

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition Number: 140/MP/2022**

**Coram:**

**Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member**

**Date of Order: 1<sup>st</sup> May 2024**

**In the matter of:**

Petition under section 79 of the Electricity Act, 2003 as read with regulation 111, 113 and 119 of the CERC (conduct of business) Regulations, 1999 seeking compliance of the orders dated 01.10.2014 and 19.02.2016 passed in petition no. 53/MP/2012 and 462/MP/2016 and/or section 142 of the Electricity Act, 2003.

**NTPC – SAIL Power Company Private Limited,**  
4<sup>th</sup> Floor, NBCC Tower,  
15 Bhikaji Cama Place, New Delhi – 110066

**.....Petitioner**

**Versus**

**1) Chhattisgarh State Load Despatch Centre,**  
Vidyut Sewa Bhawan, Nagar-Parisar  
Dargania, P.O. Sunder Nagar  
Raipur, Chhattisgarh- 492013

**2) Western Regional Load Dispatch Centre,**  
WRLDC, F-3, MIDC Area, Marol, Andheri East, Mumbai (400 093),  
Mumbai, Maharashtra – 400093

**.....Respondent(s)**

**Parties Present:** Shri Venkatesh, Advocate, NSPCPL  
Shri Aditya Vardhan Sharma, Advocate, NSPCPL  
Ms. Nehal Jain, Advocate, NSPCPL  
Shri Dilip Kumar, NSPCPL  
Shri Pradeep Mishra, Advocate, CSLDC  
Shri Manoj Kumar Sharma, Advocate, CSLDC  
Shri Abhishek Jain, CSLDC  
Shri Alok Mishra, WRLDC

**ORDER**

The instant petition has been filed by the Petitioner, NTPC – SAIL Power Company Private Limited under section 79 of the Electricity Act, 2003 read with Regulation 111, 113 and 119 of the CERC (conduct of business) Regulations,



1999 seeking compliance of the Orders dated 01.10.2014 and 19.02.2016 passed in Petition no. 53/MP/2012 and 462/MP/2016 and/or section 142 of the Electricity Act, 2003.

The Petitioner has made the following prayers:

- a) *Admit the present Petition.*
- b) *Direct the Respondent to comply with the orders dated 01.10.2014 and 19.02.2016 passed by the Hon'ble Commission in Petition No. 53/MP/2012 and 462/MP/2016 respectively.*
- c) *Direct the Respondents to make the payment of the UI charges amounting to Rs. 1,40,34,898.82 along with interest @ 0.04% per day shown as receivables under the UI Statement prepared by the Respondent annexed as **Annexure P/30** in the present Petition; and*
- d) *Pass such Order(s) or direction(s) as this Hon'ble Commission may deem fit and proper.*

### **Submissions of the Petitioner:**

1. Petitioner has submitted as below:

- (a) Petitioner, NTPC-SAIL Power Company Private Limited, is a Joint Venture between NTPC Limited and Steel Authority of India (SAIL), formed specifically to fulfill SAIL's captive power needs. To achieve this, the Petitioner acquired Captive Power Plants totaling 314 MW from SAIL, serving the Durgapur Steel Plant, Rourkela Steel Plant, and Bhilai Steel Plant. Additionally, to meet SAIL's growing power demands, the Petitioner constructed a 500 MW Thermal Power Project expansion in Bhilai, Chhattisgarh. The Petitioner's plant is an Inter-State Generating Station (ISGS) directly linked to the Central Transmission Utility (CTU) system via the Bhilai-Raipur 400 KV D/C Line, terminating at CTU's 400 KV Sub-station in Raipur (Kurnhari). The tariff for the plant was established by this Commission through its Order dated 27.09.2010 under Petition No. 308 of 2009, in accordance with Section 79(1)(a) of the Electricity Act, 2003.
- (b) The Respondent, i.e., CSLDC is the State Load Dispatch Centre within the meaning of Section 31 of the Electricity Act, 2003, and is responsible for scheduling, despatch, and energy accounting within the State of Chhattisgarh.
- (c) On May 7, 2008, this Commission issued a Suo-Motu Order in Petition No.

58 of 2008, providing clarifications on control areas and delineating scheduling responsibilities between Regional Load Despatch Centres (RLDCs) and State Load Despatch Centres (SLDCs). RLDCs were tasked with coordinating the scheduling of Ultra Mega Power Projects and other large privately-owned power plants with a capacity of 1000 MW or more, where States other than the host State held a significant permanent share (50% or more), alongside coordinating the scheduling of Inter-State Generating Stations (ISGS). Power plants not meeting these criteria were directed to be scheduled by the SLDC of the State in which they were situated.

- (d) In these lines, on 08.08.2008, the 50<sup>th</sup> Commercial Committee meeting was convened by the WRPC, wherein the responsibility for scheduling the Plant was assigned to Respondent, CSPTCL. Accordingly, scheduling, energy accounting including UI accounting of the Plant was being carried out by the Respondent, CSPTCL with effect from 22.04.2009.
- (e) Subsequently, on 30<sup>th</sup> March 2009, this Commission also notified the UI Regulations with the objective of maintaining grid discipline as envisaged under the Grid Code through the commercial mechanism of UI charges by controlling the users of the grid in scheduling, despatch, and drawl of electricity. The said UI Regulations came into force from 01.04.2009.
- (f) Further, on 22.04.2009, the 1<sup>st</sup> Unit of the Plant, having a capacity of 250MW (“Unit-I”) achieved commercial operation. Thereafter, on 21.10.2009, the 2<sup>nd</sup> Unit of the Plant, having a capacity of 250 MW (“Unit-II”) also achieved commercial operation.
- (g) On 28.04.2010, this Commission notified the Grid Code, which came into effect on 03.05.2010. In accordance with Regulation 6.4 of the Grid Code, the Control Area of the generating station came to be vested in WRLDC. On 15.07.2010, the 55<sup>th</sup> Commercial Committee meeting was convened by the WRPC. The shifting of the control area of the Petitioner’s plant was deliberated upon. Further, it was observed that the representative of the Respondent agreed to shift the control area of the Plant to WRLDC for scheduling, controlling, etc. It was agreed by the Respondent, that WRPC

request CSPTCL to initiate action for shifting of control area to WRLDC expeditiously. The Respondent, CSPTCL, raised various bills for the period from 22.04.2009 to 31.07.2011 pertaining to the UI charges payable by the Petitioner with respect to the power supplied by the Plant. Petitioner settled all invoices issued by the Respondent concerning the UI charges from April 22, 2009, to July 31, 2011.

- (h) On 15.07.2011 the Respondent, CSPTCL *vide* its letter agreed to shift the control area of the Plant from CSLDC to WRLDC. Accordingly, the control area of the plant was shifted to WRLDC from 01.08.2011.
- (i) Vide letters dated 19.09.2011 and 5.01.2012 to CSPTCL, the Petitioner stated that the Petitioner has to receive a principal amount of Rs. 1,40,34,898.82/- towards UI charges from the Respondent in accordance with the UI Charges statement prepared by CSPTCL itself.
- (j) On February 15, 2012, a meeting was held to discuss the revision of UI charges for the period from April 22, 2011, to July 17, 2011. It was decided in the meeting that to safeguard the interests of CSPDCL's consumers it would be prudent to revise the UI bills of the Petitioner for the specified period. The UI charges bills for the Petitioner would be revised, treating it as an intra-state entity of the CSPDCL pool, using the methodology outlined in Annexure-1 of the meeting minutes dated February 15, 2012. The revision's impact should be applied retrospectively on a weekly basis, and interest billing should be adjusted accordingly. Interest charges will be levied on receivables for each day of delay at a rate of 0.04% from the due date.
- (k) On February 17, 2012, CSPTCL unexpectedly revised the UI charges statement for the period April 22, 2009, to July 31, 2011, based on CSERC's classification of the Petitioner as an intra-state entity. The charges were recalculated using Regulation 30(5) of Connectivity Regulations, resulting in a revised amount of Rs. 2,24,80,822, with a payment deadline of December 27, 2012, and accruing interest at 0.04% per day if not paid by the due date.
- (l) On February 22, 2012, the Petitioner requested CSPTCL for the immediate

release of the UI amount of Rs. 1,47,19,801 along with accrued interest at 0.04% per day from December 1, 2011, until the disbursement date. CSPTCL issued a cheque dated February 22, 2012, amounting to Rs. 98,32,412, to CSPDCL regarding the UI charges of the Petitioner's Plant. CSPTCL also requested CSPDCL to adjust the infirm power bill in accordance with their mutual Power Purchase Agreement if deemed appropriate. On March 6, 2012, CSPTCL informed the Petitioner of the UI charges amounting to Rs. 2,24,80,822, with an accruing late payment surcharge of 0.04% per day since February 29, 2012.

- (m) Petition No. 53/MP/2012 was filed before this Commission challenging the unjust and arbitrary action of Respondent, CSPTCL categorizing the Petitioner's generating station as a non-ISGS leading to the incorrect determination of applicable UI Charges from April 22, 2009, to July 31, 2011, under Regulation 30(5) of 2009 Connectivity Regulations instead of following the UI Regulations. By way of this Petition, it was sought by the Petitioner to direct the Respondents to adopt UI accounting methodology as per UI Regulations for their ISGS plant from April 22, 2009, to July 31, 2011, and releasing of UI amount of Rs. 1,40,38,899 with accrued interest of 0.04% per day from August 1, 2011, until disbursement. On 01.10.2014, the Commission passed an order holding the Plant of the Petitioner is an ISGS and rejected the claims of Respondents.
- (n) On November 13, 2014, CSPTCL demanded Rs. 81.26 Lacs UI charges from the Petitioner, wrongly applying Regulation 30(5) of the 2009 Connectivity Regulations. Despite the Commission's Order on October 1, 2014, CSPTCL disregarded directives. On October 18, 2014, Petitioner requested Rs. 1,02,26,908.82 refund as per the same order.
- (o) Aggrieved from the above, a Petition bearing No. 462/MP/2014 was filed before this Commission seeking clarification with respect to the scope of the Order dated 01.10.2014 in Petition Number 53/MP/2012. The Petitioner filed this petition due to the Respondent CSPTCL's erroneous computation of UI charges from April 22, 2009, to July 31, 2011. The Respondent, CSPTCL, incorrectly applied UI Regulations only to 170 MW of power scheduled outside Chhattisgarh while using Regulation 30(5) of 2009

Connectivity Regulations for the power supplied within the state.

- (p) On December 2, 2014, the Petitioner contested CSPTCL's UI charges claim, asserting that the entire generating station should be treated as an ISGS for UI Charges computation. On February 19, 2016, the Commission clarified in Petition No. 462/MP/2014 that the directions vide Order dated 01.10.2014 in Petition Number 53/MP/2012 applied to the entire power injected from September 22, 2009, to July 31, 2011, not just limited to 170 MW. Then, on March 31, 2016, November 8, 2016, and February 2, 2017, the Petitioner, referencing the Orders of October 1, 2014, and February 19, 2016, requested the Respondent to initiate a refund of Rs. 1,02,26,908.82 along with applicable interest.
- (q) On April 25, 2018, CSPTCL informed the Petitioner that UI charges should be billed at 100% UI rate for ISTS injection without applying the 170 MW limit, as per Orders dated October 1, 2014, and February 19, 2016. They clarified that UI charges were calculated proportionately for ISTS and non-ISTS schedules, with a 100% UI rate applied to the ISTS schedule and a 95%/105% UI rate to the remaining energy. CSPTCL stated that they believed to have fully complied with the orders, communicated on November 13, 2014, regarding UI accounting revision. On 14.02.2020 and 03.06.2020, the Petitioner *vide* its letters to Respondent once again reiterated its request for payment of the dues along with interest. On June 11, 2020, the Petitioner reiterated to the Respondent that Orders dated October 1, 2014, and February 19, 2016, clearly specify UI calculation based on UI Regulations without subjecting it to Regulation 30(5) of 2009 Connectivity Regulations for the entire injection, confirming the Plant as ISGS connected to ISTS.
- (r) Actions of the Respondent in treating the Plant as an Intra-State Generating Plant under Regulation 30(5) of the 2009 Connectivity Regulations for computation of UI Charges with respect to the remaining power beyond 170 MW is violative of the provisions of the Tariff Regulations, 2009 read with Grid Code. As per the UI charges Statement prepared by the Respondent, CSPTCL, the total amount recoverable by the Petitioner for the aforesaid period amounted to Rs. 1,40,34,897.82/- quoted as follows:

“

<b>FINAL SUMMARY FROM 22.04.2009 to 31.07.2011</b>				
<b>SL. No.</b>	<b>PERIOD</b>	<b>NET UI BILLED</b>	<b>AMOUNT PAID/ ADJUSTED TO CSPTCL</b>	<b>BALANCE UI AMOUNT (UI RECEIVABLE CSPTCL/ CSEB)</b>
1.	FY 2009-10	-73136898.85	-73136898.85	0
2.	FY 2010-11	-98213515.46	-111123765.3	12910249.82
3.	FY 2011-12 up to 31.07.2011	1124648.00	0	1124648.00
				<b>14034897.82</b>

*Thus, net UI Receivable to NSPCL BHILAI from CSPTCLI is Rs. One Crore Forty Lakhs Thirty-Four Thousand Eight Hundred Ninety-seven and paise eight two only. (Rs. 1,40,34897.82)."*

### **Hearing dated 03.11.2022**

2. The Commission, after hearing the counsels for the parties, admitted the Petition and directed the Petitioner to implead WRLDC as a party to the petition.
3. The Petitioner, vide affidavit dated 05.11.2022, filed an amended Memo of Parties informing that it had impleaded Western Regional Load Dispatch Centre (WRLDC) as a party to the present Petition.

### **Reply of Respondent, WRLDC**

4. The Respondent, WRLDC, vide affidavit dated 03.03.2023, submitted as follows:
  - (a) CERC (Indian Electricity Grid Code) Regulations 2010 ('IEGC 2010') have made distinct provisions for deciding the control area jurisdiction of various grid-connected entities. Accordingly, if a generating station is connected to both the ISTS network and the State (STU) network, it will fall under the jurisdiction of the respective SLDC only if the state has more than 50% share of power in the said generating station.
  - (b) Petitioner (NSPCL), having an installed capacity of 2x250 MW, is an Inter-State Generating Station (ISGS) and is connected to the inter-state transmission system (ISTS) as well as the Chhattisgarh state transmission system (STU) as under:
    - 400 kV NSPCL-Raipur D/C lines (ISTS Connectivity)
    - 4x220 kV NSPCL- SAIL(BSP) lines of SAIL, BSP



- (c) Beneficiaries of 2x250 MW NSPCL station are as under:
- Daman and Diu (70 MW under LTA granted by CTU)
  - Dadra Nagar Haveli (100 MW under LTA granted by CTU)
  - Chhattisgarh (50 MW – Home state allocation through STU)
  - SAIL Bhilai Steel Plant (BSP) (~ 280 MW as captive consumption)
- (d) Prior to promulgation of IEGC 2010, Chhattisgarh SLDC/ CSPTCL was exercising control area jurisdiction over the NSPCL. IEGC 2010 came into force on 3.5.2010. Subsequently, control area jurisdiction over generating station (NSPCL) was shifted from Chhattisgarh SLDC to WRLDC with effect from 01.08.2011. Accordingly, with effect from 01.08.2011, the scheduling of power and energy accounting in respect of NSPCL is being carried out by WRLDC.
- (e) Thus, from 01.08.2011, the applicable UI charges for NSPCL would be computed as per the then extant UI regulations of CERC (which became effective from 01.04.2009). Accordingly, any UI or deviation of NSPCL for this period (i.e. 01.08.2011 onwards) recorded by the energy meters placed at the ISTS interface points would be settled as per the weekly UI / DSM account statement issued by the WRPC Secretariat.
- (f) For the period prior to 01.08.2011 (22.04.2009 to 31.07.2011), scheduling and energy accounting of NSPCL was being done by SLDC Chhattisgarh under applicable regulations of Chhattisgarh SERC (CSERC). Accordingly, UI charges applicable for the said period (from 22.04.2009 to 31.07.2011) would be computed in accordance with the relevant regulations of CSERC. However, as understood, during the impugned period (22.04.2009 to 31.07.2011), when NSPCL was an intra-state entity of Chhattisgarh), there were apparently no such regulations of Chhattisgarh SERC for treatment of UI by intra-state entities.
- (g) During the impugned period when NSPCL was being scheduled by SLDC Chhattisgarh, the power exported outside the state periphery (i.e., NSPCL to DD/DNH) was being treated by WRLDC as exports for the state of Chhattisgarh at the inter-state (ISTS) boundary. Accordingly, for the period under discussion (i.e., from 22.04.2009 to 31.07.2011), computation of UI



charges for the 2x250 MW NSPCL power station would be done by Chhattisgarh SLDC as per the Regulation 30(5) of 2009 Connectivity Regulations.

### **Rejoinder of Petitioner**

5. Petitioner's submissions in response to the reply filed by WRLDC vide affidavit dated 23.03.2024 are as below:

(a) The contentions as advanced by WRLDC to the extent that the UI accounting for the Petitioner's plant for the relevant period under consideration, viz. 21.04.2009 till 31.07.2011 has to be done in accordance with Regulation 30(5) of the 2009 Connectivity Regulations, are denied being erroneous and misconceived on account of the following reasons:

- i. For the purposes of supply to UT of Daman & Diu and Dadar & Nagar Haveli, the Petitioner has also obtained Long Term Open Access ("LTOA") on the transmission network of CTU and the plant is directly connected to the CTU network at the Raipur Substation. In view of the above, it is evident that the Petitioner is supplying power to the Distribution Licensees located in more than one state. Hence, the said arrangement constitutes a "*Composite Scheme*" that is amenable to jurisdiction of this Commission.
- ii. As a matter of fact, the tariff for the supply of electricity generated from the Project was also determined by this Commission *vide* its Order dated 29.07.2010 in Petition No. 308/2009 in terms of provisions envisaged under CERC (Terms and Conditions of Tariff) Regulations, 2009. Thus, the tariff determination process having been carried out by this Commission also fortifies the case of the Petitioner that the Petitioner's Plant is an ISGS and is to be governed by its own regulations for the purposes of scheduling and accounting, which also includes UI accounting.
- iii. Further the Chhattisgarh State Electricity Regulatory Commission ("CSERC") *vide* its letter dated 05.11.2011 had provided a clarification to CSLDC that for the purposes of UI accounting the Petitioner's Plant

would be treated as ISGS and is regulated through this Commission's Regulations.

- iv. By virtue of the fact that the Petitioner's Plant qualifies as an ISGS and not Intra State Generating Stations which is being arbitrarily done by CSLDC for the purposes of computing UI charges, the question of applicability of Regulation 30(5) of the 2009 Connectivity Regulations *vis-à-vis* the Petitioner's Plant does not arise.
- (b) The issue as to whether the Petitioner's Plant qualifies as an ISGS or not has already been decided by this Commission time and again, and hence, WRLDC cannot be permitted to agitate the said issue in the present proceedings.
- (c) In view of the observations of this Commission in order of Petition No. 53/MP/2012, it is evident that the reference made by this Commission with respect to 170 MW (the cumulative capacity being transferred to Daman & Diu and Dadar & Nagar Haveli) was only to demonstrate that the Plant of the Petitioner is directly connected to the CTU network and not the ISTS network. Hence, the question of any losses being purportedly incurred by CSLDC does not arise. Therefore, the question of the applicability of Regulation 30(5) of the 2009 Connectivity Regulations does not arise at all in the present case

**Hearing dated 25.04.2023:**

- (d) The Commission directed the Petitioner to submit the quantum of Inter-State Power as well as Intra-State Power out of the total 500 MW along with details of its beneficiaries for the period from 22.4.2009 to 31.7.2011 during which scheduling and energy accounting was being done by the CSLDC.

**Reply on behalf of the Respondent, CSLDC/ CSPTCL:**

6. Respondent No 1. vide affidavit dated 25.04.2023, has submitted as follows:
  - (a) Regulation 30 of 2009 Connectivity Regulations entrusted the responsibility of UI accounting of intra-state entities to concerned State Load Despatch Centres (SLDCs) and clearly specified that the rate for UI

accounting of intra-state entity shall be 105% (for under generation) and 95% (for over generation) of the UI rate at the periphery of regional entity (i.e., CSPDCL).

- (b) CSLDC requested clarification from the Chhattisgarh State Electricity Regulatory Commission, which, through an order dated August 4, 2011, confirmed the Petitioner's status as an intra-state entity. Consequently, the responding Respondent structured the Petitioner's UI Account according to this clarification, treating the entire generation as intra-state injection and applying Regulation 30 of the 2009 Connectivity Regulations.
- (c) This Commission vide Order dated 01.10.2014 in Petition No. 53/MP/2012 has categorically held that UI Accounting in respect of 170 MW power from 22.04.2009 to 31.07.2011 shall be governed in accordance with 2004 Open Access Regulations, UI Regulations. Therefore, the liability of the Petitioner to pay UI charges will be computed accordingly. It was further directed that as the Petitioner has requested to adjust SLDC Operating Charges and registration charges, the same has to be adjusted while settling the UI account of the Petitioner.
- (d) After the said Order, the Respondent CSLDC revised the UI Charges calculations, and it was found that nothing was payable to Respondent. Hence, the question of adjustment of SLDC Operating Charges and registration fees is not possible. The said fact was communicated to the Petitioner and the Petitioner was directed to deposit the amount of Rs. 57,13,320/- with the Respondent CSLDC. Further, the Respondent, CSLDC by a separate letter dated 13.11.2014, informed the Petitioner that it has to pay Rs. 81,26,476/- towards UI Charges
- (e) Thereafter, Petitioner filed Petition No. 462/MP/2014 for recovery of UI Charges with respect to Bhilai Expansion Power Plant (2 x 250 MW) for the period from 22.04.2009 to 31.07.2011 and also sought clarification of Order dated 01.10.2014 stating therein that Respondent, CSLDC is misinterpreting the said order and wrongly calculating UI Charges. It was held that UI accounting for the period from 22.09.2009 to 31.07.2011 will be done without applying a limitation of 170 MW.

- (f) CSLDC, vide letter dated 25.04.2018 informed the Petitioner about the methodology adopted by them in calculating impugned UI Charges. It was further clarified that CSLDC divided the total schedule into two parts as ISTS scheduled and non-ISTS scheduled, and thereafter, total UI Energy has been calculated proportionately as per the schedules. Thus, it was mentioned that Orders dated 01.10.2014 and 19.02.2016 are fully complied.
- (g) CSLDC again vide letter dated 18.03.2020 has informed Petitioner about UI Account and the amount payable by Petitioner. CSLDC has no financial involvement in the matter and is only responsible for preparation of UI Account of the Petitioner. Whatever payment is to be made is between the Petitioner and CSPDCL. Therefore, it is necessary that CSPDCL be impleaded as a party and be heard in this matter.
- (h) CSLDC Operating Charges and registration fee, etc., are independent of UI Accounting and are undisputedly payable by Petitioner. The amount payable by the Petitioner to the CSLDC is Rs. 57,13,320/- up to 13.11.2014, including interest, and the amount as on 25.04.2023, along with interest, will be Rs. 1,05,17,245. There will be further liability of interest @ Rs. 0.04 per day levied on the principal amount of Rs. 38,92,970/- from 25.04.2023.

### **Rejoinder of Petitioner**

7. Petitioner, in its rejoinder vide affidavit dated 29.05.2023, has submitted as follows:

- (a) CSLDC, by misinterpreting Order dated 01.10.2014 and 19.02.2016, stated that while computing the UI dues, the total schedule was divided into 2 parts as ISTS schedule and non-ISTS schedule, and then total UI energy was calculated proportionately, and then 100% UI rate was applied for UI energy proportionate to ISTS schedule and 95%/105% of UI rate was applied to balance UI energy. This imaginative distinction sought to be drawn by CSLDC between the ISTS schedule and non-ISTS schedule is not backed by findings of this Commission and is an extraneous

qualification/ filter invented by CSLDC to receive windfall gains under the garb of UI charges.

- (b) Regarding issue pertaining to payment of operating charges and registration charges has already attained finality *vide* order dated 01.10.2014 read with order dated 19.02.2016, whereby this Commission had directed CSLDC to adjust the aforesaid charges while calculating UI charges payable to the Petitioner.

### **Petitioner's Compliance to the RoP dated 25.04.2023**

8. Petitioner, vide affidavit dated 29.03.2023, submitted information regarding the proportion of Inter and Intra-State Power out of a total of 500 MW, along with beneficiary details. This data covers the period from April 22, 2009, to July 31, 2011, during which CSLDC handled scheduling and energy accounting.

### **Hearing dated 25.10.2023**

9. The Commission reserved the matter for Order. Further, the Commission permitted parties to file their respective written submissions, including therein the applicable UI charges for the concerned period and the excess UI charges required to be refunded.
10. The Commission further directed CSLDC to submit on affidavit a detailed calculation of UI charges in respect of Petitioner's 500 (2x250MW) Plant for a sample period of one week between 22.04.2009 and 31.7.2011, clearly indicating the quantum of power considered for the calculation.

### **Submissions of Petitioner:**

11. Through its written submission dated 15.11.2023, Petitioner essentially reiterated its position, which has already been expressed in previous submissions throughout the course of the instant petition.

### **Submissions of Respondent, CSLDC**

12. Through written submission dated 09.01.2024, CSLDC essentially reiterated its stance, which had already been outlined in previous submissions throughout the duration of the instant petition.

## **CSLDC Submission in Compliance of RoP**

13. CSLDC vide affidavit dated 11.12.2023 in compliance with RoP in hearing dated 25.10.2023 has submitted sample data for the duration from 01.12.2010 to 07.12.2010 regarding calculations of block-wise UI charges with respect to Petitioner.

## **Analysis and Decision**

14. Petitioner is a generating station with 2 units of 250 MW each, which achieved COD on 22.4.2009 and 21.10.2009, respectively. The petitioner was scheduled by CSLDC. IEGC 2010 came into force with effect from 3.5.2010. In accordance with the IEGC 2010, the Control Area of the generating station was to be shifted to WRLDC. The transfer of jurisdiction to WRLDC happened on 1.08.2011. From 22.04.2009 to 31.07.2011, CSLDC managed scheduling, energy accounting, and UI accounting.
15. Petitioner has submitted that he is aggrieved by the calculation of UI charges accounting done by CSLDC for the period from 22.04.2009 to 31.07.2011. Petitioner had filed Petition 53/MP/2012 seeking directions for CSLDC to calculate UI charges applying CERC (Unscheduled Interchange charges and related matters) (Amendment) Regulations, 2010, as the generating station of Petitioner is an Inter-State Generating Station (ISGS). CERC vide order dated 01.10.2014 vide Petition No. 53/MP/2012 *inter alia* held that petitioner is directly connected to the network of CTU, and UI accounting of 170 MW power from 22.4.2009 till 31.7.2011 shall be governed in accordance with the 2004 Open Access Regulations and the UI Regulations. Thereafter, Commission vide Order dated 19.2.2016 in Petition No. 462/MP/2015, decided that UI accounting for the period from 22.9.2009 to 31.7.2011 shall be done for all ISTS power without limiting to 170MW.
16. CSLDC has submitted that, in accordance with the Commission's order dated 1.10.2014, they did not limit the ISTS schedule to 170 MW when computing UI schedules; instead, it considered the ISTS schedule in actual 15-minute time blocks. They further explained that they divided the total schedule of the petitioner's plant into ISTS and non-ISTS schedules. Then, they calculated the total UI energy proportionally based on these schedules, applying a 100% UI

rate for UI energy related to the ISTS schedule and a 95%/105% UI rate for the remaining UI energy. CSLDC believes this fully complies with the orders dated 1.10.2014 and 19.2.2016.

17. Petitioner has submitted that CSLDC has arbitrarily calculated the purported UI liability of the Petitioner on the basis of the bifurcation of the total schedule into ISTS and non-ISTS schedule, which is contrary to the true import and essence of the order dated 19.02.2016. By way of this Petition, the Petitioner is seeking directions for the Respondents to comply with the Commission's orders dated 01.10.2014 and 19.02.2016.
18. We have considered the submissions of Petitioner and Respondents and have perused relevant documents on record. The issue that arises for our consideration is **whether CSLDC has complied with the Commission's orders dated 01.10.2014 and 19.02.2016 in petitions 53/MP/2012 and 462/MP/2014 or not ?**
19. We have perused the Order dated 1.10.2014 in Petition No. 53/MP/2012 and the Order dated 19.2.2016 in Petition No. 462/MP/2014. The relevant extracts of aforesaid Orders are quoted as follows:

A. Order dated 1.10.2014 in Petition No. 53/MP/2012

*"16. It is noted that the period in dispute is from 22.4.2009 to 31.7.2011. The Connectivity Regulations came into force with effect from 1.1.2010 and therefore the period from 1.1.2010 till 31.7.2011 is regulated by the provisions of Connectivity Regulations. Prior to 1.1.2010, the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2004 (2004 Open Access Regulations) was governing the long-term and short-term open access. Regulation 18 of the 2004 Open Access Regulations provides as under:*

*"18. (i) The mismatch between the scheduled and the actual drawal at drawal point(s) and scheduled and the actual injection at injection point(s) shall be met from the grid and shall be governed by UI pricing mechanism applicable to the inter-state transactions.*

*(ii) A separate bill for UI charges shall be issued to the direct customers and in case of the embedded customers, a composite UI bill for the State as a whole shall be issued, the segregation for which shall be done at the State level."*

*17. The above regulation provides that the mismatch between the schedule and the actual drawal at the drawal point and schedule and actual injection at the injection point shall be met from the grid and shall be governed by UI pricing*

mechanism applicable to the inter-State transactions. Since the UI Regulations came into force with effect from 1.4.2009, the UI charges for deviation during the period from 22.4.2009 till 31.12.2009 shall be governed by the provisions of Regulation 21 of the 2004 Open Access Regulations read with the relevant provisions of UI Regulations. Regulation 21 of 2014 Open Access Regulations provides for separate bill for direct customer and a composite bill for embedded customers for which segregation shall be made at the State level. Direct customer has been defined in Regulation 2 (d) "as a person directly connected to the system owned or operated by the Central Transmission Utility". Embedded customer has been defined in Regulation 2(e) "as a person who is not a direct customer". In the present case, the petitioner is directly connected to the network of CTU for 170 MW. Therefore, the billing should be directly done to the petitioner for such 170 MW.

18. Further, the station is directly connected to the ISTS for transfer of 170 MW and STU network is not being used. The application of UI Charges @105% and 95% of UI charges under Regulation 30 (5) of the Connectivity Regulations in case of intra-State entity was provided to account for losses in the STU network, if used by the intra-State entity embedded in the State. Since 170 MW is being transferred through ISTS directly, there should not be any question of taking losses into account. Therefore, for the period from 1.1.2010 till 31.7.2011, the petitioner shall be governed by the provisions applicable under UI Regulations. Regulation 30 (5) of the Connectivity Regulations which prescribes the UI rates applicable to intra-State entities would not be applicable in this case. It is pertinent to mention that though the Grid Code came into force on 3.5.2010, shifting of responsibility to WRLDC was delayed as the modalities of transfer were being discussed in various meetings of WRPC. Therefore, the delay is said to be procedural and by operation of law, control area jurisdiction stood vested in WRLDC with effect from 3.5.2010, through the actual transfer took place on 1.8.2011. CERC has also clarified to the respondent that the petitioner is an inter-State entity in its letter dated 5.11.2011.

20. In the light of the above, we are of the view that the UI accounting in respect of 170 MW of power from 22.4.2009 till 31.7.2011 shall be governed in accordance with 2004 Open Access Regulations and the UI Regulations. The respondent is directed to calculate the UI liability of the petitioner accordingly. Since, the petitioner has written to the respondent to adjust the SLDC operating charges and Registration Charges against the UI charges payable, the respondent is directed to adjust the same while settling the UI accounts with the petitioner”

B. Order dated 19.02.2016 in Petition No. 462/MP/2015:

“9. In the said order, the Commission clearly indicated that the petitioner is directly connected to the network of CTU. Therefore, the billing should be directly done to the petitioner. Therefore, we are of the view that Bhilai Expansion Power Plant (2x250 MW) is an inter-State generating station having direct connectivity to inter State transmission system of CTU. This connectivity is not restricted to 170 MW only and the generating station can inject power in excess of 170 MW as well. The generating station is directly connected to ISTS for fulfilling its PPA's obligation of supply of power of 170 MW to the Goa, Daman and Diu. Extending our argument in 53/MP/2012 that 95% & 105% of UI charges was provided to account for losses in State network, we direct that the entire injection from the petitioner shall not be considered under Regulation 30(5) of the Connectivity Regulations.



10. *The representative of the respondent during the hearing on 5.5.2015 submitted that CSPTCL has no problem in the implementation of the Commission's order and agreed that the direct connectivity to the Central Transmission Utility is not restricted to 170 MW but apply to all ISTS power during period from 22.4.2009 to 31.7.2011 when the scheduling of station was done by CSLDC.*

11. *Taking note of the submission of the representative of the respondent, we direct CSLDC to revise UI accounting for the period 22.9.2009 to 31.7.2011 without applying limitation of 170 MW."*

As per above, the Commission directed that CSLDC should revise UI accounting for the period 22.9.2009 to 31.7.2011 without applying a limitation of 170 MW.

20. Regulation 21 of 2004 Open Access Regulations provides as follows:

*"21. (I) The mismatch between the scheduled and the actual drawal at drawal point(s) and scheduled and the actual injection at injection point(s) shall be met from the grid and shall be governed by UI pricing mechanism applicable to the inter-state transactions.*

*(ii) A separate bill for UI charges shall be issued to the direct customers and in case of the embedded customers, a composite UI bill for the State as a whole shall be issued, the segregation for which shall be done at the State level."*

As per the above, a separate bill for UI shall be issued for direct customers and for embedded customers, a composite UI bill *for the State as a whole* shall be issued for which segregation is to be done at the State level.

21. We have perused Regulation 30 (5) of the 2009 Connectivity Regulations, which is quoted as follows:

*"30. Unscheduled Inter-change (UI) Charges*

*(1) Scheduling of all transactions pursuant to grant of long-term access and medium-term open access shall be carried out on day-ahead basis in accordance with the Grid Code.*

*(2) Based on net metering on the periphery of each regional entity, composite accounts for Unscheduled Interchanges shall be issued for each regional entity on a weekly cycle:*

*Provided that Unscheduled Inter-changes accounting for intra-State entities shall not be carried out at the regional level. The State utility designated for the purpose of collection or disbursement of the Unscheduled Interchanges charges from or to the intra-State entities shall (3) be responsible for timely payment of the State's composite dues to the regional Unscheduled Interchanges Pool Account Fund.*

*(4) Any mismatch between the scheduled and the actual drawal at drawal points and scheduled and the actual injection at injection points for the intra-State entities*

*shall be determined by the concerned State Load Despatch Centre and covered in the intra-State Unsheduled Interchanges accounting scheme.*

*(5) Unless specified otherwise by the State Commission concerned, the Unsheduled Interchanges rate for intra-State entity shall be 105% (for over drawals or under generation) and 95% (for under-drawals or over generation) of the Unsheduled Interchanges rate at the periphery of regional entity.”*

As per the above unless specified otherwise by the State Commission, the UI rate for intra-State entity shall be 105% (for over drawals or under generation) and 95% (for under-drawals or over generation) of the Unsheduled Interchanges rate at the periphery of the regional entity.

22. We observe that during the impugned period, i.e., 22.04.2009 to 31.07.2011, the Petitioner’s power plant was connected to both ISTS and Intra State systems, and the Petitioner was being scheduled by CSLDC. The 2009 Connectivity Regulations provide a definition of the intra-state entity as follows:

*“(j) “intra-State entity” means a person whose metering and energy accounting are done by the State Load Despatch Centre or by any other authorized State utility;”*

Further “regional entity” is defined in IEGC 2010 as follows:

*“kkk) “Regional Entity” means such persons who are in the RLDC control area and whose metering and energy accounting is done at the regional level”*

As per the above, an entity whose metering and energy accounting is done by SLDC is an intra-State entity. We note that for the purpose of scheduling and UI accounting, the Petitioner was an “intra-state entity” and not a “regional entity,” and hence the UI accounting for the Petitioner’s generating station was done by CSLDC as an embedded customer.

23. The Petitioner has submitted the quantum of Inter-State Power as well as Intra-State Power out of the total 500 MW along with the details of the beneficiaries, for the period from 22.04.2009 to 31.07.2011 during which the scheduling and energy accounting was being done by CSLDC quoted as follows:

S. N.	Period	Available capacity	Total Inter-State Allocation	Total Allocation within Chhattisgarh	Total Station Allocation
1	22.04.2009 to 20.10.2009	250	85	165	250
2	21.10.2009 to 31.12.2009	500	255	245	500
3	01.01.2010 to 31.03.2010		229	271	500
4	01.04.2010 to 21.04.2010		224	276	500
5	22.04.2010 to 30.06.2010		224	276	500
6	01.07.2010 to 31.07.2010		255	245	500
7	01.08.2010 to 20.10.2010		255	245	500
8	21.10.2010 to 31.12.2010		267.5	232.5	500
9	01.01.2011 to 31.01.2011		267.5	232.5	500
10	01.02.2011 to 31.03.2011		267.5	232.5	500
11	01.04.2011 to 31.05.2011		267.5	232.5	500
12	01.06.2011 to 31.07.2011		267.5	232.5	500

The Petitioner has contended that UI accounting of the Petitioner for the entire 250 MW/ 500 MW should be carried out by CSLDC without considering 95%/105% under Regulation 30(5) of 2009 Connectivity Regulations. We observe that allocation of power is there both under ISTS as well as within the State.

24. We have perused the methodology followed by CSLDC while calculating the UI charges for Petitioner for the impugned period as per CSLDC letter dated 25.04.2018, which is quoted as follows:

*“You would recall that while complying with the Hon’ble CERC’s order dated 01/10/2014, SLDC had applied the following methodology for computing UI dues, which were communicated to NSPCL vide letter dated 13.11.2014.*

1. *The Total Schedule was divided into 2 parts as ISTS schedule and non ISTS schedule and then total UI energy calculated proportionately and then 100% UI rate was applied for UI energy proportionate to ISTS schedule and 95% /100% of UI rate was applied to the balance energy. The other parameters of the previously issued UI charges bills were kept unchanged.*
2. *Thus, even while complying with the Hon’ble CERC’s order dated 01/10/2014, SLDC did not restrict the ISTS Schedule to 170 MW, while computing UI dues. Rather, the ISTS schedule was considered in actual 15 minutes time blocks. (For example, the ISTS schedule was considered 248 MW in time block no 30 to 41 on dated 06.02.2010. Sample computation is enclosed as Annexure-I for your ready reference.*

*Consequently, as per our understanding, SLDC had already complied with the order dated 01/10/2014 of Hon’ble CERC in both letter and spirit.*

34 342

**Abstract of revised UI bill account showing instances where ISTS schedule and injection is more than 170 MW means SLDC did not restrict it up to 170 MW.  
(in compliance of CERC's Order dtd. 19.02.2016 in Pno 462/MP/2014)**

ENTITY	FORDATE	BLK	FREQ	PROPORTIONED INJECTION ISTS	PROPORTIONED INJECTION NON ISTS	TOTAL INJECTION	SCHEDULE ISTS	SCHEDULE NON ISTS	TOTAL SCHEDULE	DEVIATION ISTS	DEVIATION NON ISTS	TOTAL DEVIATION	UL_RATE ISTS (100%)	UL_RATE NON ISTS (66%)	CHARGES ISTS	CHARGES NON ISTS	REVISED UICHARGES
1	2	3	4	5	6	7=(5+6)	8	9	10=(8+9)	11=(5-8)	12=(9-9)	13	14	15	16=(14X11X2.5)	17=(15X12X2.5)	18=(16+17)
NSPCL	06-FEB-10	18	49.58	301	163	464	248	134	382	53	29	82	408	388	54249	27903	82152
NSPCL	06-FEB-10	20	49.76	301	163	465	248	134	382	53	29	82	324	308	43175	22207	65383
NSPCL	06-FEB-10	26	49.54	300	162	463	248	134	382	52	28	80	408	388	53019	27271	80290
NSPCL	06-FEB-10	29	49.7	310	169	479	248	136	384	61	34	95	360	342	55328	28745	84073
NSPCL	06-FEB-10	30	49.5	305	167	472	248	136	384	57	31	88	408	388	57977	30121	88098
NSPCL	06-FEB-10	31	49.78	305	167	472	248	136	384	57	31	88	312	296	44335	23034	67369
NSPCL	06-FEB-10	32	49.56	305	167	472	248	136	384	57	31	88	408	388	57977	30121	88098
NSPCL	06-FEB-10	33	49.7	303	165	468	248	136	384	54	30	84	360	342	49041	25478	74519
NSPCL	06-FEB-10	34	49.54	304	166	470	248	136	384	56	30	86	408	388	56770	29494	86264
NSPCL	06-FEB-10	35	49.82	305	167	472	248	136	384	57	31	88	408	388	57961	30113	88073
NSPCL	06-FEB-10	36	49.6	301	165	466	248	136	384	53	29	82	408	388	54372	28248	82620
NSPCL	06-FEB-10	37	49.84	305	167	472	248	136	384	57	31	88	396	376	56272	29235	85507
NSPCL	06-FEB-10	38	49.24	304	166	470	248	136	384	56	30	86	408	388	56770	29494	86264
NSPCL	06-FEB-10	39	49.4	300	164	464	248	136	384	52	29	81	408	388	53165	27621	80786
NSPCL	06-FEB-10	40	49.58	300	164	464	248	136	384	52	28	81	408	388	53114	27595	80709
NSPCL	06-FEB-10	41	49.78	300	164	464	248	136	384	52	28	81	324	308	42191	21920	64111

25. CSLDC has also submitted sample data in the instant Petition as asked in ROP dated 25.10.2023, where it has not restricted schedule in ISTS as 170 MW quoted as follows:

Detailed Calculation (Blockwise) of the UI Charges in respect of NSPCL Bihai (2x250 MW) Plant for a sample one week period of 01-Dec-2010 to 07-Dec-2010

Time-Block	FREQ in Hz	UI RATE in PAISE	TOTAL SCHEDULE in MW	ISTS SCHEDULE in MW	Non-ISTS SCHEDULE in MW	TOTAL INJECTION in MW	ISTS INJECTION (Break Up Derived from total injection proportionate to ISTS schedule against total schedule) in MW	Non-ISTS INJECTION (Break Up Derived from total injection proportionate to Non-ISTS schedule against total schedule) in MW	UI for ISTS (in MW)	UI for Non-ISTS (in MW)	UI for ISTS (in KWH)	UI for Non-ISTS (in KWH)	UI charge For ISTS @100% of UI Rate (irrespective of over or under injection) (in Rs.)	UI charge For Non-ISTS @95% of UI Rate for over injection and @185% of UI Rate for under injection (in Rs.)	TOTAL REVISED UI CHARGES in Rs.
A	B	C	D=E+F	E	F	G=H+I	J=(C*F/D)	I=(C*I/D)	J=H-E	K=F-I	L	M	N=L*700	O = M*(Z/100), where Z=1.05 for under injection and 0.95 for over injection	P=N+O
49	49.86	263.50	480.00	255.80	224.19	481.29	261.77	219.43	5.97	5.23	1,492.00	1,508.58	2,833.53	3,275.12	7,208.65
50	49.82	294.50	480.00	255.80	224.19	488.45	250.84	228.61	5.94	4.42	1,330.25	1,094.53	2,711.46	3,090.21	6,801.63
51	49.80	310.00	480.00	255.80	224.19	489.31	260.76	229.54	4.96	4.35	1,240.87	1,087.55	2,646.70	3,202.63	7,049.54
52	50.02	139.50	480.00	255.80	224.19	486.48	259.21	227.19	3.41	2.99	853.29	747.86	1,199.34	991.19	2,181.44
53	49.94	201.50	480.00	255.80	224.19	482.78	257.28	225.49	1.49	1.29	368.82	323.34	749.16	618.77	1,361.93
54	49.86	263.50	480.00	255.80	224.19	484.51	258.21	226.20	2.41	2.11	691.36	527.06	1,584.59	1,219.38	2,901.93
55	49.76	341.00	480.00	255.80	224.19	484.85	258.26	225.57	2.48	2.19	628.74	544.04	2,116.73	1,762.43	3,679.16
56	49.76	341.00	480.00	255.80	224.19	485.02	260.61	228.41	4.81	4.21	1,282.11	1,053.58	4,699.21	3,413.07	7,512.28
57	49.94	291.50	480.00	255.80	224.19	487.42	259.76	227.66	3.96	3.47	988.94	866.76	1,992.72	1,659.17	3,651.93
58	49.80	310.00	480.00	255.80	224.19	491.64	262.90	225.63	6.28	5.44	1,591.94	1,359.30	4,887.99	4,002.14	8,811.89
59	49.78	325.50	480.00	255.80	224.19	483.36	257.99	225.76	1.79	1.96	448.33	391.18	1,452.81	1,208.63	2,682.44
60	49.78	325.50	480.00	255.80	224.19	486.29	258.22	226.07	4.42	3.87	1,185.22	968.66	2,697.49	2,965.33	6,982.82
61	50.00	93.00	480.00	255.80	224.19	484.96	258.44	226.51	2.64	2.21	659.50	578.01	813.34	616.67	1,124.01
62	49.78	325.50	480.00	255.80	224.19	482.33	257.34	225.28	1.24	1.89	316.68	272.29	1,011.29	841.98	1,853.24

As per the above, CSLDC applied UI rate for ISTS schedules for schedules more than 170 MW. As per the submissions of CSLDC, we observe that CSLDC applied Regulation 30(5) of 2009 Connectivity Regulations considering UI rate at 95%/105% for schedules that were intra-state and applied full UI rate on schedules that were under ISTS without applying a limit of 170 MW.

26. We observe that it has not been disputed that the Petitioner is connected both to the intra-state system and ISTS. We also note that vide Order dated 19.02.2016 in Petition No 462/MP/2014, it was held that a limit of 170 MW was not to be applied. The schedules that are intra-state, the relevant Regulation is Regulation 30(5) of the 2009 Connectivity Regulations, which has been correctly applied by the Respondent CSLDC.
27. We are of the considered view that the Commission's Orders dated 01.10.2014 and 19.02.2016 passed in Petition Nos. 53/MP/2012 and 462/MP/2014, respectively have already been complied with by the CSLDC with respect to UI accounting, which was the main issue under the instant Petition raised by the Petitioner. Therefore, all the prayers of the Petitioner stand rejected.
28. The Petition No. 140/MP/2022 is disposed of in terms of the above.

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

**Sd/  
(Arun Goyal)  
Member**

**Sd/  
(Jishnu Barua)  
Chairperson**