

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 263/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 for direction to Odisha Power Transmission Company Limited (OPTCL) to refund the excess paid wheeling charges and short-term open access charges along with interest in respect of its transmission system of 220 kV D/C Rourkela-Tarkera-Budhipadar-Korba (Budhipadar-Korba Circuit 2 & 3-Odisha portion) line and associated sub-station bays to MPPMCL.

Date of Hearing : 20.3.2024

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

Petitioner : Madhya Pradesh Power Management Company Limited (MPPMCL)

Respondents : Odisha Power Transmission Co. Limited (OPTCL) & 6 Others

Parties Present : Shri G. Umapathy, Sr. Advocate, MPPMCL
Shri Aditya Singh, Advocate, MPPMCL
Shri R. K. Mehta, Advocate, OPTCL
Ms. Himanshi Andley, Advocate, OPTCL
Shri Anup Jain, Advocate, MSEDCL
Ms. Nistha Goel, Advocate, MSEDCL
Shri Ravi Sharma, Advocate, CSPDCL
Ms. Ranjitha Ramachandran, Advocate, GUVNL
Shri Aneesh Bajaj, Advocate, GUVNL
Ms. Srishti Khindaria, Advocate, GUVNL
Shri Anand K. Ganeshan, Advocate, GUVNL
Ms. Kriti Soni, Advocate, GUVNL

Record of Proceedings

Learned senior counsel for the Petitioner made the following submissions:

- a) The Petitioner was the Nodal Agency on behalf of Western Region beneficiaries only for the period May 1997 to 30.4.1998. OPTCL is liable to refund ₹2.1583 crore towards excess paid wheeling charges from May, 1997 to June, 2011 and refund of ₹1.70485 crore towards excess STOA charges from 2004-05 to 2007-08 to the Petitioner along with interest as per the Commission's applicable regulations till the



final settlement of the Petitioner's claims.

- b) The Petitioner has filed the instant petition against OPTCL and has not made any specific prayer against the other Respondents. Along with other Respondents, GUVNL and MSEDCL have been arrayed as parties to the petition since they were the constituents of the Western Region. GUVNL's contention to include its claim through the Petitioner is not maintainable in the instant petition.
- c) OPTCL, along with its affidavit dated 7.11.2023, has filed the Minutes of the Meeting held on 9.10.2023 and 10.10.2023 amongst OPTCL and other Western Region beneficiaries, wherein OPTCL has admitted its liability to make payment to the Petitioner. OPTCL has paid ₹10 crore to the Petitioner, and the remaining amount is required to be paid by OPTCL to the Petitioner.

2. Learned counsel for Respondent No.2, GUVNL submitted that the Petitioner cannot claim and retain the amount related to GUVNL for the period August, 1997 to April, 1998. The Petitioner has admitted that GUVNL paid ₹6,75,32,047 for the period up to April, 1998 and as such, the excess payment made by GUVNL for this duration is required to be refunded to it.

3. Learned counsel for the Respondent, CSPDCL, submitted that CSPDCL has not filed a reply to the petition. He further submitted that CSPDCL has no dispute with regard to the payment to be made to it by OPTCL. If need be, CSPCL would file Written Submissions in the matter.

4. Learned counsel for OPTCL made the following submissions:

- a) In the Minutes of the Meeting dated 9.10.2023 and 10.10.2023, OPTCL has shared the details of receivable and payable transmission charges among the seven WR beneficiaries.
- b) The Commission may refer the matter to a Single Member Bench of the Commission to end the long pending dispute between the parties.
- c) In the meetings held on 9.10.2023 and 10.10.2023, the stand of Maharashtra and Madhya Pradesh was that OPTCL cannot make any claim from them in the present petition and it should file an independent petition for recovery of its dues.
- d) GUVNL has paid ₹6.75 crore to the Petitioner/Nodal Agency and on that basis it is claiming a refund of ₹ 5.15 crore while the amount to be received by OPTCL from Gujarat is ₹ 1.61 crore.

5. Learned counsel for the MSEDCL disputed amount to be recovered from MSEDCL.

6. After the hearing, the Commission directed the Petitioner and OPTCL to convene a joint meeting to reconcile the disputed amount by 15.4.2024. In the joint meeting, the disputed amount may be segregated into two parts, i.e. from May, 1997 to 30.4.1998, for the period the Petitioner was Nodal Agency and post-April, 1998 till 2011. The disputed amount between the Petitioner and OPTCL for the period May, 1997 to 30.4.1998 would



also include the amount paid by the Petitioner on behalf of other States being the Nodal Agency to OPTCL.

7. The Commission further directed the Petitioner and OPTCL to file a detailed breakup of the amount from May, 1997 to 30.4.1998 until the period the Petitioner was the Nodal Agency and post April, 1998 till 2011 by way of an affidavit by 30.4.2024 with advance copies of the same to the Respondents.

8. The Commission also directed the Petitioner to submit the information within the specified time and observed that no extension of time would be granted.

9. The matter will be listed for further hearing on 6.6.2024.

By order of the Commission

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(V. Sreenivas)
Joint Chief (Law)

