

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 163/RC/2021**

**Coram:**

**Shri Jishnu Barua, Chairperson**

**Shri I. S. Jha, Member**

**Shri Arun Goyal, Member**

**Shri P. K. Singh, Member**

**Date of Order: 12<sup>th</sup> January 2024**

**In the matter of:**

Petition under sections 79 (1)(c) and (h) of the electricity act, 2003 read with relevant clauses of the Indian Energy Grid Code seeking permission for scheduling of power from Tashding HEP by the Eastern Region Load Dispatch Centre.

**And**

**In the matter of:**

SHIGA Energy Private Limited,  
10<sup>th</sup> Floor, DLF Building, No.8, Tower-C,  
DLF Cyber City, Phase-II,  
Gurgaon-122002

...Petitioner

**Versus**

1. Energy and Power Department, Government of Sikkim,  
Power Secretariat, Kazi Road, Gangtok,  
East Sikkim-737101

..... Respondent No.1

2. POSOCO (ERLDC),  
B-9, Qutab Institutional Area, 1<sup>st</sup> Floor Katwaria Sarai,  
New Delhi-110016

..... Respondent No. 2

**Parties Present:**

Shri Anand K. Ganeshan, Advocate, SEPL

Shri Amal Nair, Advocate, SEPL

Ms. Shivani Verma, Advocate, SEPL

Shri Ranjit Pal, ERLDC

Shri Alok Mishra, ERLDC

Shri Debajyoti Majumdar, ERLDC



## **ORDER**

SHIGA Energy Private Limited has filed the instant Petition under Sections 79 (1)(c) and (h) of the Electricity Act, 2003, read with relevant clauses of the Indian Electricity Grid Code (hereinafter being referred to as the “Grid Code”) seeking permission for scheduling the power generated at the Petitioner’s hydro based generating station at Tashiding in the state of Sikkim by the Eastern Region Load Dispatch Centre (hereinafter being referred to as the “ERLDC”).

2. The Petitioner has made the following prayers:

- i. Confirm and approve the scheduling of power from the Tashiding HEP of the Petitioner by the ERLDC in terms of Clause 6.4.3 of the Grid Code till the commissioning of the Legship Pooling Station.*
- ii. Pass such further order(s) as deemed fit and proper*

### **Submission of Petitioner**

3. Petitioner has made the following submissions:

- a) The Petitioner has established a 97 MW hydro-based generating station at Tashiding in the state of Sikkim, with 10% overload capacity aggregating to 106.7 MW (hereinafter being referred to as the “Tashiding HEP”).
- b) The Petitioner entered into an Implementation Agreement dated 03.09.2008 with the Government of Sikkim for the establishment of Tashiding HEP. In terms of the implementation agreement, the government of Sikkim is entitled to free power to the extent of 13% of the generation for the period of 15 years from the commercial operation date and to the extent of 16% from the 16th year onwards.
- c) The Petitioner had applied for a grant of Connectivity and Long Term Open Access (LTOA) with PowerGrid. The LTOA Agreement was signed between PowerGrid and the Petitioner on 19.10.2011.
- d) In terms of Annexure-2 of the LTOA Agreement, the implementation of the Transmission System (establishment of 220 kV Gas Insulated pooling station near Tashiding and pooling station near Tashiding – New Melli 220 kV D/c with twin moose conductor) was not part of the Petitioner’s scope of implementation of the transmission system. PowerGrid, being the other party to the LTOA Agreement, was



to get the said transmission system implemented, which, as per Annexure-3 of the LTOA Agreement, was to be done through Respondent No.1.

- e) The power evacuation system for Tashiding HEP comprises a dedicated transmission line from the Tashiding HEP switchyard to 220 kV Legship Pooling station. This line, about 7 kms long, was to be constructed by the Petitioner. Further evacuation was to be through a 220 kV transmission line from the Legship Pooling Station to the New Melli GIS substation.
- f) On 23.11.2015, a meeting was held between the concerned parties before the CEA for deliberation on the power evacuation system for Jorethang HEP and Tashiding HEP. Petitioner informed that Tashiding HEP was in an advanced stage of construction and expected to be commissioned by December 2016. However, the Legship Pooling Station was delayed, and therefore, to avoid a bottleneck of power from Tashiding HEP, it was agreed that Petitioner's project should be directly connected to the New Melli substation bypassing the Legship Pooling Station.
- g) On 01.04.2016 a meeting was taken by CEA to review the construction progress of the associated transmission system of Tashding HEP. The Petitioner once again informed the Commission that the Tashding HEP is planned to be commissioned in December 2016. PowerGrid informed that the 220 kV D/C Legship Pool-New Melli Line and 220/132 kV Legship Substation would be delayed on account of the delay in awarding contracts for the same. Considering the delay in awarding the projects to be constructed by PowerGrid, the Petitioner requested the following two temporary arrangements:
  - a. Temporary Arrangement 1 - Interconnection of Tashiding - Legship Pool 220 kV D/C line with Legship Pool New Melli 220 kV D/C line by bypassing Legship Pooling station.
  - b. Temporary Arrangement 2 - LILO of one circuit of the New Melli-Rangpo 220 kV D/c line at a suitable location near New Melli and connecting it with the Tashiding-New Melli line to form the Tashiding-New Melli, the Tashiding-Rangpo and the New Melli-Rangpo 220 kV S/c lines.
- h) The above suggested temporary arrangements were further agreed upon in the 18<sup>th</sup> Standing Committee Meeting on Power System Planning held on 13.06.2016. It was agreed that the temporary arrangement at (a) would be discontinued after the

commissioning of the Legship pooling sub-station, and the temporary arrangement at (b) would be discontinued after the commissioning of 2 Nos. 220 kV bays at New Melli.

- i) 220 kV D/c Legship pool (Tingmoo) to New Melli Transmission line was completed by PowerGrid on 10.10.2017. Pursuant thereto, Tashiding HEP was declared for commercial operation on 06.11.2017.
- j) In the 135th OCC meeting held on 24.07.2017 before Eastern Regional Power Committee (ERPC), it was noted that Tashiding HEP has only connectivity with STU (Government of Sikkim) network and being an embedded entity of Sikkim, the scheduling responsibility lies with the State Load Dispatch Centre, Sikkim (hereinafter being referred to as the “SLDC”) as per Clause 6.4.2 (c)(ii) of the Grid Code. In the said meeting, it was decided that related issues of control area jurisdiction, scheduling, etc., may be discussed in a separate meeting.
- k) Thereafter, a separate meeting was held in this regard with ERPC and ERLDC on 04.09.2017 regarding the metering and scheduling methodology of Tashiding HEP. The gist of the discussion held in the said meeting is as under:
  - i. Tashiding HEP is getting connected at Inter State Transmission System (ISTS) at 400/220/132 kV Rangpo substation and 220 kV New Melli substation of POWERGRID through dedicated transmission line of generator (220 kV Tashiding Legship Pool D/C) and state transmission network of Sikkim (220 kV Legship Pool New Melli D/C) as an interim arrangement as per decision of 18th SCM of ER. Therefore, the metering and scheduling point of Tashiding HEP for 220 kV Tashiding – New Melli line will be New Melli end and 220 kV Tashiding – Rangpo line will be Rangpo end.
  - ii. There exists no connectivity with State Transmission Utility STU (SIKKIM) for Tashiding HEP
  - iii. Therefore, the scheduling responsibility could be taken up by ERLDC as per clause 6.4.3 of the Indian Electricity Grid Code (IEGC) under operational expediency after getting an unconditional no objection certificate (NOC) from Sikkim SLDC.
  - iv. Sikkim should intimate the upfront applicable charges required for transactions from Tashiding HEP.

- v. ERLDC fees and charges will be applicable on Tashiding HEP.
- vi. Tashiding HEP will be liable to share ISTS Transmission charges and losses as per relevant regulations.
- l) In the 36<sup>th</sup> TCC/ERPC meeting held on 13.09.2017 and 14.09.2017, the Government of Sikkim agreed to issue the NOC for scheduling of Tashiding HEP by ERLDC and Tashiding HEP would approach the Commission and obtain the approval from it regarding the scheduling of Tashiding HEP by ERLDC.
- m) On 26.09.2017, the Government of Sikkim, Energy and Power Department granted a No Objection Certificate for evacuation of power generated by Tashiding HEP through interconnection with the transmission line at Legship point and for scheduling of the said power by ERLDC.
- n) In the 37<sup>th</sup> Commercial Committee meeting of ERPC held on 11.06.2018 and , it was noted that the scheduling of Tashding HEP is being carried out by ERLDC in terms of Clause 6.4.3 of the Grid Code and presently for net injection for Tashiding HEP, end meter at New Melli (PG) and Rangpo (PG) is being used.
- o) In the 44<sup>th</sup> Commercial Sub-Committee meeting held on 07.07.2021, in the context of scheduling of power from Tashiding HEP, ERPC has directed the Petitioner to file the petition for seeking NOC of CERC at the earliest.
- p) The scheduling of the power from the generating station has been undertaken only by the ERLDC since the commissioning of the plant. However, since ERPC has required a formal approval of the Commission for such scheduling to continue, the present petition has been preferred by the Petitioner seeking the confirmation and approval of the Commission for the scheduling of power by the Petitioner to be undertaken by the ERLDC in terms of Clause 6.4.3 of the Grid Code till the time the Legship Pooling Station is commissioned

### **Hearing on 08.06.2023**

- 4. Petition was admitted on 08.06.2023. In response to the specific query of the Commission during the hearing with regard to the scheduling of the Tashiding Hydro Project being already done by ERLDC, learned counsel replied in the affirmative and referred to the order dated 7.3.2023 in Petition No. 175/MP/2021 (Gati



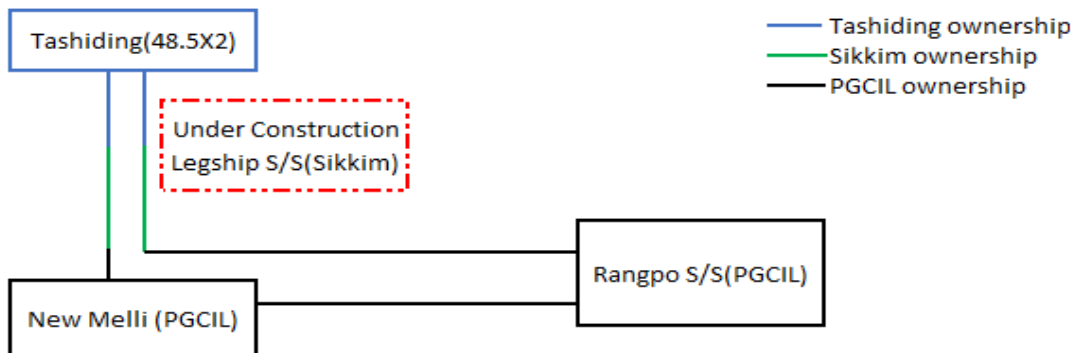
Infrastructure Pvt. Ltd. v. ERLDC and Ors.) praying for a similar approval in the present case.

5. The Commission directed the Petitioner to submit the current status of implementation of the evacuation system, which was under the scope of Sikkim.

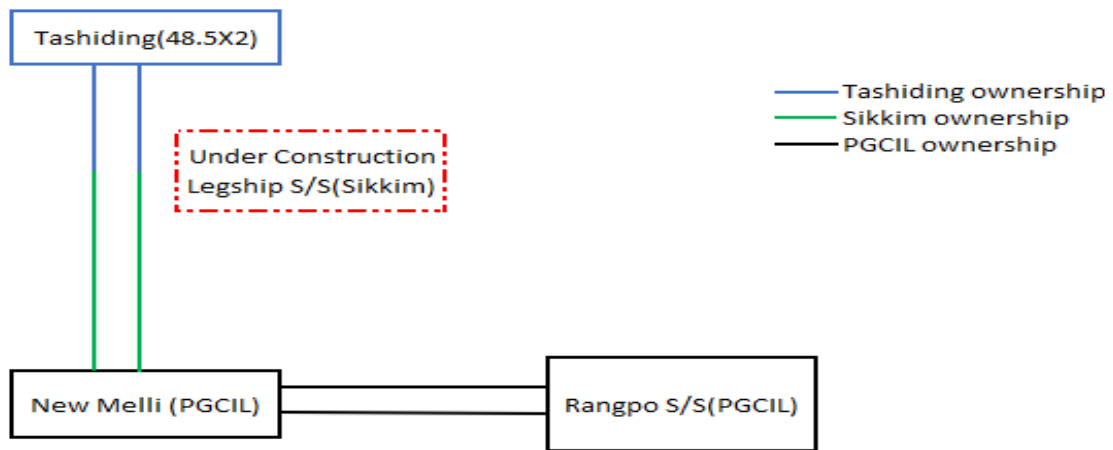
### **Submission of Respondent**

6. Respondent No.2 Eastern Regional Load Despatch Center (ERLDC) vide affidavit dated 24.07.2023 has submitted as follows:

- a) Post COD of Tashiding HEP, evacuation was done with CTU (by utilizing dedicated transmission line, STU lines & POWERGRID lines) network as below:



- b) During April 2022, 2 nos bays earmarked for terminating 220 kV Legship Pool-New Melli D/C at New Melli were commissioned by Sikkim. Hence, temporary arrangement 2 was removed and 220 kV Legship Pool-New Melli D/C directly terminated at New Melli S/S, and 220 kV Rangpo-New Melli was restored to original configuration. Since April 2022, evacuation of Tashiding HEP was done with CTU (by utilizing dedicated transmission line, STU lines & POWERGRID lines) network. As the 220 kV Legship Pooling station is yet to be commissioned, Temporary arrangement-1 still exists.



- c) During the 135<sup>th</sup> ERPC OCC meeting held on 24.07.2017, it was discussed and noted that Tashiding HEP has connectivity with the Sikkim STU network, being an embedded entity of Sikkim, scheduling responsibility lies with SLDC. OCC advised to take up the issue with Tashiding HEP and Sikkim in a separate meeting. Thereafter, a separate special meeting was held between ERPC, ERLDC, Sikkim and Tashiding HEP on 04.09.2017, where it was decided that (i) Scheduling responsibility could be taken up by ERLDC as per clause 6.4.3 of Indian Electricity Grid Code (IEGC) under operational expediency after getting unconditional no objection certificate (NOC) from Sikkim SLDC and further Tashiding has to file a petition at CERC for necessary approval, and (ii) The metering and scheduling point of Tashiding for 220 kV Tashiding – New Melli line will be New Melli end and 220 kV Tashiding – Rangpo line will be Rangpo end.
- d) In the 36<sup>th</sup> TCC/ERPC meeting held on 13.09.2017, Sikkim agreed to issue the NoC for scheduling of Tashiding HEP by ERLDC and issued the NoC on 26.09.2017. After getting NoC from Sikkim and commissioning of the plant on 06.11.2017, ERLDC started scheduling the plant as per decisions of various forums. The Scheduling of the Power of Tashiding HEP was again taken up before the 37<sup>th</sup> CCM Meeting held on 11.06.2018. The ERPC forum advised Tashiding HEP to seek approval from CERC regarding scheduling by ERLDC.
- e) ERLDC again raised the issue of scheduling of Chuzachen HEP and Tashiding HEP in the 38<sup>th</sup> TCC Meeting dated 29.06.2018; TCC also advised Tashiding HEP to file a petition before CERC for obtaining NOC for scheduling of generation by ERLDC. In the 44<sup>th</sup> CCM on 07.07.2021, the same was again discussed, and Tashiding HEP intimated that they will be filling the same by 14.07.2021. The matter was again discussed and deliberated in the 46<sup>th</sup> CCM dated 06.07.2022.

- f) Tashiding HEP declared their COD on 06.11.2017, but they had filed the petition before the Commission on 23.07.2021 to seek the approval for scheduling by ERLDC. Sikkim also expressed their system constraints for scheduling the power of Tashiding HEP till the time the SAMAST Framework is set up at SLDC. Accordingly, ERLDC is continuing the scheduling activity as deliberated in various ERPC forums.
- g) ERLDC has consistently expressed concerns regarding the scheduling of the Tashiding Hydroelectric Project in various ERPC forums. Despite the delay in filing petitions by Tashiding HEP, ERLDC has refrained from taking any measures against Tashiding HEP, considering that such actions could potentially result in the wastage of precious water resources, posing a significant loss to the nation.

### **Submission of Petitioner**

7. Petitioner, vide affidavit dated 22.08.2023, has submitted that Petitioner had written a letter dated 08.08.2023 to Energy and Power Department, Sikkim, requesting them to provide the current status of implementation of the evacuation system, which was under the scope of the State of Sikkim. To date, neither a reply has been filed by Energy and Power Department, Sikkim, nor has it replied to the Petitioner's letter dated 08.08.2023. Further, in terms of the last discussion held between the parties, the Energy and Power Department, Sikkim, informed the Petitioner that tentatively, the evacuation system under its scope is likely to come up by March 2024.

### **Hearing on 23.08.2023**

8. The Commission observed that the COD of Tashiding HEP was achieved on 6.11.2017, and the Petitioner has sought approval from the Commission in 2021. The Commission observed that the Petitioner should have come earlier.
9. After hearing the Parties, the Commission reserved the order in the matter on 23.08.2023.

### **Submission of Petitioner**

10. Petitioner vide affidavit dated 07.09.2023 has reiterated its earlier submissions and has submitted that the delay in approaching the Commission was not deliberate on





the part of the Petitioner. The Petitioner further submitted that the Commission in Petition No. 175/MP/2021, arising out of identical facts and also pertaining to Sikkim SLDC, has condoned much more delay.

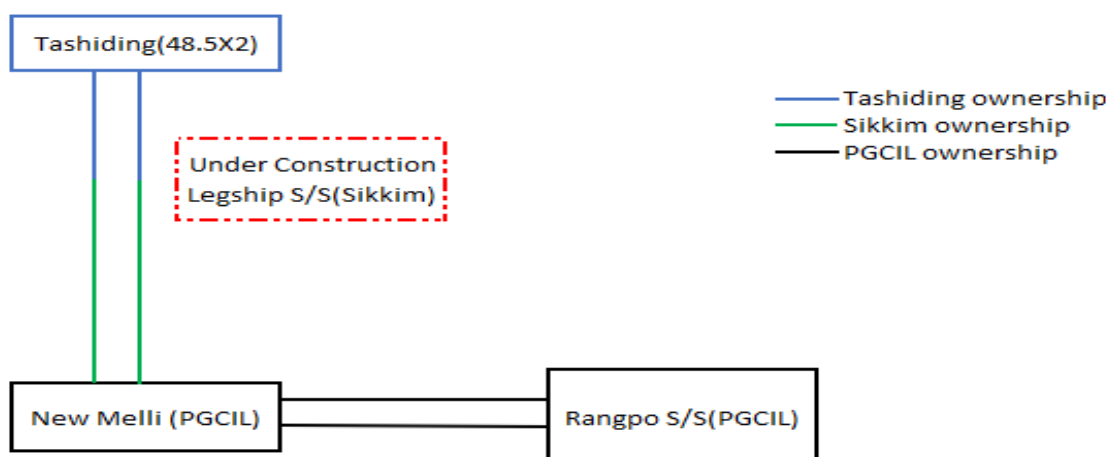
### **Analysis and Decision**

11. Petitioner has submitted that the power evacuation system of its Hydro Power Plant Tashiding HEP comprises a dedicated transmission line from Tashiding HEP switchyard to 220 kV Legship Pooling station (under the scope of Petitioner) and 220 kV Legship pooling station and Legship pooling station – New Melli 220 kV D/c (under the scope of the Energy and Power Department, Government of Sikkim). The Petitioner has further submitted that due to the delay in the development of the transmission system, which was under the scope of the Energy and Power Department, Government of Sikkim, the matter of scheduling of power from Tashiding HEP was discussed at the CEA level and different ERPC forums. Accordingly, to avoid non-scheduling of power from Tashiding HEP, in the 18th Standing Committee Meeting (SCM) on Power System Planning held on 13.06.2016 temporary arrangement for scheduling of power from Tashiding HEP was agreed, which consisted of (i) Interconnection of Tashiding - Legship Pool 220 kV D/C line with Legship Pool New Melli 220 kV D/C line by bypassing Legship Pooling station and (ii) LILO of one circuit of New Melli-Rangpo 220 kV D/c line at a suitable location near New Melli and connecting it with Tashiding-New Melli line to form Tashiding-New Melli, Tashiding-Rangpo and New Melli-Rangpo 220 kV S/c lines. Further, it was also decided in the meeting that the temporary arrangement at (i) would be discontinued after the commissioning of the Legship pooling sub-station and the temporary arrangement at (ii) would be discontinued after the commissioning of 2 Nos. 220 kV bays at New Melli.
12. Petitioner submitted that in the meeting with ERPC and ERLDC on 04.09.2017 regarding metering and scheduling methodology of Tashiding HEP, it was decided that as there is no connectivity with SIKKIM STU for Tashiding HEP, the scheduling responsibility could be taken up by ERLDC as per clause 6.4.3 of Indian Electricity Grid Code (IEGC) under operational expediency, after getting unconditional no objection certificate (NOC) from Sikkim SLDC. During the 36th TCC/ERPC meeting held on 13.09.2017 and 14.09.2017, the Government of Sikkim agreed to issue the NOC for scheduling of Tashiding HEP by ERLDC and Tashiding HEP would

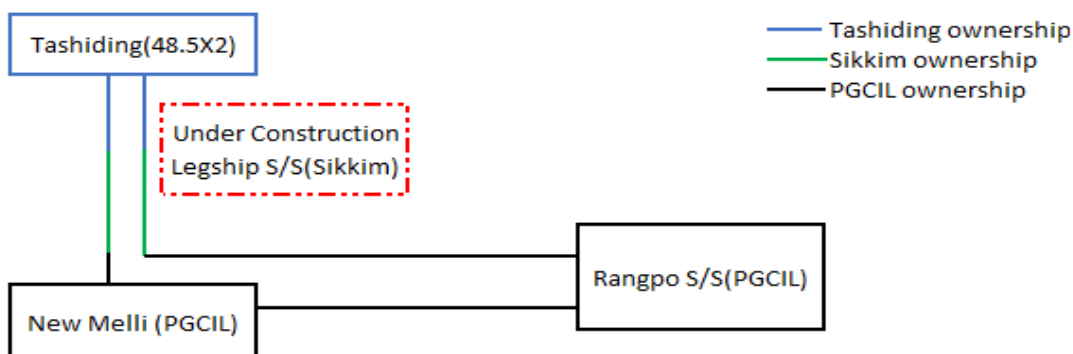
approach the Commission and obtain approval from it regarding the scheduling of Tashiding HEP by ERLDC. On 26.09.2017, the Energy and Power Department, Government of Sikkim, granted a No Objection Certificate for evacuation of power generated by Tashiding HEP through interconnection with the transmission line at Legship point and for scheduling of the said power by ERLDC.

13. Petitioner has submitted that during the 37th Commercial Committee meeting of ERPC held on 11.06.2018, 38th Commercial Committee meeting of ERPC held on 11.06.2018, and 44th Commercial Sub-Committee meeting held on 07.07.2021, in the context of scheduling of power from Tashiding HEP, ERPC has directed the Petitioner to file the petition for seeking NOC of CERC at the earliest. Accordingly, Petitioner has filed the present petition seeking confirmation and approval of the Commission for the scheduling of power from Tashiding HEP to be undertaken by the ERLDC in terms of Clause 6.4.3 of the Grid Code till the time the Legship Pooling Station is commissioned.
14. The Respondent ERLDC has submitted that based on the decision under the 135th ERPC OCC meeting held on 24.07.2017, temporary arrangement agreed upon in the meeting held on 04.09.2017 between the Petitioner, ERPC, and ERLDC, and the NOC dated 26.09.2017 issued by Sikkim in pursuance of the 36th TCC/ERPC meeting held on 13.09.2017, ERLDC started scheduling the plant since commissioning, i.e. 06.11.2017. ERLDC further submitted that ERLDC has consistently expressed concerns regarding scheduling of the Tashiding Hydroelectric Project in various ERPC forums. Despite the delay in filing petition by Tashiding HEP, ERLDC has refrained from taking any measures against Tashiding HEP, considering that such action could potentially result in the wastage of precious water resources, posing a significant loss to the nation.
15. Petitioner has also submitted a copy of the subsequent NOC dated 30.05.2022 issued by Respondent No.1 for scheduling of Power from Tashiding HEP of the Petitioner by the ERLDC till the time SAMAST framework is set up at SLDC, Sikkim.
16. We have considered the submissions of the Petitioner and the Respondents and perused the documents available on record. The only issue which arises for our consideration is whether approval can be granted under Regulation 6.4.3 of the 2010 Grid Code for ERLDC to schedule power from Tashiding HEP of the Petitioner, which is being dealt with in subsequent paragraphs.

17. ERLDC has submitted the present configuration of evacuation for petitioner's generating station as follows:



As per the above, Tashiding HEP is evacuating power through the interconnection of the Tashiding - Legship Pool 220 kV D/C dedicated line with the Legship Pool - New Melli 220 kV D/C STU line by bypassing the Legship Pooling station. Further, the Legship Pool Sub-station is still under construction. Prior to this, the arrangement was as under since the COD of Tashiding HEP:



Under both arrangements, it is observed that the generating station is connected to STU lines.

18. Regulation 6.4 of the 2010 Grid Code provides as under:

*“6.4 Demarcation of responsibilities:*

- .....
2. *The following generating stations shall come under the respective Regional ISTS control area and hence the respective RLDC shall coordinate the scheduling of the following generating stations*
    - a) *Central Generating Stations (excluding stations where full Share is allocated to host state),*
    - b) *Ultra Mega Power Projects including projects based on wind and solar resources and having capacity of 500 MW and above*
    - c) *In other cases, the control area shall be decided on the following criteria:*

- i. *If a generating station is connected only to the ISTS, RLDC shall coordinate the scheduling, except for Central Generating Stations where full Share is allocated to one State.*
  - ii. *If a generating station is connected only to the State transmission network, the SLDC shall coordinate scheduling, except for the case as at (a) above.*
  - iii. *If a generating station is connected both to ISTS and the State network, scheduling and other functions performed by the system operator of a control area will be done by SLDC, only if state has more than 50% Share of power, The role of concerned RLDC, in such a case, shall be limited to consideration of the schedule for inter state exchange of power on account of this ISGS while determining the net drawal schedules of the respective states. If the State has a Share of 50% or less, the scheduling and other functions shall be performed by RLDC.*
  - iv. *In case commissioning of a plant is done in stages the decision regarding scheduling and other functions performed by the system operator of a control area would be taken on the basis of above criteria depending on generating capacity put into commercial operation at that point of time. Therefore, it could happen that the plant may be in one control area (i.e. SLDC) at one point of time and another control area (i.e. RLDC) at another point of time. The switch over of control area would be done expeditiously after the change, w.e.f. the next billing period.*
- 3. There may be exceptions with respect to above provisions, for reasons of operational expediency, subject to approval of CERC. Irrespective of the control area the jurisdiction, if a generating station is connected both to the ISTS and the STU, the load dispatch centre of the control area under whose jurisdiction the generating station falls, shall take into account grid security implication in the control area of the other load dispatch centre.”**

As per Regulation 6.4.2(c)(ii) of the IEGC, 2010 scheduling of power of a generating station connected with the State network shall be done by SLDC. Further, Regulation 6.4.3 provides for exceptions to this Regulation, under operational expediency, subject to the approval of CERC. As per the quoted clause, the scheduling of Petitioner was required to be carried out by SLDC, Sikkim, since the Petitioner was connected to State-owned lines. However, ERLDC has been scheduling the power for the generating station based on various minutes of meeting and NOC of Sikkim.

19. We have perused the NOC by Sikkim who vide letter dated 26.09.2017 stated as follows:

Telex : 0264202 POWER IN  
Fax : 03592 222927

Phones : 202244  
PBX : 222908  
222916  
222028



**GOVERNMENT OF SIKKIM  
ENERGY AND POWER DEPARTMENT**

No. 243/CE/EP/RE/ERP/2017-18/820


Dated 26/9 2017

**TO WHOM IT MAY CONCERN**

Reference to the 18<sup>th</sup> Standing Committee Meeting of Power System Planning (Eastern Region) held in Kolkata on 13<sup>th</sup> June 2016 and with further reference to the 36<sup>th</sup> TCC meeting held at Bhubaneswar, The Energy & Power Department, Government of Sikkim do hereby provide a No Objection Certificate for evacuation of power generated by the Tashiding HEP of Shiga Energy Pvt. Ltd. through interconnection with the Intra-State Transmission Line of Energy & Power department at Legship point.

The scheduling may also be done by ERLDC and the power evacuated further to the Inter State Transmission system.

However, this is a purely temporary arrangement and will be effective till the commissioning date of the 220/132 KV Legship Pooling Station of Energy & Power Department or till further instructions from the Energy & Power Department, Government of Sikkim.

  
Chief Engineer (Trans./RE)  
Energy & Power Department,  
Government of Sikkim,  
Gangtok.

Chief Engineer  
Energy & Power Deptt.  
Govt. of Sikkim, Gangtok

As per the above, NOC has been granted for scheduling of power from Tashiding HEP by ERLDC as a temporary arrangement, effective till the commissioning date of the 220/132 KV Legship Pooling Station of the Energy & Power Department or till further instructions from the Energy & Power Department, Government of Sikkim.

20. Respondent No.1 vide letter dated 30.05.2022 issued another NOC:



**GOVERNMENT OF SIKKIM  
POWER DEPARTMENT**

No. 63/P/SLDC/2022-23/66Dated 30/05/2022

**TO WHOM IT MAY CONCERN**

**Ref : 1.243/CE/EHV/RE/E&P/2017-18/820 Dated 26.09.2017**

Reference to application No:SEPL/F-03/22-23/865 dated : 27/15/2022 regarding issuance of NOC for the scheduling of Power by ERLDC for the power generated by 2x48.5 MW Tashiding HEP, Power Department, Govt. Of Sikkim do hereby provide a No Objection Certificate for evacuation of Power generated by Tashiding HEP of Shiga Energy Private Limited through Interconnection with the Intra-State Transmission line of Power Department.

The Scheduling may be done by ERLDC and the power be evacuated further to the Inter State Transmission System till the time SAMAST framework is set up at Sikkim SLDC.

Assistant Engineer (SLDC)  
Assistant Engineer (SLDC)  
Power Department & Power Deptt.  
Govt. of Sikkim  
Govt. Of Sikkim

As per the above, Respondent No.1 has issued NOC for scheduling of Power from Tashiding HEP of the Petitioner by the ERLDC till the time the SAMAST framework is set up at SLDC, Sikkim.

21. The relevant extract of the CERC order dated 07.03.2023 in Petition No. 175/MP/2021 is as follows:

*"20. We observe that the generating station of Petitioner is connected only to intra-State transmission system and accordingly should be scheduled by SLDC of Sikkim as per provisions of 6.4 of the 2010 Grid Code. However, Respondent No.2 has expressed difficulty in scheduling power from Chuzachen HEP by Sikkim SLDC due to non-availability of SAMAST Framework within the State and has provided NOC for scheduling to be taken up by ERLDC. ERLDC has been scheduling power from generating station of the Petitioner since its COD in 2013 and has not expressed any reservations in continuing the scheduling by ERLDC. Accordingly, in the given facts and circumstances, we are inclined to approve the exception of Regulation 6.4.2 (c) (ii) of 2010 Grid Code for reasons of operational expediency as provided under regulation 6.4.3 of 2010 Grid Code and hereby allow ERLDC to schedule power from Chuzachen HEP till the time SAMAST framework is set up at SLDC Sikkim. Respondent No. 2 is directed to take up the modalities of changeover of scheduling from ERLDC to SLDC Sikkim at ERPC forum, once SLDC, Sikkim is in position to take up the scheduling activity for generating station of petitioner."*

As per above, considering the difficulty expressed by SLDC Sikkim in scheduling power from Chuzachen HEP due to non-availability of SAMAST Framework within

the State and the NOC provided by SLDC Sikkim for scheduling to be taken up by ERLDC, the Commission allowed ERLDC to schedule power from Chuzachen HEP till the time the SAMAST framework is set up at SLDC Sikkim.

22. We observe that the power from Tashiding HEP is to be evacuated through a dedicated transmission line from the Tashiding HEP switchyard to the 220 kV Legship Pooling station and 220 kV D/c transmission line from the 220 kV Legship pooling station to the New Melli Substation. However, due to a delay in the commissioning of the Legship pooling sub-station and non-availability of the SAMAST Framework within the state, the Energy and Power Department, Government of Sikkim, had issued conditional NOC dated 26.09.2017 and 30.05.2022 for scheduling to be taken up by ERLDC. Considering the decision under the 18th Standing Committee meeting held on 13.06.2016, and the NOC issued by SLDC Sikkim, ERLDC has been scheduling power from the generating station of the Petitioner since its COD on 06.11.2017.
23. Accordingly, considering the facts and circumstances in the above discussion and taking note of the order dated 07.03.2023 in Petition No. 175/MP/2021, we are inclined to approve the exception of Regulation 6.4.2 (c)(ii) of 2010 Grid Code for reasons of operational expediency as provided under regulation 6.4.3 of 2010 Grid Code and hereby allow ERLDC to schedule power from Tashiding HEP of the Petitioner till the time the SAMAST framework is set up at SLDC Sikkim or earlier if Sikkim SLDC is in a position to schedule the power from the Petitioner's generating station. Respondent No. 1 is directed to take up the modalities of changeover of scheduling from ERLDC to SLDC Sikkim at the ERPC forum once SLDC, Sikkim is in a position to take up the scheduling activity for generating station of petitioner.
24. We further observe that the scheduling of Petitioner's generating station has been done by ERLDC since 2017, but the petitioner approached the Commission in 2021, with a significant delay and should have approached the Commission earlier. We also observe that ERLDC had started scheduling of power from Tashiding HEP of the Petitioner and continued the same for a long period without getting any approval from the Commission in terms of regulation 6.4.3 of 2010 Grid Code, which is nothing but a breach of the mandatory Regulatory provision. The Commission expresses strong displeasure at the act of the Petitioner for such delay in approaching the Commission to obtain the necessary approval of the Commission in the matter and the act of ERLDC to breach the Regulatory provision, and we

hereby direct ERLDC not to breach the Regulatory provisions in the future in order to maintain proper grid discipline.

25. The Petition No. 163/RC/2021 is disposed of in terms of the above.

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

Sd/  
**(Arun Goyal)**  
**Member**

Sd/  
**(I. S. Jha)**  
**Member**

Sd/  
**(Jishnu Barua)**  
**Chairperson**

