

# CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Petition No. 343/MP/2020

**Coram:**

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

**Date of Order: 09.01.2024**

**In the matter of:**

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

**And in the matter of:**

Ratnagiri Gas & Power Private Limited  
NTPC Bhawan, Core-7, Scope Complex,  
Institutional Area, Lodi Road,  
New Delhi-110003.

**.....Petitioner**

**Vs**

1. Central Railways,  
2nd Floor, Parcel Building,  
Chatrapati Shivaji Terminus,  
Mumbai-400001.
2. Maharashtra State Transmission Electricity Transmission Company Limited,  
Prakashganga, Plot No.C-19, E-Block,  
Bandra Kurla Complex,  
Bandra (East),  
Mumbai-400051.

**....Respondents**

**For Petitioner:** Ms. Swapna Seshadri, Advocate, RGPL  
Ms. Ritu Apurva, Advocate, RGPPL  
Shri Karthikeyan M., Advocate, RGPPL

**For Respondent:** Ms. Puja Priyadarshini, Advocate, Central Railways  
Shri Kunal Kashyap, Advocate, Central Railways  
Shri Narendra Singh Shekhawat, Advocate, Central Railways



## ORDER

The instant petition is filed by Ratnagiri Gas & Power Private Limited (RGPPL) seeking directions to Central Railways, Respondent No.1, to correct the deductions being made by the Central Railways from the monthly bills of the Petitioner and to reimburse the excess transmission charges deducted by the Central Railways.

2. The Petitioner has made the following prayers in the petition:

*“a) Direct that the deduction effected by the Central Railway for transmission charges from the monthly bills of RGPPL is in contravention of the terms of the PPA dated 29.03.2017;*

*b) Direct Central Railways to deduct for transmission charges on RGPPL for 230 MW for period 01.04.2017 to 24.10.2017 and for 210 MW for the period from 25.10.2017 onwards;*

*c) Direct Central Railways to refund the transmission charges over charged for the period from April 2017 onwards out of the energy bills raised by RGPPL on Railways along with the surcharge as agreed in PPA.*

*d) Direct that in future, the transmission charges can be levied on RGPPL only up to the electricity allocated by the MOP to Central Railways under the PPA dated 29.03.2017 as modified from time to time;*

*e) Award costs of the present proceedings.”*

### **Brief facts of the matter**

3. The Petitioner operates a 1967.08 MW gas-based combined cycled power project consisting of three power blocks of capacity, namely Power Block-1 of 640 MW (2X205+1X230), Power Block 2 & 3 of 663.54 MW (2X213+1X237.54) each respectively. While 95% of the electricity is allocated to the MSEDCL, the balance 5% is allocated to the Union Territories of Daman & Diu (DD), Dadra & Nagar Haveli (DNH) and Goa.

4. The Petitioner had a Power Purchase Agreement (PPA) dated 14.10.2015 for 300 MW of capacity with the Central Railways. The Ministry of Power (MoP) vide letter dated 18.1.2016, revised the allocation of Central Railways from 300 MW to 250 MW with effect from 20.1.2016. Since the PPA dated 14.10.2015 was coming to an end on 31.3.2017, MoP vide letter dated 17.3.2017 allocated 540 MW of Power from RGPPL



to Indian Railway on a temporary basis up to March 2022 and out of this, allocation to Central Railway within the State of Maharashtra was 230 MW from 1.4.2017 to 24.10.2017 and 210 MW from 25.10.2017 onwards. Based on the said allocation, the Petitioner signed a PPA dated 29.3.2017 with the Central Railways.

5. As per the PPA, the bills raised by CTU/ STU towards transmission charges are to be initially paid by the Central Railways, and thereafter, such charges are to be deducted from the next bill payment to the Petitioner. As stated above, initially, the allocated capacity to the Central Railways was to the tune of 250 MW, the said allocation was subsequently revised by the MoP to 230 MW and later to 210 MW. However, the Central Railways has been deducting transmission charges for quantum of more than 230 and 210 MW. The Petitioner has submitted that such deductions are neither in line with the MoP's allocation nor in line with the provisions of the PPA, as the utilisation of the transmission system cannot be more than the quantum of power being allocated from the Petitioner to the Central Railways. The details of the quantum to be billed as per the PPA and the actual quantum billed by Central Railways are as follows:

<b>Period</b>	<b>Quantum billed by Railways (MW)</b>	<b>Quantum to be billed as per PPA (MW)</b>
1.4.2017 to 24.10.2017	255	230
25.10.2017 to 31.3.2018	255	210
w.e.f. 1.4.2018 onwards	260	210

6. The Petitioner has submitted that the action of Central Railways is contrary to its statutory and contractual obligations. The Petitioner has prayed to issue directions to the Central Railways to correct the transmission charges deducted by the Central Railways from the charges payable to the Petitioner since 1.4.2017 and reimburse the excess deductions made by it from the monthly bills of the Petitioner.



7. The matter was admitted on 25.8.2020. Thereafter, the matter was heard on 20.4.2023, 11.8.2023 and 18.10.2023, and the order in the matter was reserved.

8. During the hearing on 20.4.2023, the learned counsel for the Petitioner submitted that the Central Railways has already paid the major portion of the principal amount claimed in the petition and sought permission to file the details of the remaining amount to be paid by the Central Railways, which was granted by the Commission.

9. On the next date of hearing on 11.8.2023, the learned counsel for the Petitioner submitted that Central Railways has paid the principal amount, and the Petitioner has submitted the details of the interest payable by the Central Railways and has requested to direct the Central Railways to release the interest amount payable to the Petitioner. The learned counsel for Central Railways submitted that the principal amount claimed by the Petitioner has already been paid, and the interest calculations submitted by the Petitioner are not clear and would discuss with the Petitioner to understand the same.

10. After hearing the arguments of the parties on 8.10.2023, the Commission reserved the order and directed the parties to file their written submissions. The parties have filed the written submissions stating that Central Railways has paid the principal amount and the interest as claimed by the Petitioner and have sought disposal of the petition. The relevant portion of the written submission made by the Central Railways dated 10.11.2023 in this regard are as follows:

*“5. It is submitted that in compliance of the directions issued by this Hon'ble Commission during hearing dated 11.08.2023, Central Railways transferred the full amount as indicated by RGPPL i.e., Rs. 8,12,26,549/- to RGPPL's account on 12.09.2023 .....*

*.....*

*6. The matter was thereafter listed on 18.10.2023. It is most humbly submitted that during the course of hearing, the counsel for RGPPL also confirmed before this Hon'ble Commission that Central Railways has duly made the complete payment of amounts*



*involved in the present litigation i.e., Petition No. 343-MP-2020 (which includes payment of principal amount as well as interest) to RGPPL.*

*7. Thus, in terms of the above facts and the joint request made by RGPPL and Central Railways during the course of hearing on 18.10.2023, it is most humbly reiterated and prayed that the present petition may be disposed of as settled between the parties. For this act of kindness, Central Railways shall ever remain grateful.”*

11. The Petitioner has confirmed the receipt of the amount due to the Petitioner and has requested to dispose of the present petition. The relevant portion of the written submission of RGPPL dated 13.11.2023 is as follows:

*“19. It is submitted that in compliance of the directions issued by this Hon’ble Commission during hearing dated 11.08.2023, Central Railways transferred the full amount as indicated by RGPPL i.e., Rs. 8,12,26,549 to RGPPL’s account on 12.09.2023. The details of the payment made by Central Railways are given in the additional affidavit filed by Central Railways on 20.09.2023.*

*20. Thereafter, by way of a letter No. L/AC/10/EC/Recovery-RGPPL dated 14.09.2023, Central Railways confirmed to RGPPL that the complete payment of interest as claimed by them has been remitted to RGPPL’s account and shared the payment details.*

*21. It is most humbly submitted that the directions issued to Central Railways by this Hon’ble Commission by way of RoP dated 11.08.2023, has been complied with and complete principal and interest amount as claimed under Petition No. 343/MP/2020 has been paid by Central Railways to RGPPL. Thus, in terms of the above, it is submitted that the present petition may be disposed off.”*

12. The Central Railways has reimbursed the amount wrongly deducted by the Central Railways to the Petitioner along with the interest, and the same has been confirmed by the Petitioner. Therefore, nothing survives in the matter.

13. Accordingly, Petition No. 343/MP/2020 is disposed of in terms of the above discussions and findings.

**sd/-**  
**(P. K. Singh)**  
**Member**

**sd/-**  
**(Arun Goyal)**  
**Member**

**sd/-**  
**(Jishnu Barua)**  
**Chairperson**

