

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 96/MP/2022

Coram:

Shri Jishnu Barua, Chairperson

Shri Arun Goyal, Member

Shri P. K. Singh, Member

Date of Order: 27th March, 2024

In the matter of:

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).

And in the matter of:

NTPC Ltd.

NTPC Bhawan Core-7, Scope Complex,
7, Institutional Area, Lodhi Road
New Delhi-110003

.....**Petitioner**

Versus

1. Power Grid Corporation of India Limited,
"Saudamini" Plot No. 2, Sector 29,
Gurgaon- 122 001
2. Madhya Pradesh Power Management Company Limited,
Shakti Bhawan, Vidyut Nagar,
Jabalpur 482 008
3. Electricity Department,
Administration of Daman & Diu
Daman-396 210
4. Maharashtra State Electricity Distribution Company Ltd.,
Prakashgad, Bandra (East),
Mumbai 400 051
5. Chhattisgarh State Power Distribution Co. Ltd.,
P.O. Sundar Nagar, Danganiya,
Raipur – 492013



6. Gujarat Urja Vikas Nigam Ltd. (GUVNL),
Vidyut Bhavan, Race Course
Vadodara - 390 007
 7. Electricity Department,
Administration of Dadra & Nagar Haveli,
Silvasa.
 8. Government of Goa,
Electricity Department, Vidyut Bhawan, Panaji, Goa
 9. Central Transmission Utility (CTU),
Plot No.2, Sector 29, Gurugram, HARYANA – 122001
-Respondent(s)**

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

ORDER

The NTPC Ltd. (hereinafter referred to as 'Petitioner') has filed the present Petition under Section 79 (1) (f) of the Electricity Act, 2003, read with Regulation 13(3) and 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 Regulations 2019 thereby seeking quashing of the "Non POC Bill" dated 04.11.2019 raised by CTU for Lara STPS (2X800MW). The Petitioner has made the following prayers:

- (a) *Admit the present petition and quash the "Non POC Bill" dated 04.11.2019 raised by CTU for Lara STPS (2X800MW) based on the facts of the case as stated above.*
- (b) *Pass such other further order(s) as the Hon'ble Commission may deem fit in the facts of the case.*

Submissions of the Petitioner:

2. The Petitioner has mainly submitted as follows:

(a) The Commission vide order dated 02.02.2021 in Petition No. 312/TT/2021, while truing-up of transmission tariff of the 2014-19 tariff period under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 and determination of transmission tariff for 2019-24 tariff period under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019, has approved the transmission tariff of the following assets:

- (i) **Asset-I:** 400 kV D/C Lara STPS-I to Raigarh (Kotra) Pooling Station Transmission Line along with associated bays at Raigarh (Kotra) Pooling Station
- (ii) **Asset-II:** 400 kV D/C (Quad) Lara STPS-I Champa Line along with associated bays at Champa Pooling Station under “Transmission System associated with Lara STPS-I (2x800 MW) Generation Project of NTPC” in Western Region

(b) NTPC commissioned Lara STPS Stage I (2X800 MW) on 01.10.2019. The Connectivity of the station was provided through the Lara-Raigarh (Kotra) 400 KV D/C line. Accordingly, NTPC and PGCIL signed an indemnification agreement wherein NTPC has agreed to bear the transmission charges as determined by CERC for the Lara-I-Raigarh (Kotra) 400kV D/C line and its associated bays from August 2015 or the actual date of commissioning of said line and bays, whichever is later, till the commissioning of the 1st generating unit. Hence, as per the indemnification agreement signed, NTPC was required to pay the Transmission Charges of Asset I only up to the commissioning of the 1st generating unit.

(c) The Long Term Access (LTA) of 1500 MW for the above project was granted by CTU vide letter dt. 13.6.2013, which inter-alia provides that the transmission system associated with the evacuation of power from Lara STPS (2x800 MW) comprises following components:

- (i) Lara I TPS-Champa 400 KV(Quad) lines and associated bays 112 Km.
- (ii) Under Transmission System Strengthening Scheme in WR-NR Tr. Corridor
 - Upgradation of +/- 800 KV, 3000 MW HVDC bipole between Champa pooling station- Kurukshetra (NR)
 - Kurukshetra (NR)-Jind 400 KV D/C(Quad) lines

(d) Hence, it is evident that asset I, i.e. the Lara Raigarh (Kotra) 400 KV D/C Quad line, was for providing the start-up power requirement, i.e. connectivity line and Asset II i.e.

Lara Champa 400 KV D/C Quad Line, the Associated Transmission system, was for evacuation of power.

- (e) The Lara- Raigarh (Kotra) 400 KV D/C Quad line was commissioned by PGCIL on 05.05.2016 and as per the indemnification agreement signed, NTPC has paid the transmission charges.
- (f) Further, the Lara-Champa 400 KV(Quad) lines and associated bays were declared under commercial operation on 21.7.2017, and the 800 kV HVDC bipole between Champa pooling station to Kurukshetra was put on commercial operation on 05.10.2019 for part capacity of 1500 MW.
- (g) For the operationalization of the LTA of 750 MW of LARA STPS unit I, all three components, as mentioned above, were required. However, the DOCO of 1500 MW capacity out of 3000MW +/- 800 kV HVDC bipole line between Champa pooling station to Kurukshetra (NR) occurred on 05.10.2019, and subsequently, only the partial LTA (of 750 MW capacity) was operationalized by CTU w.e.f. 09.10.2019.
- (h) As the First unit of Lara STPS (2X 800 MW) commenced commercial operation w.e.f. 1.10.2019, i.e. after the CoD of Asset I and II, hence petitioner was paying the Non PoC bill (100% of AFC as approved by Commission) for Asset I and II from their respective CoD as per the extant Regulations. Further, post CoD of Unit I, NTPC has paid Transmission charges of assets I and asset II, i.e. 50% of AFC as approved by the Commission till the CoD of unit II as per the extant Regulations.
- (i) Further, after unit I of Lara STPS Stage I commenced commercial operation on 1.10.2019, CTU raised the bill of transmission charges for the assets I and II dt. 4.11.2019 for the period from 1.10.2019 to 31.10.2019 to NTPC amounting to Rs. 54,05,628 via Invoice no. 92101245 for Asset I, i.e. Lara-Raigarh Line and Rs. 3,10,49,267 via Invoice no. 92101246 amounting to Rs 1,753,980 for Asset II, i.e. Lara Champa line.
- (j) CTU has raised the bill for asset I and II for the period from 1.10.2019 to 8.10.2019 to NTPC Ltd. for 100% of the AFC of both lines instead of 50% of AFC even though Unit I had achieved the Commercial operation on 1.10.2019 and NTPC was liable to pay only 50% of AFC of asset I and II w.e.f. 1.10.2019.

- (k) After the receipt of the Transmission Charges bill by CTU for 8 days, which corresponded to 100% AFC for assets I and II, NTPC vide letter dt. 8.11.2019 protested against the same and informed CTU that transmission charges of 100% AFC are payable by NTPC only up to the CoD of the first unit, and after the CoD of unit-I, i.e. from 1.10.2019 transmission charges for 50% AFC are only payable, by NTPC.
- (l) Subsequently, this Commission vide order dated 02.02.2021 in petition no. 312/TT/2021 trued up the Transmission tariff of assets I and II for the 2014-19 period and determined the Transmission tariff for the 2019-24 period. Based on the true up order in petition no. 312/TT/2020, CTU has adjusted the Transmission charges for Asset I for the period 2016-2021 and Asset-II for the period 2017-2021 and further raised the Invoices separately for both assets.
- (m) In the said invoice, CTU has adjusted Rs. 84,15,476 on account of 50% of Transmission charges for assets I and II for the period from 01.10.2019 to 09.10.2019, which were not payable by NTPC.
- (n) This Commission vide order dt. 20.7.2018 considered that the instant assets as dedicated lines for Lara STPS, and hence NTPC shall bear the transmission charges from the date of COD of the respective asset to the date of start of LTA of the generating project as per Regulation 8(8) of Central Electricity Regulatory Commission (Grant of Connectivity, Long term Access, Medium-term Open Access and related matters) Regulations 2009. In this regard, it is submitted that point to point connection of the Generator and ISTS pool was created through the dedicated line of asset I, i.e., Lara - Raigarh line; however, after CoD of asset-II i.e. Lara Champa line, the asset-I lost its dedicated nature.
- (o) Further, as per the PPA signed with beneficiaries of the station, the sale of energy is Ex-bus. Hence, after the commencement of the commercial operation, the energy was scheduled and beneficiaries of the station have availed themselves of power through Transmission lines. Hence, under these circumstances, NTPC should not be charged with the liability of transmission charges for 100% when one unit has achieved commercial operation on 1.10.2019.
- (p) Basic premise of Regulation 13(3) of the Sharing Regulations 2020 is that in case of the Generator's delay, the Generator is required to bear the transmission charges for

the ATS until its units achieve CoD. Thereafter, the transmission charges are to be recovered through PoC i.e. through the Drawee DICs.

- (q) Further, it has been submitted that as the Petitioner's unit-I achieved commercial operation on 1.10.2019, and in the absence of operationalization of the LTA, due to fault of the transmission licensee, as per Regulation 13(8) of the Sharing Regulations 2020, the Transmission Licensee was required to evacuate the power at its own cost. Hence, under the circumstances of the present petition, the Transmission Licensee was required to bear the Transmission Charges till the LTA operationalization from the CoD of the first unit of Lara STPS Stage- I.
- (r) The Petitioner was liable for paying 100 % of transmission charges for asset I and II only till the COD of its generating unit, which the petitioner has paid; however, post COD of unit 1 of Lara STPS, i.e. w.e.f. 01.10.2019 the petitioner is liable to pay only 50% of Transmission charges for asset I and asset II. The 100 % of Transmission charges liability has been generated till the operationalization of LTA, for which the petitioner was not at fault and the delay (from 01.10.2019 to 08.10.2019) in LTA operationalization was entirely due to the concerned inter-State transmission licensee. The petitioner should not be penalized on account of delay caused by others.

Hearing dated 25.08.2022:

3. Petitioner submitted that the present Petition has been filed for quashing of "Non POC Bill" dated 4.11.2019 raised by CTUIL for the Petitioner's Lara STPS (2x800 MW). He further submitted that while the Petitioner was liable to pay 100% of transmission charges for Asset I and Asset II till the COD of its Lara STPS, which the Petitioner has paid, post COD of Unit I of Lara STPS, i.e. w.e.f. 1.10.2019, the Petitioner was only liable to pay 50% of the transmission charges for the aforesaid assets. However, the Petitioner has been subjected to 100% of transmission charges for both the above assets till the operationalization of LTA on 9.10.2019 despite the fact that for the period from 1.10.2019 to 8.10.2019, the Petitioner was not at any fault and the delay in operationalization was entirely on the part of PGCIL. Considering the submissions of the Petitioner, the Commission admitted the petition while directing the petitioner as under:

- (a) The Petitioner to implead CTUIL and beneficiaries of its Lara STPS as a party to the Petition.

- (b) To submit the DOCO Certificate of Unit 1 of Lara STPS and the status of COD of Unit 2 of Lara STPS.
 - (c) To submit a copy of the application for grant of connectivity and LTA.
 - (d) To submit a copy of the intimation letter issued by CTUIL regarding the grant of Connectivity and LTA.
 - (e) Clarify as to how the power of Lara STPS (Unit 1) was being scheduled during the period from COD and LTA operationalization (1.10.2019 to 8.10.2019).
4. In compliance with the RoP for the hearing dated 25.08.2023, the petitioner vide affidavit dated 14.06.2023 has impleaded the CTUIL and the other beneficiaries as parties to the petition and filed the amended memo of parties.

Submissions of the Petitioner:

5. The Petitioner, in compliance with the RoP for hearing dated 05.08.2023, vide affidavit dated 21.09.2022, has submitted as follows:
- (a) The DOCO of Unit 1 of Lara STPS was declared on 01.10.2019 w.e.f. 00:00 hrs. and the DOCO of Unit 2 of Lara STPS was declared on 07.11.2020. The certificates of the same have been submitted by the petitioner.
 - (b) NTPC made an application for connectivity of 2X800 MW Lara STPP-I plant of NTPC vide application dated 27.01.2011. Further, the application for grant of LTA was made by the petitioner on 29.04.2011 and M/s NTPC Ltd. was granted in principle LTA on 13.06.2013.
 - (c) The CTU vide letter dated 07.10.2019 made effective the LTA of 793.25 MW out of 1586.51 MW w.e.f. 00:00 hrs. of 09.10.2019, granted to various beneficiaries of WR region from Lara STPP-I (2X800 MW).
 - (d) Power of unit-I of Lara STPS was being scheduled on a long term basis w.e.f. 00 hrs. of 01.10.2019 and was being availed of by the respective beneficiaries under long term during the period from the date of commencement of commercial operation of unit 1, i.e. 01.10.2019 to the date when LTA was made effective, i.e. 00 hrs. of 09.10.2019.

Reply of CTUIL:

6. The CTUIL vide affidavit dated 21.04.2023 in its reply has mainly submitted as follows:
- (a) As per the LTA grant, the start date of LTA for transfer of power from Unit I and Unit II

was 31.5.2015 and 30.11.2015, respectively or '*availability of the transmission system, whichever is later*'. Pursuant to the LTA grant, the Petitioner executed a Long-Term Transmission Agreement with its beneficiaries.

- (b) The transmission line for connectivity, i.e. the Lara- I STPS – Raigarh (Kotra) Pooling Station 400kV D/c line, was commissioned by the then unified Powergrid (as the transmission licensee) on 5.5.2016.
- (c) Vide letter dated 15.2.2019, CTUIL informed the Petitioner that the Lara- I STPS – Champa Pooling Station 400kV D/c (Quad) and Kurukshetra (NR) – Jind 400kV D/c (Quad) of the transmission system had been commissioned and Pole-III of +800kV, 3000MW HVDC bipole between Champa PS- Kurukshetra (upgradation) was expected to be commissioned by April 2019. It was accordingly informed that the LTA for 1586.51MW from Lara STPS-I of the Petitioner was to be made effective from 1.5.2019 subject to the commissioning of Pole-III of +800kV, 300MW HVDC bipole between Champa PS – Kurukshetra.
- (d) On 20.8.2019, the Petitioner requested CTUIL to revise the quantum of the LTA granted for the transfer of power from its 2X800 MW Lara STPS-I generation project from 1586.51 MW to 1500 MW due to auxiliary consumption, and the same was revised by CTUIL on 25.10.2019.
- (e) The Unit-I of the Petitioner's generation project was commissioned on 1.10.2019 as recorded in the 26th Joint Co-ordination Committee (JCC) Meeting of WR held on 23.12.2019. The Meeting also recorded that 750MW out of the 1500MW LTA had been operationalized w.e.f. 9.10.2019 with the commissioning of Pole-III (1500 MW) of HVDC Champa PS-Kurukshetra bipole upgradation. The balance LTA was to be made effective with the commissioning of Pole-IV (1500MW) of the HVDC Bipole.
- (f) The tariff payable by the Petitioner for Asset –I i.e. '400 kV D/C Lara STPS-I to Raigarh (Kotra) Pooling Station Transmission Line along with associated bays at Raigarh (Kotra) Pooling Station' was determined by this Commission vide Order dated 25.5.2016 passed in Petition No. 254/TT/2015 while the tariff payable by the Petitioner for Asset - II i.e. '400 kV D/C (Quad) Lara STPS-I-Champa Line along with associated bays at Champa Pooling Station' was determined by this Commission vide Order dated 20.7.2018 passed in Petition No.125/TT/2017.
- (g) The transmission tariff allowed for Asset-I was to be borne by the Petitioner from its

COD up to the date of commissioning of the generating station, and the transmission tariff allowed for Asset-II was to be borne by the Petitioner from its COD to the date of start of LTA of the generation project.

- (h) As such, the Petitioner was liable to pay 100% of the transmission charges for Asset I till the COD of its generation unit, i.e. 1.10.2019. Post COD of Unit I of Lara STPS, the Petitioner was liable to pay only 50% of the transmission charges for Asset I.
- (i) Whereas the Petitioner was liable to pay 100% of the transmission charges for Asset II till the date of start of LTA, i.e., 08.10.2019, but from 09.10.2019, the Petitioner was liable to pay only 50% of the transmission charges for Asset II.
- (j) CTUIL raised the transmission charges bills for Assets I and II for the period from 1.10.2019 to 31.10.2019 upon the Petitioner amounting for Asset I (100% up to 8.10.2019 and 50% from 9.10.2019) and for Asset II (100% up to 8.10.2019 and 50% from 9.10.2019) towards the payment of transmission charges.
- (k) On perusal of the contents of the Petition and the reliefs claimed therein that the billing upon the Petitioner for an amount of Rs.54,05,628/- for Asset I was inadvertently done in excess, CTUIL carried out a part reversal of the bill for the period from 1.10.2019 to 8.10.2019 for Asset I. As such, the same has been revised and rectified by CTUIL vide its invoice dated 19.10.2022 to the tune of Rs. 19,48,010/- including arrears (arisen due to Order dated 13.9.2022 passed in Petition No.19/RP/2021) in accordance with the Order of this Commission.
- (l) The invoice dated 4.11.2019 raised upon the Petitioner amounting to Rs.54,05,628/- stands revised in terms of the bill dated 19.10.2022 raised upon the Petitioner by CTUIL amounting to Rs.19,48,010/- towards the payment of the transmission charges and the same has also been paid for by the Petitioner. Thus, as on date, no amount towards payment of the transmission charges by the Petitioner is due. As such, no claim or relief as per the Tariff Orders of this Commission survives in the present Petition qua the answering Respondent, and no response on merits is required to be furnished.

Rejoinder of the petitioner to the reply filed by CTUIL:

7. The petitioner, in its rejoinder vide affidavit dated 14.06.2023 to the reply filed by CTUIL, has submitted that the non-POC bill includes 100% of the AFC of Asset-I and

Asset-II up to 08.10.2019, i.e. till LTA was not operationalised. However, 100% liability for payment of transmission charges w.e.f. unit-I COD, i.e. 01.10.2019, was not on the generator. Instead, it was 50% only as Unit-I was declared COD on 01.10.2019. The issue of this non-POC bill of 8-day period was immediately brought to the notice of CTUIL, and a revision of the bilateral bill was requested.

8. CTUIL has not correctly raised the bills pertaining to Asset-I and Asset-II and later, upon perusal of the instant petition, revised and rectified its bill only for Asset-I. However, the bill as raised by CTUIL pertaining to Asset-II was not revised. As there was a delay in LTA operationalization due to a delay in commissioning of the downward links related to system strengthening as detailed in the petition, for which PGCIL was responsible, accordingly NTPC should not be penalized between 01.10.2019 and 08.10.2019 since NTPC declared its Unit-1 COD on 01.10.2019 and the LTA was operationalized on 09.10.2019, which is not the fault of the petitioner. Therefore, levying 100% non-POC charges on the petitioner between 01.10.2019 and 08.10.2019 instead of 50% is in gross violation of the then applicable-Regulation 8(6) of CERC Sharing of Transmission Charges and Losses Regulation 2010.

Hearing dated 25.10.2023:

9. During the hearing, the counsel for the Respondent, CTUIL, submitted that 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. Further, it was submitted that in so far 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. 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. Considering the submissions made by the learned counsel and the representative of the parties, the Commission reserved the

matter for order.

Analysis and decision:

10. The Petitioner has submitted that it was developing the Lara STPS Stage I (2X800 MW) project; the project was commissioned in 2 phases; the first unit was declared commercial on 01.10.2019, and the second unit was declared commercial on 07.11.2020. CTUIL granted the petitioner LTA for a quantum of 1586.51 MW vide letter dated 13.06.2013, which was later revised to 1500 MW by CTUIL on 25.10.2019, to account for auxiliary consumption at the request of the Petitioner. The Connectivity to the station was provided through the Lara-Raigarh (Kotra) 400 KV D/C line. Accordingly, NTPC and PGCIL have signed an indemnification agreement which provides that NTPC has agreed to bear transmission charges as determined by CERC for the Lara-I-Raigarh (Kotra) 400kV D/C line and its associated bays from August 2015 or the actual date of commissioning of said line and bays, whichever is later, till commissioning of the 1st generating unit. The partial LTA of 750 MW capacity was operationalized by CTU w.e.f. 09.10.2019 on commissioning of the transmission system.

11. The Petitioner submitted that the CTU raised the non-PoC bill for assets I and II for the period 1.10.2019 to 8.10.2019 for 100% of the AFC of both assets instead of 50% of AFC even though Unit I achieved Commercial operation on 1.10.2019. Subsequently, CTU revised the non-POC bill for Asset-I as 50% of the transmission charges from 1.10.2019.

12. CTUIL, in its response, submitted that the transmission tariff allowed for Asset-I was to be borne by the Petitioner from its COD up to the date of commissioning of the generating station, and the transmission tariff allowed for Asset-II was to be borne by the Petitioner from its COD to the date of the start of the LTA of the generation project, in terms of Order dated 25.5.2016 in Petition No. 254/TT/2015 and Order dated 20.7.2018 passed in Petition No.125/TT/2017. Accordingly, Petitioner was liable to pay 100% of the transmission charges for Asset II from its COD till the date of the start of the LTA, i.e., 08.10.2019. Thereafter, from 09.10.2019, the Petitioner was liable to pay only 50% of the transmission charges for Asset II.

13. The petitioner, in its rejoinder, submitted that CTUIL has not revised the bill pertaining to Asset-II. As there was a delay in LTA operationalization due to the delay in commissioning of the downward links related to system strengthening, the Petitioner should not be penalized by way of raising the bill amounting to 100% non-POC transmission charges for the period between 01.10.2019 and 08.10.2019. Therefore, levying 100% non-POC charges from the petitioner between 01.10.2019 and 08.10.2019 instead of 50% is in gross violation of the then applicable-Regulation 8(6) of CERC Sharing of Transmission Charges and Losses Regulation 2010.

14. Considering the submissions of Petitioner and Respondent and also keeping in view that the CTUIL has already revised the bill pertaining to Asset I, which has also been accepted by the Petitioner in its submissions, the only issue which arises for our consideration is **whether the non-POC bill raised by CTUIL dated 4.11.2019 for Asset-II for the period 01.10.2019 to 08.10.2019 needs any revision or not?**

15. Now, we proceed to discuss the above issue.

16. We note that the Petitioner has developed the Lara STPS Stage I (2 X800) MW. CTUIL, vide letter dated 13.6.2013, issued the intimation for the grant of connectivity for Lara STPS Stage I with the following transmission system for Connectivity and LTA.

Transmission System required for Connectivity

- Lara- I TPS – Raigarh (Kotra) Pooling Station 400kV D/c. (to be implemented by POWERGRID)

Transmission System for LTA

- 1) Transmission system strengthening(s)
 - i. Lara- I TPS – Champa Pooling Station 400kV D/c (Quad). (Under the scope of POWERGRID).
 - ii. Transmission system strengthening in WR –NR Tr. Corridor (Under the scope of POWERGRID)
 - Up-gradation of +800kV, 3000MW HVDC bipole between Champa Pooling station – Kurukshetra (NR) to 6000MW
 - Kurukshetra (NR) – Jind 400kV D/c (Quad)

As per the above, Asset-II, i.e. the 400 kV D/C (Quad) Lara STPS-I-Champa PS Line, along with associated bays at Champa Pooling Station, is part of the transmission system for LTA.

17. We have perused Regulation 8(6) of the CERC (Sharing of inter-State Transmission Charges and Losses) Regulations 2010, which provides as under:

“8. Determination of specific transmission charges applicable for a Designated ISTS Customer

(6) For Long Term Transmission Customers availing power supply from inter-State generating stations, the charges attributable to such generation for long term supply shall be calculated directly at drawal nodes as per methodology given in the Annexure-I. Such mechanism shall be effective only after commercial operation of the generator. Till then it shall be the responsibility of the generator to pay transmission charges.”

As per the above, for cases where Long Term Transmission Customers avail themselves of power supply from inter State generating stations, the charges attributable to such generation for long term supply shall be calculated directly at drawal nodes. Such mechanism shall be effective only after the commercial operation of the generator, until which date it shall be the responsibility of the generator to pay transmission charges.

18. Regulation 6(a) of the prevailing CERC (Terms and Conditions of Tariff) Regulations 2019 provides as under:

“(a) Where the generating station has not achieved the commercial operation as on the date of commercial operation of the associated transmission system (which is not before the SCOD of the generating station) and the Commission has approved the date of commercial operation of such transmission system in terms of clause (2) of the Regulation 5 of these regulations, the generating company shall be liable to pay the transmission charges of the associated transmission system in accordance with clause (5) of Regulation 14 of these regulations to the transmission licensee till the generating station or unit thereof achieves commercial operation:”

As per the above, in case the Generator is delayed, it is required to pay the transmission charges till the CoD of units thereof.

19. In a similar matter, Vide Order dated 6.11.2018 in Petition No. 261/MP/2017, in the matter of transmission charges for the transmission system associated with the Kudgi generation project, the Commission observed as follows:

“39...(vi) In the light of the above, as per Regulation 8(6) of the Sharing Regulations, the petitioner is liable to pay the transmission charges till COD of its delayed units. Hence, we direct that the annual transmission charges of the associated transmission system (i.e Kudgi-Narendra, Narendra-Madhugiri and Madhugiri Bidadí and associated bays) as determined or adopted by the Commission shall be considered in PoC mechanism corresponding only to the unit declared under commercial operation i.e. Unit-I (as per records available in this petition) and the balance transmission charges shall be recovered from NTPC till the remaining units are declared under commercial operation. On COD of Unit-II & Unit-III, proportionate transmission charges corresponding to Unit-II & Unit-III, shall be considered in PoC from their respective CODs.”

As per above, for cases covered under Regulation 8(6) of the Sharing Regulations, 2010, the generating station was held liable to pay transmission charges for the associated transmission system until the date of COD of the respective units.

20. We observe that Asset-II is part of the LTA system for Petitioner as per the LTA Grant. It does not form part of the Connectivity system for the Petitioner. In light of Regulation 8(6) of the Sharing Regulations 2020, which specifies that ISGS is liable to pay transmission charges till the COD of the generating station, and a similar provision in Tariff Regulations 2019, we are of the view that billing for Asset-II shall be carried out in terms of our Order dated 6.11.2018 in Petition No. 261/MP/2017 as quoted above. We direct that the transmission charges for Asset-II shall be borne by the Petitioner till the date of CODs of its respective units. Petitioner achieved COD of its units on 1.10.2019 and 7.11.2020. Hence, 100% of transmission charges for Asset-II shall be paid by the Petitioner till 30.9.2019, and 50% of transmission charges for Asset-II shall be paid by the Petitioner from 1.10.2019 to 6.11.2020. Thus, 50% of transmission charges from 1.10.2019 and 100% of transmission charges from 7.11.2020 for Asset-II, shall be recovered from PoC pool. Therefore, the CTUIL shall revise the “non POC Bill” dated 04.11.2019 accordingly.

21. The petition No. 96/MP/2022 is disposed of in terms of the above.

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

**Sd/
(Arun Goyal)
Member**

**Sd/
(Jishnu Barua)
Chairperson**