the principal Regulation 2020 may be retained.***



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Thank You



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Principal Regulation 13(12)(8)

- ✓ *“In case a generating station or unit(s) thereof has achieved COD and the Associated Transmission System is delayed, the concerned inter-State transmission licensee(s) shall make alternate arrangement at its own cost for despatch of power of the generating station or unit(s) thereof in consultation with the Central Transmission Utility:*
- ✓ **Provided that till such alternate arrangement is made, the inter-State transmission licensee(s) shall pay to the generating station, the Yearly Transmission Charge corresponding to the quantum of connectivity for the period for which the transmission system has got delayed.”**