

# CENTRAL ELECTRICITY REGULATORY COMMISSION

## Record of Proceedings

**Petition No. 10/2000**

**Date of Hearing 8.7.2008**

**Subject** Fixation of Wheeling Charges for the period 1.1.1998 onwards

**Petitioner** Madhya Pradesh State Electricity Board

**Respondent** Grid Corporation of Orissa Ltd

**Coram**

1. Dr. Pramod Deo, Chairperson
2. Shri Bhanu Bhushan, Member
3. Shri R. Krishnamoorthy, Member

### **Parties Present :**

1. Shri Sakesh Kumar, Advocate, MPPTCL
2. Shri Deepak Shrivastava, DGM, MPPTCL
3. Shri A.K. Garg, AGM, MPPTCL
4. Shri R.K. Mehta, Advocate, GRIDCO
5. Shri V.R. Reddy, Sr. Advocate, GRIDCO
6. Shri Sunil Murarka, Advocate, GRIDCO
7. Shri Abhay Yadav, Advocate, GRIDCO
8. Shri Premjit, GRIDCO

The petition has been filed for a direction to the respondent, to accept the wheeling charges @ 10 paise/kWh, as fixed by CEA in December 1997, for transmission of power from Eastern Region to the petitioner on the transmission system owned by the respondent from January 1998. The wheeling charges for the period from 1.4.2001 to 31.3.2004 have been separately determined by the Commission. Therefore, scope of this petition is confined to the period 1.1.1998 to 31.3.2001.

2. The Commission by its order dated 23.10.2000 had allowed the petition and directed that the wheeling charges were payable by the petitioner to the respondent @ 10 paise/kWh w.e.f. 1.1.1998, as decided by CEA. The respondent filed an appeal (MA No.927/2000) before the Hon'ble Orissa High Court against the said order dated

23.10.2000. The Hon'ble High Court by its order dated 6.12.2007 set aside the Commission's order dated 23.10.2000 only for the purpose of reconsideration of the dispute to the extent:

“as to whether the wheeling charges shall remain confined to 10 paise per KWH or it will be enhanced for a price may be up to 17.5 paise per KWH.”

3. The Hon'ble High Court remitted the matter to the Commission for fresh adjudication and for final decision by hearing the parties on filing of their respective documents in support of their respective contentions. The Hon'ble Court observed that the matter would be decided by the Commission on its own merit on the basis of materials already on record or that may be produced by the learned counsel for the parties.

4. The respondent filed its set of documents on 9.6.2008 under an affidavit. Similarly, the documents have been filed by the petitioner under affidavit dated 7.7.2008.

5. The Commission heard Shri Sakesh Kumar, Advocate for the petitioner. He submitted before the Commission that its findings as contained in the order dated 23.10.2000 had not been interfered with or set aside by the Hon'ble High Court. He pointed out that the reconsideration of the dispute is to be limited as to whether the wheeling charges are payable @ 10 paise/kWh or 17.5 paise/kWh based on the findings recorded by the Commission in its order dated 23.10.2000. Learned counsel read out *in extenso* the order dated 23.10.2000, with a view to persuading the Commission to grant the relief as prayed for, based on the findings already recorded.

6. Shri V.R. Reddy, Senior Advocate, assisted by Shri R.K. Mehta, Advocate submitted before the Commission that after remand of the matter, the Commission would be required to pass a fresh order after recording the fresh findings on the basis of the documents now available on record, as the original order has been set aside.

7. At this stage, Shri R.K. Mehta, learned counsel, pointed out that copy of the affidavit filed by the petitioner on 7.7.2008 had not been served on him and sought adjournment to enable him to go through the documents. In the alternative, he submitted that the petitioner should not be allowed to rely upon the documents filed on 7.7.2008.

8. A copy of the affidavit filed by the petitioner was served on the learned counsel for the respondent in the court. After hearing the parties, the Commission adjourned the matter.

9. The matter will be listed before the Commission for further hearing on 12.8.2008.

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