

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 236/MP/2015

Subject : Petition to recover the transmission charges from the date of completion of first element of the transmission project.

Date of hearing : 19.11.2015

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : Kudgi Transmission Limited (KTL)

Respondents : Bangalore Electricity Supply Company Limited and others

Parties present : Shri Gopal Jain, Senior Advocate, KTL
Shri Alok Shankar, Advocate, KTL
Shri K. Sethuraman, KTL
Shri R. Surai, KTL
Shri Rajender, KTL

Record of Proceedings

Learned senior counsel for the petitioner submitted as under:

(a) The present petition has been filed to declare that the petitioner is entitled to recover transmission charges from the date of completion of the first element of the transmission project.

(b) The petitioner has developed the transmission system for evacuation of power from NTPC Kudgi (3X800 MW Phase-I) Thermal power generating station. The scheduled commercial operation date of the first element of the transmission system was on 28.2.2015. The petitioner completed its entire scope of work for the first element on 27.3.2015. However, due to non-availability of inter-connection facility required to be developed by NTPC and PGCIL, the transmission asset could not be tested and charged.

(c) As per Article 6.2 of the TSA, the petitioner is entitled to declare commercial operation, since the facility is ready for charging despite the fact that charging of line is delayed for reasons beyond its control. Therefore, in terms of the TSA, the line has been declared under commercial operation from 4.8.2015.

(d) After declaring commercial operation, the petitioner raised bill for transmission charges in terms of the tariff approved by the Commission. However, POSOCO vide its letter dated 25.8.2015 refused to consider the Yearly Transmission Charges (YTC) under the POC mechanism on the ground that YTC would be considered only after direction of the Commission or actual power flow.

(e) As per Clause 10.1 of the TSA, the petitioner (Transmission Service Provider), is entitled to recovery of tariff from the date of commercial operation of each of the elements of the project.

(f) Regulation 5 of the Central Electricity Regulatory Commission (Sharing of Inter State Transmission Charges and Losses) Regulations, 2010 provides that the transmission charges for dedicated transmission line shall be payable by the generator even if the generation project gets delayed or its abandoned. Therefore, the liability of beneficiary or the generating station to pay the transmission charge to an ISTS licensee is not linked to utilisation of the line.

2. After hearing the learned senior counsel for the petitioner, the Commission directed to admit the petition and issue notices to the respondents.

3. The Commission directed the petitioner to serve copy of the petition on the respondents immediately. The respondents were directed to file their replies by 27.11.2015 with an advance copy to the petitioner who may file its rejoinder, if any, by 3.12.2015.

4. The Commission directed the petitioner to submit the following information, on affidavit, latest by 27.11.2015

(a) The efforts made by PGCIL in matching commissioning of its bays with COD of Kudgi TPS- Narendra line (executed by KTL) and the reasons for mismatch between commissioning of the Kudgi TPS-Narendra line and bays at two ends of the line.

(b) Whether KTL has coordinated with generator so that associated bays at generator end are commissioned matching with transmission line

5. The Commission directed PGCIL to file the following information, on affidavit, by 27.11.2015:

(a) Reasons for mismatch between commissioning schedules of transmission line and associated bay at Narendra. The scheduled date of commercial operation of the petitioner's line was February 2015. However, the scheduled

date of commercial operation of associated bays at New Narendra sub-station was December, 2015.

(b) Single line diagram of all the assets mentioned in the petition.

6. The Commission directed NTPC to submit on affidavit, by 27.12.2015, the start date of connectivity as per the connectivity application made by it to CTU and the reasons for delay in synchronizing the transmission line with the switchyard of Kudgi TPS.

7. The Commission directed that due date of filing the replies, rejoinders and information should be strictly complied with. No extension shall be granted on that account.

8. The Commission directed to list the petition on 8.12.2015.

By order of the Commission

**Sd/
(T. Rout)
Chief (Law)**