

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.96/MP/2022

Subject : Petition under Section 79 (1) (f) of the Electricity Act, 2003 read with Regulation 13(3) & 13(8) of Sharing of Interstate Transmission Charges and Losses Regulation 2020, Regulation 8(6) of Sharing of Interstate Transmission Charges and Losses Regulation 2010 and Regulation 6(A) of CERC Tariff Regulation 2019 thereby seeking quashing of the “Non POC Bill” dated 04.11.2019 raised by CTU for Lara STPS (2X800MW).

Date of Hearing : **25.10.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : NTPC Limited (NTPC)

Respondents : Powergrid Corporation of India Limited and 8 Ors.

Parties Present : Shri Rajesh Jain, NTPC
Shri Vivek Kumar, NTPC
Ms. Suparna Srivastava, Advocate, CTUIL
Ms. Aastha Jain, Advocate, CTUIL
Shri Swapnil Verma, CTUIL
Shri Ranjeet Singh Rajput, CTUIL
Ms. Priyansi Jadiya, CTUIL

Record of Proceedings

The representative of the Petitioner submitted that the present Petition has been filed quashing of “Non POC Bill” dated 4.11.2019 raised by the CTUIL for the Petitioner’s Lara STPS (2×800 MW) wherein CTUIL has included 100% of Annual Fixed Charges (AFC) for the Asset I and Asset II up to 8.10.2019 i.e. till the non-operationalization of Long Term Access (LTA).

2. Learned counsel for the Respondent, CTUIL submitted that by the ‘Non POC Bill’ dated 4.11.2019, CTUIL raised the transmission charges bill for the Asset I (400 kV D/C Lara STPS I to Raigarh (Kotra) PS line along with the associated bays at Raigarh PS and Asset II (400 kV D/c Quad Lara STPS-I to Champa Line along with associated abys at Champa PS) for the period from 1.10.2019 to 31.10.2019 upon the Petitioner amounting to Rs. 54,05,628/- (100% up to 8.10.2019 and 50% from 9.10.2019) for the Asset I and Rs. 3,10,49,267/- for the Asset II (100% up to 8.10.2019 and 50% from 9.10.2019). However, subsequently, CTUIL carried out a part reversal of the said bill for the period from 1.10.2019 to 8.10.2019 for Asset I, which stands reflected in its bill dated 19.10.2022. Learned counsel submitted that insofar as Asset II is concerned, the bill raised by the CTUIL upon the Petitioner is in terms of the Commission’s order dated 20.7.2018 in Petition No. 125/TT/2017 wherein the Petitioner has been held liable to pay the 100% transmission charges for

the Asset II till the date of start of LTA i.e. 8.10.2019 and from 9.10.2019, the Petitioner has been held liable to pay only the 50% of the transmission charges for the Asset II.

3. In response, the representative of the Petitioner submitted that keeping in view that Unit I of the Petitioner's Lara STPS achieved the COD w.e.f 1.10.2019 itself, the Petitioner was only liable to pay the transmission charges to the tune of 50% of AFC. The representative submitted that the delay in operationalization of LTA was due to the delay in commissioning of the downward links related to the system strengthening for which the PGCIL was responsible and the Petitioner cannot be penalised for the period between 1.10.2019 and 8.10.2019 (by subjecting it 100% of the transmission charges instead of 50%) for no fault of its own. The representative of the Petitioner further pointed out that post Unit-I COD of Lara STPS w.e.f. 00: 00 Hrs. of 1.10.2019, the beneficiaries had also started availing of the power generated from the said unit under the long-term.

4. Considering the submissions made by the learned counsel and the representative of the parties, the Commission reserved the matter for order.

By order of the Commission

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