

CENTRAL ELECTRICITY REGULATORY COMMISSION

Record of Proceedings

PETITION NO. 64/2008

Sub: Fixation of and adjudication on the transmission charges of Gujarat transmission system used for transmission of power from the State of Gujarat to Union Territory of Diu and Daman under Section 62 and 79 of the Electricity Act, 2003.

PETITION NO. 67/2008

Sub: Fixation of and adjudication on the transmission charges of Gujarat transmission system used for transmission of power from the State of Gujarat to Union Territory of Dadra and Nagar Heveli under Section 62 and 79 of the Electricity Act, 2003.

Date of hearing : 7.8.2008

Coram : Shri Bhanu Bhushan, Member, and
Shri R.Krishnamoorthy, Member

Petitioners : Gujarat Energy Transmission Corporation Ltd., Vadodra

Respondents:

1. Union Territory of Daman and Diu, through Electricity Department, Administration of Daman and Diu, Daman
2. Union Territory of Dadra and Nagar Haveli, through Electricity Department, Administration of Dadra and Nagar Haveli, Silvassa
3. Maharashtra State Electricity Distribution Company Limited, Mumbai
4. Gujarat Urja Vikas Nigam Ltd., Vadodra
5. Madhya Pradesh Power Trading Company Ltd., Jabalpur
6. Chhattisgarh State Electricity Board, Raipur
7. Electricity Department, Govt. of Goa, Panaji
8. Power Grid Corporation of India Ltd (WRHQ)., Nagpur
9. Western Regional Power Committee, Mumbai

Parties present : Shri M.G.Ramchandran, Advocate for applicants
Shri Anand K.Ganesan, Advocate for applicants
Shri Sakesh Kumar, Advocate for DNH
Shri G.T.Chandan, Advocate for DD
Shri Mansoor Ali, Advocate for Govt. of Goa
Shri P.J.Jani, GETCO
Shri S.K.Trivedi, GETCO

These petitions were admitted by the Commission's order dated 4.6.2008. The Commission by its order *ibid inter alia* directed the petitioner to implead all the Western Region beneficiaries as party respondents and file the revised cause title of the petitions. The petitioner was also further directed to file copies of its submissions made before the Gujarat Electricity Regulatory Commission (GERC) and its orders on the issue of determination of charges for Gujarat Energy Transmission Corporation Limited (GETCO) system, with an advance copy to the respondents along with calculations of the transmission charges made by GERC and also Member-Secretary, Western Regional Power Committee for the part of the transmission lines, used for conveyance of power outside the State of Gujarat.

2. The petitioner vide its affidavit dated 7.7.2008 submitted requisite documents which were received in the Commission's office on 11.7.2008. When it was pointed out that the above documents were not duly attested, the learned counsel for the petitioners undertook to attest the documents attached with affidavit dated 7.7.2008. The learned counsel for the Union Territory of Dadra and Nagar Haveli, Daman and Diu and Government of Goa stated they had not received copy of the documents submitted by the petitioner under affidavit dated 7.7.2008 and sought two weeks time to file their replies. The Commission directed the petitioner to forward immediately copy of the documents filed under affidavit dated 7.7.2008 to the respondents. The learned counsel for the Union Territory of Dadra and Nagar Haveli (DNH) stated that it had furnished reply in both petitions. On perusal of record it was found that the reply in petition No. 67/2008 was received at the Commission's office on 4.8.2008. When it was

pointed out that the documents furnished under affidavit dated 28.7.2008 in reply to the petition No. 67/2008 were not duly attested, the learned counsel for the DNH undertook to attest the documents attached with affidavit dated 28.7.2008. The learned counsel for the petitioner submitted that the petitioner had not received the copy of the reply filed by DNH and requested for short adjournment for filing rejoinder.

3. The petitioner is the State Transmission Utility of Gujarat State. Giving background, the petitioner stated that Union Territories of Daman and Diu (DD) and Dadra & Nagar Haveli (DNH) had allocation from Central Sector stations in Western Region. The electrical systems of DD and DNH are not presently connected to transmission network of Power Grid. Accordingly, the power allocated to DD and DNH was delivered by Power Grid at different inter-connection points of the petitioner's transmission system and thereafter carried by the petitioner's transmission system to DD and DNH. The petitioner had given the details of its transmission lines used for delivery of power to DD and DNH.

4. The petitioner stated that till recently the wheeling charges for use of its system for supply to DD and DNH were being determined based on decision taken in the 110th WREB meeting held on 22.5.1999 at Aurangabad. The methodology for calculation was suggested by Central Electricity Authority and was based on contract path method. The charges so worked out were shared by all the beneficiaries. GERC by order dated 28.2.2006, determined the applicable transmission charges and loss adjustment for GETCO's network effective from 28.2.2006. Thereafter, by order dated 6.5.2006, the charges were revised effective from 1.4.2006. Accordingly, the petitioner demanded payment of

transmission charges and adjustment for losses. However, DD and DNH did not make payment of charges claimed by it. In these circumstances, GETCO and GUVNL filed a petition No.94/2006 with this Commission. The Commission by order dated 4.10.2006 disposed of the petition observing that the petitioners were not clear on the question of jurisdiction to determine the wheeling charges. Thereafter, DNH filed a petition before GERC for determination of transmission charges for use of the petitioner's network. Meanwhile, a similar dispute regarding use of Maharashtra State Electricity Board's system for delivery of Central Sector power to Goa was pending with Appellate Tribunal for Electricity (the Tribunal). In view of this, GERC disposed of the petition filed by DNH, stating that judgment of the Tribunal would be binding on all the parties. The Tribunal vide judgment dated 17.12.2007 decided that the State Commission had no jurisdiction to determine tariff of inter-State transmission lines including the intervening lines of transmission company in Maharashtra in relation to conveyance of electricity from the State of Maharashtra to Goa.

5. The petitioner in Petitions Nos. 64/2008 and 67/2008 has submitted that the Commission may exercise the jurisdiction to determine the tariff for transmission and conveyance of electricity through its transmission system from the State of Gujarat to DD and DNH for the period from 28.2.2006 onwards.

6. The learned counsel for the petitioner stated that though GERC had decided the transmission charges in Rs/MW for use of their system but DD and DNH were paying the charges as decided by WRPC who had issued the last transmission charge computations in this regard for the year 2004-05. The petitioner's counsel also stated that inter-State and intra-State transmission

charges should be the same because the same transmission system was used by both DD and DNH and its own Discoms and accordingly, the petitioner had claimed the same charges from DD and DNH.

7. In response to query of the Commission in respect of date from which charges were to be determined and what should be done for the past period, the learned counsel for the petitioner submitted that transmission charges would need to be determined from 1.4.2006 onwards and they would not make any claim for the period prior thereto . When asked whether these charges be pooled and shared by all the beneficiaries as had been done in the past, the counsel for the petitioner, DD, DNH and Goa, GUVNL and representative of MP Tradeco agreed that the existing practice of pooling of transmission charges should be continued.

8. The petitioner has submitted GERC's tariff orders for the years 2005-06, 2006-07 and 2007-08. The petitioner was also directed to furnish the copy of GERC's tariff order for the year 2008-09 and submit details of average loading of 8046 MW and 8155 MW considered by GERC in determination of its transmission charges for the year 2005-06 and 2006-07, respectively.

9. The petitions may be re-notified for hearing after the replies are submitted by the parties.

Sd/-
(K.S.Dhingra)
Chief (Legal)