

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.497/MP/2020

- Subject : Petition under Section 79(1)(c), (d) and (f) of the Electricity Act, 2003 and Regulation 103A of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for clarification/direction in regard to the order dated 10.10.2019 passed by the Commission in No.L-1/44/2010-CERC for determination of Point of Connection (PoC) rates and transmission losses for the period of October, 2018 to December, 2018.
- Date of Hearing : 24.4.2023
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Gujarat Urja Vikas Nigam Limited (GUVNL)
- Respondents : National Load Despatch Centre (NLDC) and Anr.
- Parties Present : Ms. Srishti Khindaria, Advocate, GUVNL
Ms. Ashabari Thakur, Advocate, GUVNL
Shri Alok Mishra, NLDC
Shri Ajay Upadhyay, CTUIL
Shri Siddharth Sharma, CTUIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking clarification & direction in regard to the Commission's order dated 10.10.2019 in L-1/44/2010-CERC for determination/ revision of Point of Connection (PoC) charges and transmission losses for the period from October, 2018 to December, 2018, consequent to which the Petitioner has been moved from Slab IV to Slab III for the aforesaid period and has been subjected to the increased PoC charges. Learned counsel submitted that as per the records of Western Regional Power Committee, the Gujarat LTA MW (5746.69 MW) comprises of GUVNL (5618.81 MW) & other embedded entities, namely, Indian Railways (115 MW) and Heavy Water Plant of Department of Atomic Energy (12.88 MW). However, against this, NLDC, for the aforesaid period, considered the Gujarat LTA as 5721 MW with capacities of GUVNL as 5618.81 MW, Indian Railways as 102.43 MW and Heavy Water Plant of DAE as 0 MW. Learned counsel submitted that in view of NLDC not considering the balance 25 MW capacity (5746.69 MW – 5721 MW), the Gujarat LTA has been placed in the Slab III category instead of Slab IV category.

2. The representative of the Respondent, NLDC submitted that insofar as the capacity of 12.88 MW allocated to Heavy Water Plant of DAE is concerned, the same had been on post-facto basis and was accordingly, not considered for computation of slab rates which had to be computed in advance for the applicable

period i.e. October, 2018 to December, 2018 on the basis of the then available details of allocations/ LTA/MTOA as furnished by RPCs/CTUs. The representative of NLDC further submitted that the Respondent has inadvertently not included its submission on the LTA capacity of Indian Railways in its reply and may be permitted to file so separately.

3. *In rebuttal*, learned counsel for the Petitioner submitted that the Regional Transmission Accounts (RTAs) for the months of October to December, 2018 issued by the WRPC clearly indicates the capacities of Indian Railways and Heavy Water Plant of DAE as 115 MW and 12.88 MW respectively and that the billing had also been done on the basis of these capacities. Learned counsel further submitted that the Commission's earlier order dated 15.11.2018 had also placed the Petitioner under Slab IV instead of Slab III. Learned counsel further submitted that even if the capacity corresponding to Heavy Water Plant of DAE is not considered, the differential capacity corresponding to Indian Railways (12.57 MW) would place the Petitioner in Slab IV.

4. After hearing the learned counsel for the Petitioner and the representative of the Respondent, NLDC, the Commission permitted the Respondent, NLDC to file its submission with regard to the relevant LTA capacity concerning the Indian Railways for the period in question within two weeks with copy to the Petitioner who may file its rejoinder, if any, within two weeks thereafter. It was agreed by both the counsels that any further hearing is not required.

5. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**