

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 87/MP/2021**

**Coram:**

**Shri I. S. Jha, Member**

**Shri Arun Goyal, Member**

**Shri P. K. Singh, Member**

**Date of Order: 07.08.2023**

**In the matter of:**

Petition under Section 79 (1)(d) of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Open Access in Inter-state Transmission) Regulations, 2008 and its amendments for redetermination of Open Access charges for transmission and wheeling of power using Transmission and Distribution network of Damodar Valley Corporation for FY 2017-18 and FY 2018-19.

**And**

**In the matter of:**

**Damodar Valley Corporation,**  
DVC Towers, VIP Road,  
Kolkata -700 054

**...Petitioner**

**Vs**

**1. Tata Steel Limited,**  
Bombay House,  
24, Homi Modi Street, Mumbai-400 023

**2. India Power Corporation Limited,**  
Plot No. -X-1, 2& 3, Block EP,  
Sector-V, Salt Lake city,  
Kolkata-700 091

**3. Super Smelters Limited**  
39, Shakespear Sarani, 'PREMLATA',  
3rd Floor, Kolkata- 700 071



**4. Indian Railways,**  
Office of Chief Electrical Engineer,  
East Central Railway Hajipur

**5. Steel Authority of India Limited,**  
Corporate Power Group, 8th Floor,  
40, Chowringhee Road,  
Kolkata- 700 071

**6. Jindal Steel & Power Limited,**  
Balkudra, Patratu,  
Ramgarh, Jharkhand- 829 143

**7. Jharkhand Bijlee Vitran Nigam Limited,**  
Engineers' Building,  
Dhurwa, Ranchi – 834 004

**...Respondents**

**Parties Present:**

Shri M. G. Ramachandran, Sr. Advocate, DVC

Ms. Anushree Bardhan, Advocate, DVC

Shri Samit Mandal, DVC

**ORDER**

The Petitioner, Damodar Valley Corporation (hereinafter referred as 'DVC'), has filed the present petition under Section 79 (1)(d) of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Open Access in inter-state Transmission) Regulations, 2008 and its amendments ('2008 Open Access Regulations') for redetermination of Open Access charges for transmission and wheeling of power using Transmission and Distribution network of Damodar Valley Corporation for FY 2017-18 and FY 2018-19.

2. The Petitioner has made the following prayers:



(a) *Re-determine the long term/medium term and short term open access charges for transmission and wheeling of power using the T&D network of DVC for FY 2017-18 and FY 2018-19.*

(b) *Authorise the DVC to raise revised bills along with the carrying cost on the open access customers as per the open access charges determined by this Hon'ble commission.*

(c) *Pass such further order or orders as this Hon'ble Commission may deem just and proper in the facts and circumstances of the case.*

### **Submission of Petitioner**

3. Petitioner has made the following submissions:
- a) The Petitioner is a statutory body established by the Central Government under the Damodar Valley Corporation Act, 1948 (DVC Act) for the development of the Damodar Valley, with three participating Governments, namely, the Central Government, the Government of West Bengal and the Government of Jharkhand. The activities of DVC include generation of electricity; transmission of electricity; sale of electricity to licensees; and distribution and retail supply of electricity to consumers/end users in the Command Area.
  - b) This Commission determines the tariff as per the provisions of the Electricity Act, 2003 for (i) the generating stations of the DVC and (ii) the transmission system of the DVC. The State Commissions of West Bengal and Jharkhand determine the distribution and retail supply tariff in regard to the respective states.
  - c) The Respondent No. (1) Tata Steel Limited approached DVC and was granted Open Access to the transmission and distribution (T&D) system owned and operated by DVC. The Respondent Nos. (4) Indian Railway (East Central Railway), (6) Jindal Steel & Power Limited and (7) JBVNL have applied and availed for open access to the said system operated and maintained by DVC.
  - d) The present petition is filed before the Commission for redetermination of the transmission/wheeling charge for open access customers in West Bengal and Jharkhand region under the DVC command area for FY 2017-18 and FY 2018-19.
  - e) 2008 Open Access Regulations define the eligibility criteria and conditions to be satisfied for availing open access facility, application procedure, application fees,



timeline for grant of concurrence, procedure for scheduling and charges to be levied on short term open access STOA customers.

- f) The existing 400 kV, 220 kV and 132 kV networks of DVC are interconnected at different power stations and at different sub-stations located in the two contiguous states, i.e. West Bengal and Jharkhand. The Appellate Tribunal for Electricity in its Order dated 23.11.2007 passed in the Appeal Nos. 271, 272, 273, 275 of 2006 & 8 of 2007 was pleased to hold as under:

*“111. DVC has been supplying power from its generating stations to West Bengal Electricity Board and Jharkhand Electricity Board along with nearly 120 HT-Consumers either through inter-state transmission lines or through the point-to-point ‘dedicated transmission lines’. We, therefore, conclude that all transmission systems of DVC be considered as unified deemed inter-state transmission system, insofar as the determination of tariff is concerned and as such regulatory power for the same be exercised by the Central Commission.”*

- g) This Commission by order dated 27.09.2013 in Petition No.270/TT/2012, has determined the tariff for the Transmission & Distribution system activities of DVC for the period from 01.04.2009 to 31.03.2014. On 3.09.2014, DVC filed Petition No. 386/TT/2014 before this Commission for determination of tariff for the Transmission and Distribution activities of DVC’s network for the period 2014-19 in terms of the CERC (Terms and Conditions of Tariff) Regulations, 2014.
- h) On 28.10.2015 the West Bengal State Electricity Regulatory Commission has communicated that the system of DVC is an integrated one and is treated as a deemed inter-state transmission system and thus the Central Commission is the appropriate authority.
- i) On 6.7.2017 DVC filed a Petition being Petition No. 153/MP/2017 for the determination of transmission and wheeling charges for open access customers for FY 2017-18 and 2018-19 before the Commission. In the Petition No. 153/MP/2017, DVC had computed the open access charges for FY 2017-18 in terms of the transmission charges payable as per the order dated 27.9.2013 passed in Petition No. 270 of 2012 as the petition for determination of transmission charges for the period 2014-19 was pending before the Commission.
- j) On 29.09.2017, the Commission passed an order truing-up the financials of the period 2009-14 for the T&D network of DVC in Petition No. 547/TT/2014.



- k) On 19.11.2018, this Commission passed an order in petition no. 153/MP/2017 and determined the Open Access charges for transmission and wheeling of power using the T&D network of DVC for FY 2017-18 and FY 2018-19 based on the approved Annual Transmission Charge for FY 2013-14 as per this Commission's order dated 29.09.2017 in petition no. 547/TT/2014 with regard to the truing-up of the transmission tariff of DVC for the 2009-14 period.
- l) On 9.8.2019, this Commission passed its order in Petition No. 150/TT/2018 and determined the tariff for the existing Elements of the T&D system of DVC for the period 2014-19.
- m) On 5.2.2020, this Commission passed its Order in Petition No. 335/TT/2018 and determined tariff for new Elements (five new T&D assets) of the T&D system of DVC for the period 2014-19.

On the basis of the above, this Commission vide orders dated 09.08.2019 passed in Petition No. 150/TT/2018 and dated 05.02.2020 passed in Petition No. 335/TT/2018, determined the annual transmission charges for the FY 2017-18 and FY 2018-19 as Rs. 37160.95 lakh and Rs. 37352.27 lakh respectively.

- n) The generating stations of DVC namely BTPS 1-3, CTPS 1-3, DTSPS 3-4, MTPS 1-3, MTPS4, MHS, PHS and THS are connected to the DVC's T&D network at 132 KV or 220 KV voltage levels. Generating stations of DVC namely, MTPS 5-6 and CTPS 7-8, which sell power under PPAs to beneficiaries outside the DVC valley area, are also connected to the DVC's T&D network at 132 KV or 220 KV voltage levels. The remaining generating stations of DVC namely, BTPS 'A', DSTPS 1-2, KTPS, MTPS 7-8, and RTPS 1-2 are connected directly to the 400 KV CTU network. DVC's T&D network is capable of handling the electricity demand of DVC's consumers as well as the open access consumers of DVC who have been granted permission to wheel power through LTA, MTOA and STOA using DVC's T&D network.
- o) The total actual contract demand of DVC's firm consumers for FY 2017-18 and FY 2018-19 were 3658.82 MVA and 2917.68 MVA respectively. Considering an average power factor of 0.97, the equivalent contracted capacities for DVC's firm consumers in MW for FY 2017-18 and FY 2018-19 are 3549.06 MW and 2830.15 MW respectively.



- p) Jharkhand Bijlee Vitran Nigam Limited ('JBVNL'), which was a firm consumer of DVC, started purchasing power from KTPS (DVC) under long-term PPA with effect from 01.01.2019, with the committed capacity under the PPA being 600 MW (at generator terminal) or an ex-bus capacity of 568.5 MW (considering normative auxiliary energy consumption of KTPS at 5.25% as per the Commission's Tariff Regulations 2014). JBVNL uses DVC's T&D network for wheeling of 600 MW power and pays open access charges to DVC as per rates determined by this Commission for such wheeling of power.
- q) The contracted capacity by all MTOA users of DVC's T&D system was 75 MW in both FY 2017-18 and FY 2018-19.
- r) Out of DVC's own generating stations that are connected to the T&D network of DVC, only MTPS 5-6 and CTPS 7-8 sell power to beneficiaries outside the DVC command area under long-term PPAs. During FY 2017-18, the committed power supply to the beneficiaries outside the DVC command area from these two stations was 850 MW (at generator terminal) or an ex-bus capacity of 773.5 MW (considering normative auxiliary energy consumption of MTPS 5-6 and CTPS 7-8 at 9% as per the CERC Tariff Regulations 2014). However, from March 2018, MPPMCL stopped drawing power from MTPS 5-6 and CTPS 7-8, from which the committed quantum of power supply to MPPMCL was 400 MW (at generator terminal). Therefore, during FY 2018-19, the long-term commitment for power supply to the beneficiaries outside DVC command area from these two plants were 450 MW (at generator terminal) or an ex-bus capacity of 409.5 MW. This Commission vide order dated 13.1.2020 in Petition no. 78/MP/2018 has held that the termination of PPA dated 3.3.2006 w.e.f. 1.3.2018 by MPPMCL vis a vis CTPS is not valid.
- s) In view of the above and in terms of the methodology decided by this Commission in its order dated 19.11.2018 passed in petition no. 153/MP/2017, the Long/Medium-Term and Short-Term open access charges for using DVC's T&D network for FY 2017-18 and 2018-19 derived based on the approved the annual transmission charges as per this Commission's orders dated 09.08.2019 and 05.02.2020 are computed as under:

Sl. No	Particulars	Formula	Financial Year	
			2017-18	2018-19
a	Own contracted demand (MVA)	-	3658.82	2917.68
b	Own contracted demand considering power factor of 0.97(MW)	=a*0.97	3549.06	2830.15
c	Power wheeled by JBVNL (MW)		0	568.50
d	MTOA Contracted Capacity (MW)	-	75	75
e	LTA Sale (MW)	-	773.50	409.50
f	Total Contracted Capacity of DVC (MW)	=(b+c+d+e)	4397.56	3883.15
g	Annual Transmission charges during 2017-18 and 2018-19as per order dated 09.08.2019 and 05.02.2020(Rs. lakh)	-	37160.95	37352.27
h	Long/Medium-Term rate (Rs. lakh/MW/month)	=(g/f)/12	<b>0.704</b>	<b>0.802</b>
i	Short-Term Rate (paisa/kWh)	=(g/f)*10000/(365*24)	<b>9.65</b>	<b>10.98</b>

#### **Hearing held on 4.06.2021**

4. Petition was admitted on 04.06.2021 and the Petitioner was directed to furnish the detailed calculation/ computation of the open access charges for transmission and wheeling of power using its T&D network for the financial year 2017-18 and financial year 2018-19.

#### **Submissions of Petitioner**

5. In compliance with the RoP of hearing dated 04.06.2021, Petitioner vide affidavit dated 20.06.2021 has submitted the detailed calculation/computation of the open access charges for transmission and wheeling of power using its T&D network for the financial year 2017-18 and financial year 2018-19.



6. Petitioner in its additional submission vide affidavit dated 02.11.2022 has submitted the following:

- a) Based on orders issued by the Commission for true-up for 2014-19 period vide order dated 10.06.2022 in Petition No. 482/TT/2020 for existing T&D System and vide order dated 02.03.2022 in Petition No. 713/TT/2020 for the New T&D Elements, the AFC for T&D system (i.e. New Elements added with existing T&D System) for FY2017-18 and FY2018-19 is as under:

(in Rs. Lakh)

Sr. No.	Particulars	2017-18	2018-19
	<b>New T&amp;D Elements (Order dated 02-Mar-2022 in Petition no 713/TT/2020)</b>		
1	<b>Asset-I:</b> 132 kV Biada Substation	996.03	981.24
2	<b>Asset-II:</b> 220 kV Koderma-Giridih D/C Transmission Line	1,517.90	1,533.70
3	<b>Asset-III:</b> 33 kV Koderma-Koderma R/S D/C Transmission Line	77.2	75.34
4	<b>Asset-IV:</b> 33 kV Barjora-BIPH D/C Transmission Line	71.01	70.23
5	<b>Asset-V:</b> Two nos. of 33 kV bays at North-Karanpura Substation	63.85	74.57
	<b>Existing T&amp;D System (Order dated 10-Jun-2022 in Petition no 482/TT/2020)</b>		
6	AFC for 'Existing T&D System' as per CERC True-up 2014-19 order dated 10/06/2022 in Petition No 482/TT/2020	<b>78,309.66</b>	<b>68,257.32</b>
	<b>Grand Total (1+2+3+4+5+6)</b>	<b>81,035.65</b>	<b>70,992.40</b>

- b) The revised computation on open access charges for the financial year 2017-18 and 2018-19, as per the methodology accepted by this Commission in its order dated 19.11.2018 in Petition no.153/MP/2017 and based on 2014-19 True-up orders for T&D System for the determination of transmission and wheeling charges for open access customers, are as follows:

S. No.	Particulars	Formula	Financial Year	Financial Year
			2017-18	2018-19
a	Own contracted demand (MVA)	-	3,658.82	2,917.68





b	Own contracted demand considering power factor of 0.97(MW)	$a*0.97$	3,549.06	2,830.15
c	Power wheeled by JBVNL (MW)		-	568.50
d	MTOA Contracted Capacity (MW)	-	75.00	75.00
e	LTA Sale (MW)	-	773.50	409.50
f	Total Contracted Capacity of DVC (MW)	$=(b+c+d+e)$	4,397.56	3,883.15
g	<b>Annual Transmission charges (trued up) during 2017-18 and 2018-19 (Rs. lakhs)</b>	-	<b>81,035.65</b>	<b>70,992.40</b>
h	<b>Long/Medium-Term rate in (Rs. lakh/MW/month)</b>	$(g/f)/12$	<b>1.54</b>	<b>1.52</b>
i	<b>Short-Term Rate in (paisa/kWh)</b>	$(g/f)*10000/(365*24)$	<b>21.04</b>	<b>20.87</b>

### **Hearing held on 20.10.2022**

7. The Order in the Petition was reserved on 20.10.2022.

### **Analysis and Decision**

8. Petitioner has filed the instant petition for redetermination of the transmission/wheeling charges for open access customers in West Bengal and Jharkhand region under the DVC command area for FY 2017-18 and FY 2018-19. Petitioner has sought Long term/medium term open access charges for the financial year 2017-18 and 2018-19 as 1.54 lakh/MW/month and 1.52 lakh/MW/month respectively based on the methodology accepted by this Commission in its order dated 19.11.2018 in Petition no.153/MP/2017 and based True-up Order dated 10.06.2022 in Petition No. 482/TT/2017 and Order dated 02.03.2022 in Petition No. 713/TT/2018 for 2014-19.

9. Petitioner has submitted that demand of DVCs system is as follows:

- a) Total actual contract demand of DVC's firm consumers for FY 2017-18 and FY 2018-19 were 3658.82 MVA and 2917.68 MVA respectively.



- b) Jharkhand Bijlee Vitran Nigam Limited ('JBVNL') is using DVC's T&D network for purchasing power from KTPS (DVC) under long-term PPA with effect from 01.01.2019, with the committed capacity under the PPA being 600 MW (at generator terminal) or an ex-bus capacity of 568.5 MW (considering normative auxiliary energy consumption of KTPS at 5.25% as per the Commission's Tariff Regulations 2014).
- c) During FY 2017-18, the committed power supply to the beneficiaries outside the DVC command area from MTPS 5-6 and CTPS 7-8 stations was 850 MW (at generator terminal) or an ex-bus capacity of 773.5 MW (considering normative auxiliary energy consumption of MTPS 5-6 and CTPS 7-8 at 9% as per the CERC Tariff Regulations 2014). However, from March 2018, MPPMCL stopped drawing power from MTPS 5-6 and CTPS 7-8, from which the committed quantum of power supply to MPPMCL was 400 MW (at generator terminal). Therefore, during FY 2018-19, the long-term commitment for power supply to the beneficiaries outside DVC command area from these two plants were 450 MW (at generator terminal) or an ex-bus capacity of 409.5 MW.
- d) Contracted capacity by all MTOA users of DVC's T&D system was 75 MW in both FY 2017-18 and FY 2018-19.

10. We have considered the submissions of the Petitioner and have also perused the facts on record. The Commission vide Order dated 19.11. 2018 in Petition no. 153/MP/2017 has approved the Open Access charges for transmission and wheeling of power using the T&D network of DVC for FY 2017-18 and FY 2018-19 based on the approved Annual Transmission Charge for FY 2013-14 vide order dated 29.09.2017 in Petition no. 547/TT/2014 (Trued-up transmission tariff of DVC for the 2009-14 period). The relevant extract of the Order dated 19.11.2018 in Petition No. 153/MP/2017 is as follows:

*"29. Based on aforesaid observations, we have adopted the following formula to arrive at the transmission/ wheeling charges for DVC T&D network in case of both Long/Medium-Term and Short-Term customers. The formula for Short term Customers is inline with methodology followed while determining STOA rates for ISTS.*

*(i) Charges for Long/Medium Term customers:*



*“Transmission Charges (Rs/MW/month) = ((Transmission ARR ÷ SCC) ÷ 12)*

*(ii) Charges for Short-Term customers:*

*“Transmission Charges (paise/kWh) = ((Transmission ARR ÷ SCC) ÷ (365\*24\*10))*

Where,

*SCC is sum of contracted demand of DVC and capacities contracted in MW by all long-term users and medium-term users of the transmission system.*

*ARR is Annual Revenue Requirement i.e Annual Transmission Charges in Rs.”*

*“30. The above formulae will be used to determine the Transmission/ Wheeling charge for the financial years 2017-18 and 2018-19 only. Further, a power factor of 0.97 has been considered to convert the MVA contracted capacity to MW contracted capacity. Since, the annual transmission charges of DVC for the financial years 2017-18 and 2018-19 are not available as the tariff of T&D network of DVC for the period 2014-19 is yet to be determined, we have considered the most recent data of annual transmission charges available for DVC based on trued up values for 2013-14 towards determination of transmission charges/wheeling charges.*

*31. The total contracted demand which is being catered by the DVC T&D system is equivalent to sum of its own contracted demand, contracted capacities by MTOA users and LTA for beneficiaries outside DVC control area utilizing its T&D system. The Total Contracted Capacity for the financial years 2017-18 and 2018-19 shall be 4074MW and 4169MW, respectively and the Transmission/wheeling Charges for Long/Medium-Term and Short-Term rate are determined as under:*

S.No	Particulars	Formula	Financial Year	Financial Year
			2017-18	2018-19
a	Own contracted demand (MVA)	-	3658.82	3705.42
b	Own contracted demand considering power factor of 0.97(MW)	=a*0.97	3549	3594
c	MTOA Contracted Capacity (MW)	-	75	75
d	LTA Sell (MW)	-	450	500
e	Total Contracted Capacity of DVC (MW)	=(b+c+d)	4074.06	4169.26
f	Annual Transmission charges(trued up) during 2013-14 (Rs. lakhs)	-	52479.37	52479.37
g	Approved Long/Medium-Term rate in (Rs. lakh/MW/month)	(f/e)/12	1.073	1.049
h	Approved Short-Term Rate in (paisa/kWh)	=(f/e)*10000/(365*24)	14.70	14.37



32. ....Since, Annual Transmission Charges for financial years 2017-18 and 2018-19 of the Petitioner's transmission system have not been determined yet, the charges have been calculated as per approved ARR for 2013. However, these charges are subject to revision as and when tariff for 2014-19 period is determined by the Commission."

As per above, the open access charges were determined based on the then available transmission tariff for DVC and the same were subject to revision as and when tariff for 2014-19 period is determined by the Commission. Thus, the petitioner vide the instant petition has approached the Commission for re-determination of open access charges for 2017-18 and 2018-19 after determination of tariff for 2014-19 period by the Commission.

11. The true-up for 2014-19 period for existing T&D System of DVC have been issued vide this Commission's order dated 10.06.2022 in Petition No. 482/TT/2020 and its Corrigendum order dated 23.07.2022. Vide order dated 02.03.2022 in Petition No. 713/TT/2020, tariff have been determined for the New T&D Elements by the Commission. The relevant extract of the Commission Order dated 23.07.2022 in Petition No. 482/TT/2020 ( after considering Corrigendum) and Order dated 02.03.2022 in Petition No. 713/TT/2020 are as follows:

**Order dated 10.6.2022 read with Corrigendum dated 23.07.2022 in Petition No. 482/TT/2020**

"

128. (₹ in lakh)

<b>Particulars</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
<b>A. Annual Fixed Charges:-</b>					
<i>Depreciation</i>	<b>13876.32</b>	14200.21	14439.27	12245.73	231.41
<i>Interest on Loan</i>	<b>1035.75</b>	342.06	44.38	336.83	670.25
<i>Return on Equity</i>	<b>9041.97</b>	9213.14	9334.60	8910.16	8384.88



<i>Interest on Working Capital</i>	<b>3137.32</b>	3238.79	3358.63	3433.83	3278.22
<i>O&amp;M Expenses</i>	<b>46810.53</b>	48729.98	50873.13	53203.42	55472.47
<b>Sub-Total (A)</b>	<b>73901.89</b>	<b>75724.18</b>	<b>78050.01</b>	<b>78129.97</b>	<b>68037.23</b>
<b>B. Additional Expenses Allowed: -</b>					
<i>Common office expenses apportioned to T&amp;D network</i>	105.10	99.82	99.43	107.37	112.07
<i>Sinking fund for T&amp;D assets of DVC</i>	2394.71	2394.71	2394.71		
<i>DVC's share of savings in interest cost due to loan restructuring</i>				72.32	108.02
<b>Total (B)</b>	2499.81	2494.53	2494.14	179.32	220.09
<b>Total (A+B)</b>	<b>76401.70</b>	<b>78218.71</b>	<b>80544.15</b>	<b>78309.66</b>	<b>68257.32</b>

220. AFC allowed in respect of the transmission assets for 2019-24 tariff period in this order is as follows:

<b>Particulars</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>
<b>A. Annual Fixed Charges:-</b>					
<i>Depreciation</i>	0.00	878.65	2890.96	967.42	475.21
<i>Interest on Loan</i>	880.71	1157.81	1172.62	1046.15	1010.06
<i>Return on Equity</i>	8502.38	8703.68	8832.28	8876.02	8900.01
<i>Interest on Working Capital</i>	1,443.66	1,409.46	1,383.89	1,399.70	1,435.66
<i>O&amp;M Expenses</i>	29890.20	30931.07	32020.99	33131.37	34297.16
<b>Sub Total (A)</b>	40716.95	43080.67	46300.74	45420.66	46118.10
<b>B. Additional Expenses Allowed: -</b>					
<i>Common office expenses apportioned to T&amp;D network</i>	113.35	121.65	123.18	105.93	96.56
<i>DVC's share of savings in interest cost due to loan restructuring</i>	12.85	17.13	11.09	5.84	4.27
<i>CISF &amp; Other Security Expenses</i>	2060.08	2132.27	2206.99	2284.32	2364.37

<i>SubTotal (B)</i>	2186.28	2271.05	2341.26	2396.09	2465.20
<b>Total (A+B)</b>	<b>42903.23</b>	<b>45351.72</b>	<b>48642.00</b>	<b>47816.75</b>	<b>48583.30</b>

.....”

**Order dated 02.03.2022 in Petition No. 713/TT/2020**

140. To summarise:

a) The trued-up AFC approved for the transmission assets for the 2014-19 tariff period are as follows:

(₹ in lakh)

<i>Asset-I</i>			
<i>2015-16(Pro-rata 327days)</i>	<i>2016-17</i>	<i>2017-18</i>	<i>2018-19</i>
823.01	979.70	996.03	981.24

(₹ in lakh)

<i>Asset-II</i>			
<i>2015-16(Pro-rata 184 days)</i>	<i>2016-17</i>	<i>2017-18</i>	<i>2018-19</i>
769.84	1500.84	1517.90	1533.70

(₹ in lakh)

<i>Asset-III</i>				
<i>2014-15(Pro-rata 21 days)</i>	<i>2015-16</i>	<i>2016-17</i>	<i>2017-18</i>	<i>2018-19</i>
4.16	71.38	73.92	77.20	75.34

(₹ in lakh)

<i>Asset-IV</i>				
<i>2014-15 (Pro-rata 186 days)</i>	<i>2015-16</i>	<i>2016-17</i>	<i>2017-18</i>	<i>2018-19</i>
2.80	40.40	73.65	71.01	70.23

(₹ in lakh)

<i>Asset-V</i>	
<i>2017-18 (Pro-rata 328 days)</i>	<i>2018-19</i>
63.85	74.57

b) AFC allowed for Combined Asset for the 2019-24 tariff period in this order are as follows:

(₹ in lakh)

<i>2019-20</i>	<i>2020-21</i>	<i>2021-22</i>	<i>2022-23</i>	<i>2023-24</i>
2480.83	2380.52	2279.00	2180.45	2082.15

.....”



As per above, the Annual Transmission charges to be considered for each FY have been considered as sum of the approved AFC for existing T&D System and new T&D Elements, calculated as follows:

(₹ in lakh)

Details	Annual Transmission charges						
	2017-18*	2018-19*	2019-20	2020-21	2021-22	2022-23	2023-24
For existing T&D System as per order dated 23.07.2022 in Petition No. 482/TT/2020	78309.66	68257.32	42903.23	45351.72	48642.00	47816.75	48583.30
For the New T&D Elements as per order dated 02.03.2022 in Petition No. 713/TT/2020 (sum of Asset-I to Asset V)	2725.99	2735.08	2480.83	2380.52	2279.00	2180.45	2082.15
<b>Total</b>	<b>81035.65</b>	<b>70992.4</b>	<b>45384.06</b>	<b>47732.24</b>	<b>50921.00</b>	<b>49997.20</b>	<b>50665.45</b>

\*Trued up charges

12. We note that the Petitioner DVC has not filed petition before the Commission for determination of long term, medium term and short term open access charges for the period 2019-24 period. However, as the Commission has already approved the AFC for 2019-24 tariff period vide order in Petition No. 482/TT/2020 and 713/TT/2020, open access rates for years 2019-24 are also determined herewith based on available data in the instant petition. The charges for long term access and medium term open access shall be revised based on details to be filed by Petitioner through a separate petition. The contracted demand, quantum of LTA & MTOA and the quantum of long-term PPA of 2018-19, as available under this petition, has been considered for determination of open access charges for the period 2019-24. Petitioner is directed to approach the Commission within 3 months of issue of this Order, for revision of long term, medium term and short term open access charges for the period 2019-24 period.
13. Regulation 16(2) of the 2008 Open Access Regulations provides as under:



*“16 (2) The intra-State entities shall pay the transmission charges for use of the State network as fixed by the respective State Commission in addition to the charges specified under clauses (1) of this regulation:*

.....

.....

*Provided also that the transmission charges shall not be revised with retrospective effect.”*

As per the above, the STOA charges cannot be revised retrospectively. Therefore, revised STOA rates for the period of 2017-18 and 2018-19 have not been determined vide this Order. STOA rates for 2023-24 have been determined, which shall remain valid till new rates are determined.

14. The formula adopted by the Commission for determination of the long term, medium term and short-term open access charges vide Order dated 19.11.2018 in Petition No. 153/MP/2017 have been considered for the period 2019-24 also.
15. We observe that the contracted capacity of the Petitioner for the year 2017-18 and 2018-19 are as under:

Sl. No.	Particulars	2017-18	2018-19	
			2018-19 (April,2018 to Dec, 2018)	2018-19 (Jan,2019 to March, 2019)
a	Own contracted demand (MVA)	3658.82	2917.68	2917.68
b	Own contracted demand considering power factor of 0.97(MW) (=a*0.97)	3549.06	2830.15	2830.15
c	Power wheeled by JBVNL (MW)	0.00	0.00	568.50
d	MTOA Contracted Capacity (MW)	75.00	75.00	75.00
e	LTA Sale (MW)	773.50	409.50	409.50
f	Total Contracted Capacity of DVC (MW) (b+c+d+e)	4397.56	3314.65	3883.15

16. Considering the above, the long term and medium term open access charges for transmission and wheeling of power for use of T&D network of DVC for FY 2017-





18 and FY 2018-19 are revised and open access charges for the period 2019-24

is determined as follows:

S. No	Particulars	2017-18*	2018-19 (April - Dec, 2018)	2018-19 (Jan-March, 2019)	2019-20	2020-21	2021-22	2022-23	2023-24
a	Own contracted demand (MVA)	3658.82	2917.68	2917.68	2917.68	2917.68	2917.68	2917.68	2917.68
b	Own contracted demand considering power factor of 0.97(MW) (=a*0.97)	3549.06	2830.15	2830.15	2830.15	2830.15	2830.15	2830.15	2830.15
c	Power wheeled by JBVNL (MW)	0.00	0.00	568.50	568.50	568.50	568.50	568.50	568.50
d	MTOA Contracted Capacity (MW)	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00
e	LTA Sale (MW)	773.50	409.50	409.50	409.50	409.50	409.50	409.50	409.50
f	Total Contracted Capacity of DVC (MW) (=b+c+d+e)	4397.56	3314.65	3883.15	3883.15	3883.15	3883.15	3883.15	3883.15
g	Annual Transmission charges (Rs. lakhs)	81035.65	70992.40	70992.40	45384.06	47732.24	50921.00	49997.20	50665.45
h	Long/Medium Term rate in (Rs. lakh/MW/month) {=(g/f)/12}	1.54	1.78	1.52	0.97	1.02	1.09	1.07	1.09
i	Short-Term Rate in (paise/kWh) {=(g/f)*10000/(365*24)}								14.89

The short-term rates as per above table shall be applicable from the next day of the issuance of this order.

17. We direct DVC to adjust the amount received for open access charges for the LTA, MTOA and STOA and the transmission charges towards power wheeled for Long term PPA in terms of our Order dated 19.11.2018 in Petition no. 153/MP/2017 and the instant Order, while applying for determination of Tariff for the corresponding year before the State Commission WBSERC or JSERC, as the case may be. Further, DVC is also directed to submit the details of such



adjustment made in ARR of respective State Commissions, along with the next petition to be filed by DVC for determination of open access charges.

18. Petitioner has also prayed for allowing carrying cost on the open access charges determined by the Commission vide this Order. We have considered the submission of the Petitioner. CERC (Terms and Conditions of Tariff) Regulations, 2019 provides as under:

*“13(4) After truing up, if the tariff already recovered exceeds or falls short of the tariff approved by the Commission under these regulations, the generating company or the transmission licensee, shall refund to or recover from, the beneficiaries or the long term customers, as the case may be, the excess or the shortfall amount along with simple interest at the rate equal to the bank rate as on 1st April of the respective years of the tariff period in six equal monthly instalments.”*

As per above, the excess or the shortfall amount is to be refunded or recovered along with simple interest at the rate equal to the bank rate as on 1<sup>st</sup> April of the respective years of the tariff period in six equal monthly instalments. We direct that Petitioner shall recover or refund the excess amount in terms of the quoted regulations for long term access, medium-term open access and the transmission charges towards power wheeled for Long term PPAs. The interest shall be levied on the differential amount between the bill which has already been raised and the bill revised in accordance with instant order. Petitioner is directed to also adjust such interest amount in its ARR in the respective State Commissions as directed in paragraph 17 of this Order.

19. The Petition No. 87/MP/2021 is disposed of in terms of the above.

**Sd/**  
**(P. K. Singh)**  
**Member**

**Sd/**  
**(Arun Goyal)**  
**Member**

**Sd/**  
**(I. S. Jha)**  
**Member**

