

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 242/MP/2016

Subject : Petition under Section 79 (1) (f) of the Electricity Act, 2003 challenging the wrong and unjustified Bill raised towards PoC charges dated 8.11.2016 for the month of October, 2016 by PGCIL.

Date of hearing : 1.12.2016

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

Petitioner : Udupi Power Corporation Limited (UPCL)

Respondents : Power Grid Corporation of India Ltd. and Others

Parties present : Shri M.R. Krishna Rao, UPCL

Record of Proceedings

The representative of the petitioner submitted that the present petition has been filed seeking direction to PGCIL not to raise any bill for PoC charges for 18.5 MW and quash the PoC bill dated 8.11.2016 raised by PGCIL for the month of October, 2016. The representative of the petitioner further submitted as under:

- (a) The petitioner has set up a 1200 MW (2X600 MW) Mega Power Project based on the imported coal in Udupi District in the State of Karnataka. Both units were declared under commercial operation on 11.11.2010 and 19.8.2012 respectively.
- (b) The capacity of the generating station was originally envisaged as 1015 MW which was subsequently enhanced to 1200 MW. The petitioner tied up 90% of the total capacity with the ESCOMs of Karnataka i.e. up to 1080 MW and 101.5 MW with PSPCL. The balance 18.5 MW remained untied up to February, 2016. For such untied capacity of 18.5 MW, the petitioner signed the PPA with MPSEZ Utilities Private Limited (MUPL) on 1.3.2016 for the supply of contracted capacity of 10 MW net capacity (11 MW gross).
- (c) The petitioner supplied entire capacity of 1200 MW to Karnataka ESCOMs till commencement of supply to MUPL. The petitioner commenced the supply of contracted capacity of 11 MW to MUPL from 4.6.2016 and the balance capacity of 7.5 MW in 18.5 MW is being supplied to Karnataka ESCOMs since then.
- (d) PGCIL has wrongly raised the POC bill on the petitioner for the untied

capacity of 18.5 MW by misinterpreting the order dated 30.6.2016 in petition No.10/SM/2014. The aspect of PPA with MUPL has not been deliberated in the said order as execution of PPA and commencement of supply of contracted capacity of 11 MW to MUPL took place after the order in the petition No. 10/SM/2014 was reserved by the Commission on 12.2.2015. Therefore, PGCIL has wrongly interpreted the said order dated 30.6.2016 and has wrongly raised the POC bill for the month of October, 2016 which is not in the line with the Sharing Regulations.

2. After hearing the representative of the petitioner, the Commission admitted the petition and directed to issue notice to the respondents.

3. The Commission directed the petitioner to serve copy of the petition on the respondents immediately if already not served. The respondents were directed to file their replies by 26.12.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 1.1.2017. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

4. The petition shall be listed for hearing on 17.1.2017.

By order of the Commission

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