

**BEFORE THE HON'BLE CENTRAL ELECTRICITY
REGULATORY COMMISSION, NEW DELHI**

PETITION NO. _____ OF 2016

IN THE MATTER OF

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION

COMPANY LIMITED

..PETITIONER

VERSUS

POWER GRID CORPORATION OF INDIA

LTD. & ORS.

...RESPONDENTS

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**MAHARASHTRA STATE ELECTRICITY
DISTRIBUTION COMPANY LIMITED,
PETITIONER**

Through

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Date: /10/2016

A

SYNOPSIS

The present Petition is being filed by the Petitioner, Maharashtra State Electricity Distribution Company Limited under Sections 35 and 36 of the Electricity Act, 2003 read with the Central Electricity Regulatory Commission (Rates, Charges and Terms and Conditions for use of Intervening Transmission Facilities) Regulations, 2010 seeking fixation of and adjudication on the transmission charges for the proposed use of PGCIL's Inter-State transmission facility of 400 kV Bhadravati S/s for conveyance of 200 MW power from GMR Warora Energy Limited in terms of the PPA dated 17.03.2010.

**BEFORE THE HON'BLE CENTRAL ELECTRICITY
REGULATORY COMMISSION, NEW DELHI**

PETITION NO. _____ OF 2016

IN THE MATTER OF

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION

COMPANY LIMITED

..PETITIONER

VERSUS

POWER GRID CORPORATION OF INDIA

LTD. & ORS.

...RESPONDENTS

MEMO OF PARTIES

MAHARASHTRA STATE ELECTRICITY

DISTRIBUTION COMPANY LIMITED

Prakashgad, Prof. Anant Kanekar Marg,

Bandra (East), Mumbai-400051

....PETITIONER

VERSUS

1) POWER GRID CORPORATION

OF INDIA LIMITED & ORS.

B-9, Qutub Institutional Area,

Katwaria Sarai, New Delhi-110016

2) GMR WARORA ENERGY LIMITED

STATE TRANSMISSION UTILITY –

Formerly known as EMCO Energy Ltd.

701/704, 7th Floor, Naman Centre,
A- Wing, Bandra- Kurla Complex,
Bandra, Mumbai-400051

3) MAHARASHTRA STATE ELECTRICITY
TRANSMISSION COMPANY LIMITED

Prakashganga, Plot No.C-19, E-Block
Bandra Kurla Complex, Bandra (East),
Mumbai-400051

....RESPONDENTS

**MAHARASHTRA STATE ELECTRICITY
DISTRIBUTION COMPANY LIMITED,
PETITIONER**

Through
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Place: New Delhi

Date: /10/2016

1

**BEFORE THE HON'BLE CENTRAL ELECTRICITY
REGULATORY COMMISSION, NEW DELHI**

PETITION NO. _____ OF 2016

IN THE MATTER OF: *Petition under Section 35 and 36 of the Electricity Act, 2003 read with the CERC (Rates, Charges and Terms and Conditions for use of Intervening Transmission Facilities) Regulations, 2010 seeking fixation of and adjudication on the transmission charges for the proposed use of PGCIL's Inter-State transmission facility of 400 kV Bhadravati S/s for conveyance of of 200 MW power from GMR Warora Energy Limited in terms of the PPA dated 17.03.2010.*

AND

IN THE MATTER OF:

MAHARASHTRA STATE ELECTRCIITY

DISTRIBUTION COMPANY LIMITED

Prakashgad, Prof. Anant Kanekar Marg,

Bandra (East), Mumbai-400051

..... PETITIONER

VERSUS

1) POWER GRID CORPORATION

OF INDIA LIMITED & ORS.

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2) GMR WARORA ENERGY LIMITED
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701/704, 7th Floor, Naman Centre,
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Bandra, Mumbai-400051

3) MAHARASHTRA STATE ELECTRICITY
TRANSMISSION COMPANY LIMITED
Prakashganga, Plot No.C-19, E-Block
Bandra Kurla Complex, Bandra (East),
Mumbai-400051

.... RESPONDENTS

TO:

THE HON'BLE CHAIRPERSON AND
OTHER COMPANION MEMBERS OF
THE HON'BLE COMMISSION

The Petitioners most respectfully submit as under:

1. Conspectus of Petition:

1.1. The present Petition is being filed by the Maharashtra State Electricity Distribution Company (“**Petitioner**” / “**MSEDCL**”) seeking long-term intervening transmission facilities on 400 KV

Bhadrawati Chandrapur transmission line (“**ISTS Network**”) owned and operated by Power Grid Corporation of India (“**Respondent No.1**” / “**PGCIL**” / “**CTU**”) and application of transmission rates and losses as per CERC (Rates, Charges and Terms and Conditions for use of Intervening Transmission Facilities) Regulations, 2010 for evacuation of 200 MW Power from 2X300 MW generating station, situated at Warora, Maharashtra (“**Power Plant**”) owned by GMR Warora Energy Limited (formerly known as EMCO Energy Limited) (“**Respondent No. 2**” / “**GWEL**”).

- 1.2. The Hon’ble APTEL has passed the **Order** in **Appeal** No. 304 of 2013. The relevant portion of the said Order is as under:

*‘Till the evacuation arrangement for the **off-take** of power from the bus bar of EMCO’s generating station is provided by MSEDCL, EMCO will supply power to MSEDCL through its dedicated transmission line through the inter-state transmission system. During the period of power supplied to MSEDCL through inter-State transmission system, MSEDCL shall bear the transmission charges and losses for use of inter-State transmission system. By the interim order dated 11.02.2014 this Tribunal without prejudice to **the rights of the parties** had permitted commencement of power supply from EMCO to MSEDCL through the inter-State transmission system. The charges for transmission system of PGCIL were to be borne by EMCO subject to the outcome of the Appeal. The charges for use of inter-State transmission system borne by EMCO as per the interim order shall be reimbursed to EMCO by MSEDCL within 30 days of passing of this judgment.’*

In order to propose the arrangement for the transmission of power from the bus bar of GWEL's generating station, MSEDCL has preferred the present petition before the Hon'ble CERC.

2. Description of Parties

- 2.1. Petitioner Maharashtra State Electricity Distribution Ltd. ("MSEDCL"), has been incorporated under Indian Companies Act, 1956 pursuant to decision of Government of Maharashtra to reorganize erstwhile Maharashtra State Electricity Board (herein after referred to as "MSEB"). The Petitioner is a Distribution Licensee under the provisions of the Electricity Act, 2003 (EA, 2003) having license to supply electricity in the State of Maharashtra except some parts of city of Mumbai. The Petitioner is functioning in accordance with the provisions envisaged in the Electricity Act, 2003 and is engaged, within the framework of the Electricity Act, 2003, in the business of Distribution of Electricity to its consumers situated over the entire State of Maharashtra, except Mumbai City and its suburbs.
- 2.2. Respondent No. 1 is Power Grid Corporation of India Limited which is the Central Transmission Utility ("CTU") responsible for transmission of power through the inter-state transmission system. The registered office of Respondent No. 1 is situated at B-9, Qutub Institutional Area, Katwaria Sarai, New Delhi-110016. Respondent No. 1 was not party to Petition No. 34 of 2013 and Party Respondent No.5 in Appeal No.304 of 2013.

2.3. Respondent No.2 is GMR Warora Energy Limited (formerly known as EMCO Energy Limited), a wholly-owned subsidiary of GMR Energy Ltd., *inter alia*, engaged in the business of generating electricity and owns coal fired generating station of 2*300 MW situated at Warora, Maharashtra. The registered office of Respondent No. 2 is situated at 701/704, 7th Floor, Naman Centre, A-Wing, BKC (Bandra Kurla Complex), Bandra, Mumbai - 400051.

2.4. Respondent No. 3 is Maharashtra State Electricity Transmission Company Ltd (“MSETCL”), the State Transmission Utility (“STU”) in the state of Maharashtra. The registered office of Respondent No. 2 is at 'Prakashganga', Plot No. C-19, E-Block, Bandra Kurla Complex, Bandra (East), Mumbai - 400 0515.

3. ***Factual Matrix of the Case is as under:***

3.1. MERC in its Order dated May 7, 2009 (Case No. 3 of 2009) had directed MSEDCL to initiate Competitive Bidding process in line with Standard Bidding Documents (SBD) notified by Ministry of Power (MoP). Accordingly, MSEDCL floated the advertisement for procurement of 2000 MW (+30%, - 20%) power on long-term basis under Case1.

3.2. On 15.05.2009 MSEDCL issued Request for Proposal (RFP) for Procurement of 2000 MW of Power on Long Term Basis through Tariff Competitive Bidding process. A copy of the RFP is annexed hereto and marked as **Annexure P-1**. As per

the Request for Proposal (RfP), for procurement of 2000 MW under Case-1 bidding process, the delivery point will be STU interface within the region of the procurer and for generating station within the same State of the procurer the STU interface shall be bus bar of the generating station.

- 3.3. GWEL submitted its bid on 07.08.2009. Based on evaluation of the bids, GWEL was declared the L-1 bidder. On 20.11.2009, a Letter of Intent was issued in favour of GWEL for a capacity of 200 MW at a levellised tariff of Rs 2.879/kWh. A copy of the Letter of Intent dated 20.11.2009 issued in favour of GWEL is annexed hereto and marked as **Annexure P-2**.
- 3.4. On 17.03.2010, pursuant to the LOI dated 20.11.2009, PPA was executed between GWEL and MSEDCL for sale and supply of Aggregated Contracted Capacity of 200 MW by GWEL to MSEDCL. A copy of the PPA dated 17.03.2010 is annexed hereto and marked as **Annexure P-3**. In the PPA, the procurer shall ensure the availability of interconnection facilities and evacuation of power from the delivery point on the scheduled delivery date or the revised scheduled delivery date as the case may be. The procurer will be responsible for making arrangements for evacuation of the contracted capacities from the power station switch yard to their respective delivery points in case the power station is located within the state of Maharashtra.

3.5. On 07.07.2010, the MSEDCL vide an application to MSETCL, applied for allotment of transmission capacity through long term open access under Maharashtra Electricity Regulatory Commission (Transmission Open Access) Regulations, 2005 for the evacuation of power of 200 MW from GWEL's Power Plant. A copy of the application for allotment of transmission capacity to GWEL submitted by the MSEDCL to MSETCL is annexed hereto and marked as **Annexure P-4**.

3.6. On 13.07.2012, MSEDCL wrote to MSETCL asking for confirming the evacuation system status for 200 MW of power from GWEL's Power Plant. The operative part of the letter is as under:-

"MSEDCL has executed PPA for 200 MW from M/s Emco Energy Ltd.'s Warora Project (2 X 300 MW) on 17.03.2010. MSEDCL already applied for long term open access vide application dtd. 07.07.2010 to the STU. The project is at an advance stage of completion and expected COD date is October 2012 as against scheduled date of COD of March 2014. It is reported by M/S Emco Energy Ltd. vide letter dated 04.07.2012, that they were granted LTOA with western grid and have signed BPTA with CTU.

In view of the above, it is requested to confirm the evacuation system status for 200 MW of power contracted by MSEDCL with EMCO Energy."

A copy of the letter dated 13.07.2012 written by MSEDCL to MSETCL with respect to confirmation of evacuation status is annexed hereto and marked as **Annexure P-5**.

3.7. On 01.09.2012, MSEDCL again wrote to MSETCL requesting confirmation on the evacuation system status for the contracted capacity of 200 MW. A copy of the letter dated 01.09.2012 written by the MSEDCL to MSETCL is annexed hereto and marked as **Annexure P-6**.

3.8. On 15.09.2012, MSETCL wrote a letter to the MSEDCL vide which it granted LTOA to MSEDCL for 200 MW on the intra-state transmission system subject to submission of copy of PPA executed with GWEL and a copy of the revised BPTA. A copy of the letter dated 15.09.2012 written by MSETCL to MSEDCL granting LTOA is annexed hereto and marked as **Annexure P-7**.

3.9. On 20.09.2012 the MSEDCL submitted a copy of the PPA to MSETCL in compliance with the letter dated 15.09.2012. MSETCL further sought confirmation on the following aspects:-

“(i) Power would be evacuated directly from Bus Bar of EMCO Energy Project to MSETCL S/s

(ii) The sub-station and voltage level at which power would be evacuated

(iii) Proposed arrangement of drawing power.”

A copy of the letter dated 20.09.2012 written by the MSEDCL to MSETCL seeking clarification of point of power evacuation, voltage level and arrangement of drawing power is annexed hereto and marked as **Annexure P-8**.

On 19.10.2012, MSEDCL wrote a letter to MSETCL stating that MSEDCL had applied for connectivity for 200 MW power from Warora Project of EMCO through STU only before synchronization. MSEDCL informed MSETCL that it is the responsibility of MSETCL to evacuate power from EMCO project bus bar. The Petitioner informed MSETCL that in case of delay in evacuation arrangement EMCO may claim penalty as per PPA towards non availability of power evacuation facility through STU, in that case, the responsibility of such delay and penalty (if any) due to delay will be with MSETCL. A copy of the letter dated 19.10.2012 written by MSEDCL to MSETCL to confirm evacuation status is annexed hereto and marked as **Annexure P-9**.

3.10. MSEDCL has executed the Bulk Power Transmission Agreement (BPTA) with MSETCL on 12th January, 2009. MSEDCL submits that being a State Distribution Licensee and as per BPTA, it has the connectivity to the STU on distribution side. However, STU had informed MSEDCL that EMCO is not connected to the STU network and requested EMCO energy to apply for the grid connectivity to STU network. MSEDCL had communicated the same to EMCO vide its letter dated April 1, 2013.

3.11. MSEDCL stated that EMCO had obtained CTU connectivity for their 520 MW (2x135+1x250 MW) Power Plant (Warora) on 400 KV Bhadravati S/s at the 27th Standing Committee held at Indore on 30-07-2007. Further, EMCO signed a BPTA with CTU on 17.01.2009 for LTOA for 520 MW. However, the

financial bid of eligible bidders for Case I bidding was opened on September 24, 2009. Thus, at the time of submitting RfP, EMCO Energy did not disclose about the Application of CTU Connectivity as well as availability of the STU connectivity for 2 X 135 MW Warora power project.

- 3.12. In Hon'ble MERC's Order dated 17 March, 2011 as well as interim order dated 12 January, 2011 in Case No. 28 of 2010; it was contended by MSETCL that it had granted grid connectivity for 2x135 MW of EMCO's phase 1 generation at STU's existing 220 kV Warora substation. However, since no connectivity was granted to 2x300 MW generation of EMCO (revised configuration of generation units of EMCO); EMCO energy will have to apply afresh for connectivity, for their changed configuration [i.e., from 270 MW (2x135 MW) to 600 MW (2x300 MW)], as mandated in the CERC Regulation in the matter of Grant of Connectivity, Long-term Access and Medium-term Open Access in the inter-State Transmission and related matters dated 31 December, 2009. However, EMCO still had not applied for connectivity with STU and although MSEDCL has been granted LTOA, the failure of EMCO to apply for grid connectivity had denied MSEDCL from utilizing the allotted LTOA of 200 MW.
- 3.13. On 06.03.2013, MSEDCL filed Petition No. 34 of 2013 before the Ld. Maharashtra State Electricity Regulatory Commission ("Ld. MERC") for directions to MSETCL to grant grid connectivity from GWEL's Power Plant directly through the intra state transmission system. The reliefs sought were:-

- (a) *To direct MSETCL to grant Grid Connectivity to 200 MW power evacuation from Warora Project of EMCO Energy Ltd, directly through STU only.*
- (b) *To make MSETCL liable for penalty if any due to delay in providing Grid Connectivity directly through STU only.*
- (c) *To pass any other order as the Commission may deem fit and appropriate under the circumstances of the case and in the interest of justice*
- (d) *To condone any error/omission and to give opportunity to rectify the same*
- (e) *To permit the Petitioner to make further submissions, addition and alteration to this Petition as may be necessary from time to time.*

A copy of Petition No. 34 of 2013 without Annexures filed by MSEDCL before Ld. MERC is annexed hereto and marked as **Annexure P-10.**

3.14. On 25.03.2013, MSETCL wrote to MSEDCL confirming that LTOA had already been granted to the MSEDCL to the tune of 200 MW on intra state transmission network and further asked MSEDCL to ask GWEL to apply for grid connectivity to the STU network. A copy of the reply of MSETCL to GWEL is annexed hereto and marked as **Annexure P-11.**

3.15. On 27.03.2013, GWEL vide its letter informed MSEDCL that it had declared commercial operation of Unit 1 from 00:00

hours of 19.03.2013. A copy of the letter dated 27.03.2013 written by GWEL to the Petitioner informing about commercial operation is annexed hereto and marked as **Annexure P-12.**

3.16. On 03.05.2013, MSEDCL filed an amendment to Petition No. 34 of 2013 on 03.05.2013. This was pursuant to the liberty sought from Ld. MERC by the Petitioner in the hearing on Petition No. 34 of 2013 held on 12.04.2013. In the amendment to Petition No. 34 of 2013, the following reliefs were sought by the Petitioner:-

- (a) *The second Prayer at Serial No. (b) in the Petition dated 06.03.2013 is withdrawn (Case No. 34 of 2013)*
- (b) *To direct EMCO Energy to submit the requisite technical details to the STU in line with the State Grid Code Regulations 2006 and to apply for connectivity to the STU.*
- (c) *To direct EMCO Energy to pay transmission charges and losses other than STU in case of delay in evacuation of 200 MW power from EMCO Energy directly through STU due to delay in application of connectivity by EMCO Energy*
- (d) *To grant any other relief as the Hon'ble Commission may deem fit and appropriate under the circumstances of the case and in the interest of justice*
- (e) *To direct EMCO Energy to amend the PPA with MSEDCL in line with the observations made vide the*

Hon'ble Commission's order dated 28th December 2010 (Case No. 22 of 2010)

- (f) To direct EMCO Energy to submit additional performance guarantees of Rs 1.5 lakhs /MW for failing to satisfy conditions subsequent by the seller.*
- (g) Condone any error/omission and to give opportunity to rectify the same;*
- (h) Permit the Petitioner to make further submissions, addition and alterations to this Petition as may be necessary from time to time"*

A copy of the Amendment Application dated 03.05.2013 is annexed hereto and marked as **Annexure P-13**.

3.17. MSEDCL had cited the following points in the amendment to Petition No. 34 of 2013 on 03.05.2013.

- a. Under the RFP for 2000 MW on "Long term basis under case – 1 bidding procedure through Tariff based Competitive Bidding Process"; it was clearly mentioned that the delivery point will be STU interface within the region of the procurer and for generating station within the same state of the procurer the STU interface shall be the bus-bar of the generating station.
- b. In the present case where the generator source and procurer are in the same State, the power has to be evacuated from the bus bar directly through STU. As such, EMCO has to apply for the connectivity to STU.

- c. In the financial bid format, EMCO has agreed to transmit power through STU which was in line with the RfP as the project was within the State and therefore the transmission of power need to be through STU system. Further, while evaluating the RfP response, no transmission charge has been considered. All the rates were computed for delivery up to the "STU Interface".
- d. M/s. Wardha Power Company Limited (WPCL) had submitted a Petition on 09 June, 2010 in Case No. 28 of 2010 before MERC, for grant of transmission capacity rights for evacuation of power from Phase II (2X135 =270 MW) generation at Warora through MSETCL's existing 220kV Warora substation (S/S). The Petition was disposed of vide interim Order dated 12 January, 2011 and final Order dated 17 March, 2011. In its Interim Order dated 12 January, 2011, MERC observed that EMCO Phase I was unlikely to come before Dec, 2011 and EMCO required only the start-up power of around 20MW. MERC directed STU, MSETCL and SLDC that, as an interim arrangement, synchronization of Unit-3 of Phase-II (2 x 135MW) of WPCL with the Maharashtra Grid at MSETCL's existing Warora Substation should be allowed immediately subject to the mutually agreed conditions. MERC vide its Order dated 17 March, 2011 finally disposed of the matter directing STU, MSETCL and SLDC to allow synchronization and evacuation of energy generated from Unit-4 of WPCL (in addition to present WPCL

Unit 3 evacuation) through 220kV existing MSETCL's Warora substation subject to the mutually agreed terms, as stated in the MoM held on 15 February, 2011.

- e. MSEDCL mentioned that WPCL phase-II (2 x 135MW) generation was granted connectivity with proposed 400/220kV Warora substation and not with existing 220kV Warora Substation. MSEDCL claimed that it has lawful right over the connectivity from existing 220kV Warora Substation (for evacuation of power generated from EMCO Project).

3.18. MSETCL had made the following submissions to the Petition No. 34 of 2013 filed by MSEDCL on 03.05.2013

- a. As per the RfP, the Seller of power (MSEDCL) had the responsibility of getting the grant of connectivity as well as the transmission access arrangement in the Intra State Transmission System.
- b. Grid connectivity with CTU will make the CTU transmission charges applicable to MSEDCL, and in turn will burden the consumers of the State which can be avoided if there is a grid connectivity to STU.

3.19. In the order in Case No. 34 of 2013, Hon'ble MERC directed the STU to find a least cost technical solution evacuate power from EMCO Generating Station to enable implementation of PPA signed with MSEDCL. The following technical solutions have emerged from the discussions during this meeting with

representatives of all concerned including POSOCO and WRPC:

Alternative	Financial Impact (Rs. Cr)
Existing case of CTU connectivity (Supplying 200 MW to MSEDCL through CTU)	64
400 KV line from EMCO-Warora (With and without split bus option)	45
LILO of 400 KV EMCO-Bhadravati one ckt. at Warora	22

3.20. There was a consensus on technical solution as per the alternative-3 viz., LILO of 400 KV EMCO Bhadravati one ckt at MSETCL 400KV Warora substation is technically the least cost option.

3.21. MERC, from the above solution and the conjoint reading of the relevant clauses of RFP, PPA and the amendment in PPA as directed by the Commission under its Order (Case No. 22 of 2010) dated 28 December 2010, it is clear that GWEL is responsible to establish connectivity and access the state transmission network. On 28.08.2013, Ld. MERC passed the Order in Petition No. 34 of 2013 holding as follows:

- (a) It was premature to rule on the issue of compensation and responsibility thereof for delay in the project. The

parties will have to perform their responsibilities and exercise remedies available under PPA, and Connection Agreement, as the case may be.

- (b) Regarding additional performance guarantee of Rs. 1.5 Lakhs/MW for failing to satisfy conditions subsequent by the seller, there was a liberty to the parties to file appropriate petition in the matter at future date, if necessary.
- (c) GWEL is responsible for establishing connectivity and access the state transmission network and GWEL will have to establish connectivity with the state transmission network and execute necessary connectivity agreement with the transmission licensee.
- (d) That the least cost technical solution of setting up of a LILO of 400 KV EMCO-Bhadravati one ckt at the 400 KV Warora sub-station of Respondent No.2 should be implemented by GWEL in consultation with Respondent No.2.

A copy of the Order dated 28.08.2013 passed in Petition No. 34 of 2013 is annexed hereto and marked as **Annexure P-14**.

- 3.22. EMCO filed an Appeal before the Hon'ble APTEL, being Appeal No.304 of 2013 impugning the Order dated 28.08.2013 passed by Ld. MERC in Petition No. 34 of 2013. A copy of the said Appeal without Annexures is annexed hereto and marked as **Annexure P-15**.

3.23. On 11.02.2014, the Hon'ble APTEL passed an Interim Order in Appeal No. 304 of 2013, directing the commencement of power supply by EMCO to the Petitioner through the interstate transmission system using GWEL's 400 KV dedicated transmission line that is connected to the ISTS Network (Bhadrawati sub-station). A copy of the Interim Order dated 11.02.2014 passed by the Hon'ble Appellate Tribunal for Electricity in Appeal No. 304 of 2013 is annexed hereto and marked as **Annexure P-16**.

3.24. On 08.05.2015 the Hon'ble Appellate Tribunal for Electricity passed its judgment in Appeal No. 304 of 2013 filed by EMCO. Vide the said judgment the Hon'ble Appellate Tribunal for Electricity set aside the Order dated 28.08.2013 passed by Ld. MERC and held that in terms of the PPA the MSEDCL is responsible for evacuation of power from the bus bar of EMCO's Power Plant. The Hon'ble Appellate Tribunal for Electricity further directed as follows:

- (a) *Till the evacuation arrangement for off take of power from the bus bar of EMCO's generating station is provided by MSEDCL; EMCO will supply power to MSEDCL through its dedicated transmission line through the inter State Transmission system.*
- (b) *During the period of power supplied to MSEDCL through interstate transmission system MSEDCL shall bear the transmission charges and losses for use of inter transmission line.'*

A copy of the judgment dated 08.05.2015 in Appeal No. 304 of 2013 passed by the Hon'ble Appellate Tribunal for Electricity is annexed hereto and marked as **Annexure P-17**.

- 3.25. As per the directions given in Hon'ble APTEL Order dated 08.05.2015, GWEL (EMCO) is currently paying ~Rs. 6.20 crores per month as PoC charges for transmission of 200 mw power through 400 kV Bhadravati sub-station. Such charges borne by EMCO are being re-imbursed by MSEDCL from time-to-time.
- 3.26. MSEDCL and MSETCL filed Civil Appeal Nos. 5691 of 2015 and 6080 of 2015 respectively before the Hon'ble Supreme Court of India, challenging the findings of the judgment passed by the Hon'ble APTEL dated 08.05.2016 in Appeal No. 304 of 2013. The said Civil Appeals are pending before the Hon'ble Supreme Court of India.

The details of correspondences exchanged between the parties of the Petition are as below:

- a. GWEL vide letter dated Nil (Submitted to PGCIL on 04/09/2013 and subsequent letter dated 27/12/2013) has requested PGCIL for implementation of LILO of One circuit of GWEL's dedicated Bhadravati line and surrendering of LTOA to an extent of 170 MW out of available 520 MW.
- b. In response PGCIL vide letter dated 13/03/2014 has informed to EMCO that "LILO of one circuit of

EMCO-Bhadravati line at Warora has proposed is not recommended.”

- c. MSEDCL vide letter dated 02/06/2015 to MSETCL has applied for grid connectivity on intrastate transmission system for evacuation of 200 MW from Warora project.
- d. MSETCL vide letter dated 12.06.2015 stated that neither GWEL nor MSEDCL can be granted connectivity to the InSTS network unless the existing CTU connectivity is surrendered. A copy of the said letter dated 12.06.2015 is annexed hereto and marked as **Annexure P-18**.
- e. MSEDCL wrote to GWEL dated July 3, 2015 to surrender the existing connectivity to ISTS to CTU and to obtain InSTS connectivity.
- f. In reply, MSEDCL wrote a letter to GWEL dated 3rd July, 2015 to surrender the transmission capacity for 200 MW (contracted with MSEDCL) from CTU to avail the grid connectivity for this 200 MW quantum at STU interface. A copy of the letter dated 3rd July 2015 is annexed hereto and marked as **Annexure P-19**.
- g. GWEL wrote a letter dated 17/07/2015 to MSEDCL to connect the power plant to the STU in terms of the PPA dated 17th March, 2015. A copy of the letter dated 17/07/2015 is annexed hereto and marked as **Annexure P-20**.
- h. GWEL vide a letter dated 23rd October, 2015 replied that surrender of CTU connectivity and obtaining

connectivity from MSETCL is beyond the terms of the PPA and requested MSEDCL to withdraw the letter dated 3rd July, 2015 and comply with the terms of the PPA and Hon'ble APTEL Order. A copy of the letter dated 23rd October 2015 is annexed hereto and marked as **Annexure P-21**.

- i. MSEDCL vide letter dated 16/06/2016, states that 200 MW power is passing from ISTS line from Bhadrawati up to Chandrapur STU substation and thus no significant part of ISTS line is being used for supply of 200 MW power.

4. Submission to the Hon'ble Commission

- 4.1. GWEL has constructed and maintaining the dedicated D/C 400 KV transmission line from Warora to Bhadravati. Thus, power is being supplied by GWEL to MSEDCL through GWEL's 400 KV dedicated transmission line from Warora to Bhadravati and PGCIL's 400 Kv transmission line from Bhadrawati to Chandrapur up to MSTECL's sub-station. GWEL is currently paying monthly transmission charges of ~Rs. 6.2 crore and about 80 lacs towards reliability support charge and HVDC charges to PGCIL which is reimbursed by MSEDCL. Further, as per Hon'ble APTEL's Order, MSEDCL has to arrange the evacuation of power from the bus bar of EMCO's power station.
- 4.2. Further in pursuance of the Hon'ble APTEL Order dated 8th May 2015 passed in Appeal No.304 No. 2013, MSEDCL seeks

long term intervening transmission facility on the PGCIL 400 kV ISTS line from Bhadrawati to Chandrapur up to MSETCL's sub-station.

- 4.3. MSEDCL referred to the provisions contained in the National Electricity Policy notified by Central Government on 12.2.2005 which, inter-alia provide tariff mechanism for transmission to be sensitive to distance, direction and quantum of flow. The relevant provisions of the said policy are mentioned below:

National Electricity Policy

“ 5.3.5 To facilitate cost effective transmission of power across the region, a national transmission tariff framework needs to be implemented by CERC. The tariff mechanism would be sensitive to distance, direction and related to quantum of flow. As far as possible, consistency needs to be maintained in transmission pricing framework in inter-State and intra-State systems. Further it should be ensured that the present network deficiencies do not result in unreasonable transmission loss compensation requirements.”

Further, the relevant provisions of the National Tariff Policy, 2016 that pertains to the transmission pricing is as below:

7.1 Transmission pricing

“(1) A suitable transmission tariff framework for all inter-State transmission, including transmission of electricity across the territory of an intervening State as well as conveyance within the State which is incidental to such

interstate transmission, has been implemented with the objective of promoting effective utilization of all assets across the country and accelerated development of new transmission capacities that are required.

- (2) *The National Electricity Policy mandates that the national tariff framework implemented should be sensitive to distance, direction and related to quantum of power flow. This has been developed by CERC taking into consideration the advice of the CEA. Sharing of transmission charges shall be done in accordance with such tariff mechanism as amended from time to time.*
- (3) *Transmission charges, under this framework, can be determined on MW per circuit kilometer basis, zonal postage stamp basis, or some other pragmatic variant, the ultimate objective being to get the transmission system users to share the total transmission cost in proportion to their respective utilization of the transmission system. The 'utilization' factor should duly capture the advantage of reliability reaped by all. The spread between minimum and maximum transmission rates should be such as not to inhibit planned development/augmentation of the transmission system but should discourage non-optimal transmission investment."*

4.4. MSEDCL also draws the attention of the Hon'ble Commission to Section 35 and 36 of the Electricity Act, 2003 which is reproduced below:

“35. Intervening transmission facilities:

The Appropriate Commission may, on an application by any licensee, by order require any other licensee owning or operating intervening transmission facilities to provide the use of such facilities to the extent of surplus capacity available with such licensee. Provided that any dispute regarding the extent of surplus capacity available with the licensee, shall be adjudicated upon by the Appropriate Commission.

36. Charges for intervening transmission facilities:

- (1) *Every licensee shall, on an order made under section 35, provided his intervening transmission facilities at rates, charges and terms and conditions as may be mutually agreed upon: Provided that the Appropriate Commission may specify rates, charges and terms and conditions if these cannot be mutually agreed upon by the licensees.*
- (2) *The rates, charges and terms and conditions referred to in subsection (1) shall be fair and reasonable, and may be allocated in proportion to the use of such facilities.*

Explanation. - For the purposes of section 35 and 36, the expression “intervening transmission facilities” means the electric lines owned or operated by a licensee where such electric lines can be utilized for transmitting electricity for and on behalf of another licensee at his request and on payment of a tariff or charge.”

- 4.5. PGCIL owns two numbers of 400 kV DC transmission line from Bhadravati to Chandrapur. One line has a length of 11

kms and another line having length of 17 kms. It is evident from the records that the power transmitted during peak months i.e. October, 2015 and May, 2016 from Bhadravati to Chandrapur is in the range of 100 MW for October, 2015 and the maximum power flow in May, 2016 is 900 MW. Further, generally and during these months also, at majority of the times, the power is flowing in reverse direction from Chandrapur to Bhadravati to cater to the load in Southern region through PGCIL's HVDC system. Thus, MSEDCL submits that there is surplus capacity available in PGCIL transmission line for transmission of power from Bhadravati to Chandrapur. Further, GWEL has constructed and maintaining the 400 kV DC dedicated transmission line from Warora to Bhadravati. The said line is dedicated for supply of power from GWEL's Warora project which is having generation capacity of 600 MW. At present, the said quantum of 200 MW power is being transmitted through this dedicated transmission line.

4.6. In line with APTEL Order and the fact that there is a surplus capacity available on the captioned line of PGCIL. MSEDCL seeks the permission of Hon'ble CERC to obtain grid connectivity for the transmission of 200 MW power through the CTU's intervening transmission facility. MSEDCL states that the following arrangement would be used for the delivery of 200 Mw power.

- a. GWEL's dedicated 400 KV D/C transmission line from Warora to Bhadravati.

- b. Transmission through PGCIL's two 400 KV double circuit lines from Bhadravati to Chandrapur.
- 4.7. The transmission charges and losses for the use of the PGCIL's transmission line from Bhadravati to Chandrapur is being paid on the basis of PoC charges and losses under the CERC (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 and as amended from time to time. The current financial impact towards PoC is Rs. 6.2 crores per month in addition to this MSEDCL is incurring reliability support charge and HVDC charge. Thus the total charges is about 7 crores per month for transmitting 200 Mw for the use of small portion of PGCIL transmission line from Bhadravati to Chandrapur. MSEDCL submits that the current financial impact on MSEDCL is very high considering a small quantum of power i.e. 200 MW that is being transmitted through PGCIL's Bhadravati – Chandrapur transmission line.
- 4.8. The CERC (Rates, Charges and Terms and Conditions for use of Intervening Transmission Facilities) Regulations, 2010 was published on September 23, 2010. As per this regulation, it shall come into force w.e.f. the date of application in the official gazette. Further, as per PPA, the scheduled delivery date (SDD) is March 17, 2014 and GWEL has commenced the power supply of 200 MW to MSEDCL from March 17, 2014. Thus, MSEDCL desires to avail intervening transmission facilities w.e.f. March 17, 2014.
- 4.9. MSEDCL submits that the using the current infrastructure of PGCIL line on the contract path from Bhadravati to

Chandrapur is the best possible option under the CERC (Rates, Charges and Terms and Conditions for use of Intervening Transmission Facilities) Regulations, 2010. Hence, in line with Hon'ble APTEL order and as a cost effective option, MSEDCL proposes to the Hon'ble Commission to provide permission for the use of intervening transmission facility for contract path on PGCIL's transmission line from Bhadrawati to Chandrapur for the conveyance of 200 MW of power from EMCO's generating station.

- 4.10. From the reading of the provisions of Electricity Act, 2003 and the guidelines under the Electricity Policy and the National Tariff Policy, it is prima facie suggested by MSEDCL that present in hand falls in the category of intervening transmission facility as defined in the explanation to Section 36 of the Act. In the present case, the transmission facility of PGCIL at 400 kV transmission line from Bhadrawati to Chandrapur will be used for conveyance of 200 MW power to MSEDCL and other licencees and consumers. In general, the term used in the Act is 'transmission system' and only in two sections i.e. Section 35 and 36 the term 'transmission facility' has been mentioned. Thus it clearly implies that for the purpose of Sections 35 and 36, the transmission assets specifically used for the transaction have to be identified. Therefore, there is a need to identify applicable transmission elements which are used for conveyance of 200 MW power to MSEDCL. MSEDCL submits that the transmission assets and the contract path of Respondent PGCIL used for the transmission of 200 MW power to MSEDCL have been identified and used in the inter-state transmission of electricity.

The following transmission assets are being used for transmitting power to MSEDCL

- a. Dedicated 400 kV double circuit transmission line from the generation project at Warora which is connected to PGCIL's 400 kV transmission line at Bhadrawati
 - b. PGCIL's 400 KV transmission line from Bhadrawati to Chandrapur. The lines are two double -circuit lines having lengths of 11 kms and 17 kms.
 - c.
5. MSEDCL referred to and rely upon the papers and proceeding of the Hon'ble APTEL Appeal No. 198 of 2009 with regard to application of Section 35 and 36 of the Electricity Act, 2003. The brief facts of the Case are as below:
- 5.1. Union Territories of Daman and Diu (DD) and Dadra and Nagar Haveli (DNH) had firm allocations from various central sector stations at NTPC and NPC in western region. Power allocated to DD and DNH is transmitted through PGCIL's transmission lines at different inter-connection points of Gujarat Electricity Transmission Company Ltd (GETCL) transmission system.
 - 5.2. Wheeling charges for usage of the GETCL's system for the captioned supply were being determined based on decision taken in the 110th meeting of Western Regional Electricity Board (WREB) held on 22.5.1999. The methodology for calculation was suggested by CEA and was based on 'contract path method' i.e. usage of the facilities of GETCL involved in the

transmission. The transmission charges for usage of these facilities were shared by all the beneficiaries, pro rata to the extent of their allocation of central sector power.

- 5.3. By an order dated 28.2.2006, Gujarat Electricity Regulatory Commission (GERC) determined the applicable transmission charges and losses adjustment for GETCL's transmission system which were revised later effective from 1.4.2006. GETCL claimed that transmission charges and losses so determined are also applicable for conveyance of power to DD and DNH and accordingly, demanded payment of the transmission charges and adjustment for losses which was denied by DD and DNH.
- 5.4. GETCL approached the Hon'ble Commission to determine the tariff for conveyance of electricity through its transmission system from Gujarat to DD and DNH.
- 5.5. The Hon'ble Commission vide its order dated 3.2.2009 decided the methodology for determining the charges for conveyance of electricity through intervening transmission facilities of GETCL and directed WRPC to work out the charges based on the contract path method. The WRPC computed the transmission charges and losses and based on the calculation, Hon'ble CERC disposed off the petition by its order dated 03.02.2009. Relevant findings of the Central Commission in its order dated 3.2.2009 read as under:

"32. We are conscious of the fact that in the interim order dated 21.7.2004 in Petition No 6/2004 in the matter related to determination of wheeling charges for the use of Orissa transmission system for transmission of power to MPSEB under the 2001 tariff Regulation for the period 2001-04, the Commission had stated that after implementation of open access regulations, charges shall be payable under those regulations. However, we are of the opinion that the matter relating to use of State transmission system for conveyance of power to other licensees is more appropriately covered under Sections 35 and 36 of the Act. These explicit statutory provisions cannot be ignored. We are therefore proceeding by specifying method of calculation of the transmission charges in the present case. In due course, the Commission will come out with draft regulations under Section 36 of the Act so as to deal with the issue of determination of transmission charges for intervening inter-State transmission facilities.

33. Above discussion leads one to the conclusion that it is appropriate to apply Contract Path method in preference to Postage Stamp method, The following distinct consideration in favour of this method cannot be overlooked:

- (a) This method fits in well with the philosophy contained in the National Electricity Policy and Tariff Policy.

- (b) *It is in line with Sections 35 sand 36 of the Act, which require determination of transmission charges for intervening transmission facility. Therefore, these sections read with conclusion drawn by the Appellate Tribunal imply that in cases such as the present one, to the extent possible, specific transmission elements used in conveyance of power have to be identified.*
- (c) *The Contract Path method was the agreed arrangement for the period beginning 1992-93 till GETCO raised the issue in the form of Petition 94/2006 filed in August 2006.*
- (d) *Probably because the method is just and fair. In fact, the same was specified by the Commission in the 2001 regulations during the tariff period 2001-04 for determination of charges in case the parties were not able to reach to an agreement.*

.....

.....

38. *Based on the above, we direct Member Secretary, Western Regional Power Committee to submit to the Commission detailed calculation of the transmission charges for transmission of power to DD and DNH within one month of issuance of this order. The calculations shall be made based on following guidelines:*

(a) *The transmission assets used for transmitting power to DD and DNH shall be identified as under:"*

.....

.....

5.6. Aggrieved by the decision in the Hon'ble CERC's order, GETCL filed an Appeal with Hon'ble APTEL in Appeal No. 198 of 2009. Hon'ble APTEL in the captioned Appeal held that Central Commission had taken a categorical decision to adopt the contract path method and directed WRPC to submit detailed calculations of the transmission charges for transmission of power to the DD and DNH. In case of Section 35 and 36 of Electricity Act, 2003, APTEL held that these are two distinct provisions enabling any licensee to use the transmission system of another licensee. Principles of harmonious construction of statute demand that these two provisions are to be interpreted in such a way that application of one must not make other provision otiose or redundant.

5.7. Hon'ble APTEL mentioned that the scrutiny of the records placed reveal that Regional transmission system is planned keeping in view the overall regional requirements. Since the consumption of the DD and DNH was not significant in the initial stages of system development, no direct CTU link was envisaged for them. Surplus capacity available with the intervening transmission system of GETCL was utilized to transfer the share of DD and DNH. As the load demand of the

Appellant and DD and DNH increased, the surplus capacity got reduced considerably. Necessity of direct link between systems of DD and DNH with CTU was felt and same was established by CTU in 2005-06. Thus, only surplus capacity available with the GETCL's system was utilized till it was available. When the available surplus capacity became inadequate, a direct link from CTU system to the system of DD and DNH was established. If the capacity in the GETCL's transmission system was reserved for the DD and DNH, as claimed by GETCL, then there was no need to establish the direct link with CTU system. Hence, APTEL held that transmission system of the GETCL involved in the conveyance of central sector share to DD and DNH is intervening transmission system in terms of section 35 and 36 of the Act.

- 5.8. Further, Hon'ble APTEL in the matter of Electricity Department, Government of Goa Versus Maharashtra Electricity regulatory Commission (MERC) being Appeal no. 150 of 2007 had taken a similar decision for the conveyance of electricity for Goa through the transmission system of Maharashtra Transmission Utility. The brief facts of the Case are as below:
- 5.9. Hon'ble MERC had passed an Order in Case No. 49 of 2005 dated June 28, 2006 for the purpose of determination of its Annual Revenue Requirement for FY 2006-07. In the aforesaid order, the Commission did not consider intervening transmission line of

MSETCL as a part of inter-state transmission for wheeling power from Western Regional pool or Central Generating Stations to State of Goa. The Commission in the impugned order has held as under:

“The Commission understands that currently MSETCL is transmitting central sector power to Goa via its transmission network and the transmission charges for the same are being levied as per the prevailing Regional norms. However, the Commission is of the view that as this power is being transmitted by the transmission lines (of MSETCL) within the State, the transmission tariff as determined by the Commission (in line with its Order dated 27th June, 2006) should be applicable for the quantum of energy transmitted to Goa. The Commission therefore directs MSETCL to levy the transmission tariff as determined by the Commission in its order on intra-state transmission pricing through transmission open access provision.”

- 5.10. Aggrieved by the order of the Hon'ble MERC, Electricity Department of Government of Goa, filed an Appeal No. 150 of 2007 challenging the legality, validity and propriety of the Order in Case No. 49 of 2005 dated 28 June, 2006 filed by MSETCL. The basic issue before the Hon'ble APTEL was whether the intervening transmission system of MSETCL is to be treated as part of the inter-state transmission system for wheeling of power from the Central Generating Station and/or WREB pool of power to State of Goa.

5.11. The parties to the Appeal had admitted that the electricity is transmitted to Goa from Central Generating Stations and / or WREB pool of power located outside Goa and the intervening transmission lines of MSETCL along with transmission lines of PGCIL are being used for such transmission. Accordingly, the transmission of power from Central Generating units to Goa is an inter-State transmission in terms of Section 2(36) of the Act. The use of transmission lines of MSETCL is incidental to the transmission of power from Central Generating Station to Goa. Thus, Hon'ble APTEL held that the determination of tariff for inter-State transmission as per the provisions of Section 79 of the Act is vested with Hon'ble CERC and is beyond the jurisdiction of Hon'ble MERC.

5.12. Hon'ble APTEL set aside the Order in Case No. 49 of 2005 dated June 28, 2006 in so far as it related to recovery of transmission charges for the intervening transmission system of MSETCL when it is used as inter-State transmission line. APTEL held that that system of Maharashtra Transmission Utility (MSETCL) used for conveyance of electricity for Goa is intervening transmission system and only the Central Commission has jurisdiction to determine charges payable in such matters. Accordingly, Hon'ble APTEL directed MSETCL to continue to accept payment of transmission charges as per the existing prevailing regional norms determined by Hon'ble CERC and raise the new bill accordingly and adjust the payments, if

made, from the date the impugned order has come into effect.

6. MSEDCL has previously submitted that MSEDCL had earlier applied for the evacuation of power from MSETCL which could not progress ahead since EMCO already had the CTU connectivity. The PGCIL line from Bhadrawati to Chandrapur is an existing line and is being currently used for transmission of power from the GWEL's dedicated transmission line. In the proceedings of the previous cases with MERC and the appeal with Hon'ble APTEL on the current case, MSEDCL had earlier not proposed to use the intervening transmission facilities as ISTS line from Bhadrawati to Chandrapur pending the judgement on the responsibility to transmit the power from GWEL's generating station at Warora. MSEDCL submits that in this case, the contract path method is the relevant method for pricing of transmission facility since as per this method beneficiary is supposed to draw power on specified path only. This means that the line should be in a position to carry required quantum of electricity from point of injection to point of drawal without there being any need to utilize other transmission network. MSEDCL proposes to use the PGCIL's transmission line from Bhadrawati to Chandrapur for the conveyance of 200 MW of power and the use of contract path method is relevant due to the following reasons:
 - a. This method fits in well with the philosophy contained in the National Electricity Policy and Tariff Policy.

- b. It is in line with Sections 35 and 35 of the Act, which require determination of transmission charges for intervening transmission facility.
7. Further, MSEDCL submits that it is incurring a heavy cost of approximately Rs. 72 crores towards inter-state transmission charges which is incurred following the postage stamp method. However, MSEDCL submits that in this case where the specific transmission assets have been identified for the conveyance of 200 MW power, the contract path method is the best method for the calculation of transmission charges. Further, the contract path method is in line with the National Tariff Policy, Sections 35 and 36 of the Act.
8. Accordingly, MSEDCL submits to the Hon'ble Commission to refer to the CERC (Rates, Charges and Terms and Conditions for use of Intervening Transmission Facilities) Regulations, 2010 for the determination of the transmission charges for the use of intervening transmission facilities.
9. The scope and applicability of the regulations are as below:
- (1) *These regulations shall apply only where a contract path can be identified.*
 - (2) *These regulations shall apply where the intervening transmission facilities incidental to inter-State transmission owned or operated by a licensee, are used or proposed to be used by any trading licensee or distribution licensee for transmission of power through long-term access, medium-term open access or short-*

term open access, and where the contracting parties have failed to mutually agree on the rates and charges for the usage of such intervening transmission facilities as envisaged under the proviso to sub-section (1) of Section 36 of the Act.

10. Further, the transmission charges and losses applicable as per the captioned regulations are as below. The rates and charges specified based on contract path are for a standard distance of 50 Km or a part thereof.

Type	System	Line Capacity	Charges for Long - term Access and Medium term OA	Charges for Short-term OA
Transmission Charges	400 kV (D/C)	900	97,584	11.14
Losses				0.5%

Provided that in case the annual revenue requirement of the contract path in question has already been determined by the Commission or any Page 5 of 9 State Electricity Regulatory Commission then the sharing of the transmission charges so determined, by the applicant, will be in the ratio of the average power flow in MW of the transaction determined on post-facto basis, to the peak capacity of the power flow in MW in the line as given in Schedule-II. The table given in Schedule II of the Regulations is as below:

S.No.	VOLTAGE (kV)	Line loading capacity considered (MW)
1.	400	450
2	220	250
3.	132	90
4.	66	27

11. In line with the above regulations, MSEDCL submits to the Hon'ble Commission to allow long term intervening transmission facility on captioned PGCIL line w.e.f. 17.03.2014 and to apply the contract path method for the determination of transmission charges and losses. In line with the CERC (Rates, Charges and Terms and Conditions for use of Intervening Transmission Facilities) Regulations, 2010, the charges may be determined as per the rates as mentioned in the regulations or the ARR method for the contract path could be used for the purpose of determination of charge and losses for the intervening transmission facility and will be in ratio of average power flow in Mw as decided by Hon'ble commission.
12. EMCO had obtained CTU connectivity for their 520 MW (2x135+1x250 MW) Power Plant (Warora) on 400 KV Bhadravati S/s at the 27th Standing Committee held at Indore

on 30-07-2007 prior to the bid and signing of PPA with MSEDCL. Further, EMCO signed a BPTA with CTU on 17.01.2009 for LTOA for 520 MW. MSEDCL had written to GWEL dated July 3, 2015 to surrender the existing connectivity to ISTS to CTU and to obtain InSTS connectivity. However, GWEL did not surrender the CTU connectivity and accordingly the STU connectivity could not be established by MSEDCL.

13. MSEDCL submits to the Hon'ble Commission that as per the Procedure for making application for Grant of connectivity in ISTS, 'The applicant (Generator/ bulk consumer) already connected to grid (regional or state grid) for which connectivity is already granted under the present arrangement, shall not be allowed to apply for additional connectivity for the same capacity.' As per PPA, MSEDCL has to arrange the evacuation from GWEL's generating station. Now, MSEDCL is currently filing the present petition seeking use of intervening transmission facility w.e.f. 17.03.2014. Thus, GWEL may have to surrender 200 MW of long term transmission open access on the PGCIL line.
14. The Petitioner have made an application for use of intervening facilities to PGCIL (CTU) on date 03.09.2016 but the permission is not received yet from PGCIL (CTU). **Annexure P-22.**
15. The Petitioner have paid requisite fees.
16. The Petitioner craves leave to amend, alter or modify the Petition, if required.

17. Delay if any, in filing the present Petition may be condoned.
18. The Petitioner states that the Petitioner has not previously filed any petition or application regarding the matter in respect of which this petition is preferred before any court/authority forum nor any such petition/application is pending.

19. Prayer

19.1 In view of the facts and averments set out herein, this Hon'ble Commission may be pleased to grant the following relief(s):

- (a) To admit the Petition as per the provision of Section 35 and 36 of the Electricity Act, 2003 read with CERC (Rates, Charges and Terms and Conditions for use of Intervening Transmission Facilities) Regulations, 2010;
- (b) Approve the PGCIL transmission line from Bhadrawati to Chandrapur as long term intervening transmission facility from 17.03.2014 for the period of 25 years;
- (c) Direct GWEL to surrender 200 MW of long term transmission open access on the PGCIL line;
- (d) To approve the transmission charges and losses for the use of contract path from Bhadravati to Chandrapur either as per the CERC (Rates, Charges and Terms and Conditions for use of Intervening Transmission Facilities) Regulations,

2010 or as determine by the Hon'ble commission as per the ARR method for the contract path from Bhadravati to Chandrapur and will be in ratio of average power flow in Mw;

- (e) Pass any other Order as this Hon'ble Commission deems fit in the facts and circumstances of the present case;
- (f) Condone any error/omission and to give opportunity to rectify the same;
- (g) To permit the petitioner to make further submissions, addition and alternation to this petition as may be necessary from time to time.

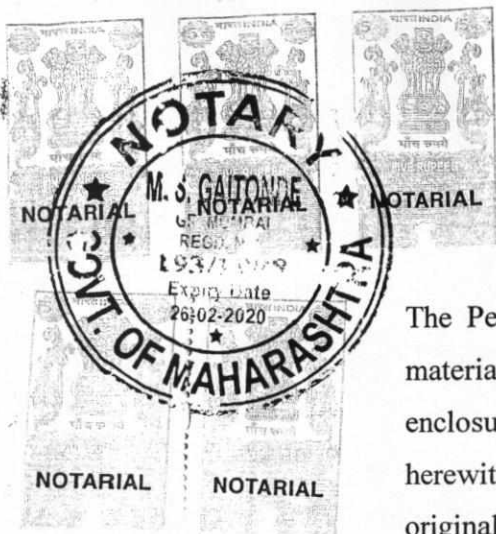
**MAHARASHTRA STATE ELECTRICITY
DISTRIBUTION COMPANY LIMITED,
PETITIONER**

Through

RAMNI TANEJA
Advocate for the Appellant
A-34, Defence Colony
New Delhi-110024
Enrolment No.D-336A/1980
Email: ramni@ramnitaneja.com
Mobile: 9811021886

Place: New Delhi

Date: /10/2016



DECLARATION BY PETITIONER

The Petitioner above named hereby solemnly declares that nothing material has been concealed or suppressed and further declares that the enclosures and typed set of material papers relied upon and filed herewith are true copies of the original/fair reproduction of the originals/true translations thereof.

Verified at _____ on this _____ day of October, 2016

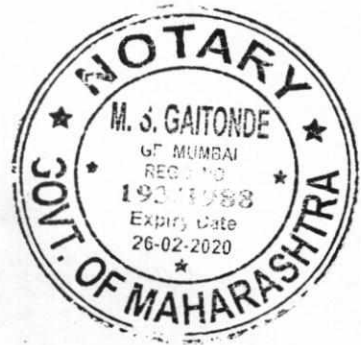
Advocates for the Petitioner

[Signature]
DEPONENT
Chief Engineer (Power Purchase)
M. S. E. D. C. L.



VERIFICATION

I, Shri Paresh R Bhagwat, S/o Shri Ramchandra Bhagwat, aged 44 years, being the Authorized Signatory of Maharashtra State Electricity Distribution Company Limited, the Petitioner having office at Prakashgad, Prof. Anant Kanekar Marg, Bandra (E), Mumbai-400051, do hereby verify that the contents of paragraph 1 to 10 & 14 are true to my personal knowledge/derived from official record and paragraph 11 to 13 are believed to be true on legal advice and that I have not suppressed any material facts.



Identified By Me

Date 24th October 2016

Place : New Delhi

[Signature]
DEPONENT

Chief Engineer (Power Purchase)
M. S. E. D. C. L.

[Signature]
P. K. DUBEY
B.A.L.L.B.
ADVOCATE HIGH COURT
Lawyer's Chamber Bhaskar Bldg
2nd Floor, Bandra Court,
Bandra (E) Mumbai - 400 051.

BEFORE ME

[Signature]
M. S. GAITONDE
B.A.L.L.M.
NOTARY
GREATER MUMBAI
GOVT. OF MAHARASHTRA
INDIA

NOTED	REGISTER
Sr. No. <u>2614</u>	<u>24-10-2016</u>

BEFORE THE HON'BLE CENTRAL ELECTRICITY
REGULATORY COMMISSION, NEW DELHI

PETITION NO. _____ OF 2016

MAHARASHTRA STATE ELECTRICITY
DISTRIBUTION COMPANY LTD ..PETITIONER

Vs.

POWER GRID CORPORATION OF INDIA
LTD.& ORS. ..RESPONDENTS

AFFIDAVIT IN SUPPORT OF PETITION

I, Shri Paresh R. Bhagwat, S/o. Shri Ramchandra Bhagwat, aged 44 years, being the Authorized Signatory of Maharashtra State Electricity Distribution Company Limited, the Petitioner having office at Prakashgad, Prof. Anant Kanekar Marg, Bandra (East), Mumbai-400051, do hereby solemnly affirm and state as under:

1. I say that I am duly authorized and competent to affirm this Affidavit for and on behalf of the Petitioner, and I am acquainted with the facts and circumstances of the present case. I say that I have read and understood the contents of the accompanying Petition.
2. I state that the facts stated in the accompanying Petition are true and correct to the best of my knowledge based on the records of the and that the legal submissions made therein are



based upon information received by me and believed to be true.

- 3. I say that the Annexures annexed with the Petition are true copies of the original.

[Handwritten Signature]

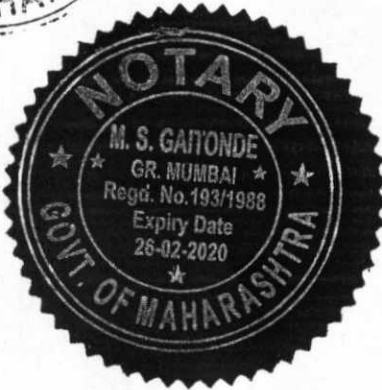
DEPONENT

Chief Engineer (Power Purchase)
M. S. E. D. C. L.

VERIFICATION

I, the deponent above named, do hereby verify that the contents of my above affidavit are true and correct, no part of it is false an nothing material has been concealed there from.

VERIFIED AT Mumbai ON THIS 24th DAY OF OCTOBER, 2016.



Identified By Me

[Handwritten Signature]

P. K. DUBEY
B.A.L.L.B.
ADVOCATE HIGH COURT
Lawyer's Chamber Bhaskar Bldg.,
2nd Floor, Bandra Court,
Bandra (East), Mumbai - 400 051.



[Handwritten Signature]

DEPONENT

Chief Engineer (Power Purchase)
M. S. E. D. C. L.

BEFORE ME

[Handwritten Signature]

M. S. GAITONDE
B.A.L.L.B.
NOTARY
GREATER MUMBAI
GOVT. OF MAHARASHTRA,
INDIA



NOTED	REGISTER
Sr. No. 2613	24-10-2016

VAKALATNAMA

**CENTRAL ELECTRICITY REGULATORY COMMISSION,
NEW DELHI**

PETITION NO. OF 2016

**MAHARASHTRA STATE ELECTRICITY
DISTRIBUTION COMPANY LTD. ..PETITIONER**

Vs.

**POWER GRID CORPORATION OF INDIA
LTD.& ORS. ..RESPONDENTS**

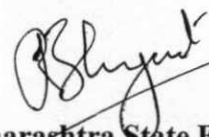
We, **MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED**, [through our authorized signatory), , the Petitioner in the above Petition do hereby appoint and retain **Ramni Taneja, Advocate**, having her office at A-34, Defence Colony, New Delhi 110024, to appear, plead and act for me/us in the above petition and to conduct and prosecute all proceedings that may be taken in respect thereof and, applications for return of documents, enter into compromise and to draw any moneys payable to me/us in the said proceeding and also to appear in all applications for

review and for leave to the Central Electricity Regulatory Commission in all applications for review of judgment.

Place: Mumbai

Date : October, 2016

Signature of Petitioner



**Maharashtra State Electricity
Distribution Company Limited**

Chief Engineer (Power Purchase)
M. S. E. D. C. L.

Through :

Please affix rubber stamp of MSEDCL

Executed in my presence

Ramni Taneja

Advocate for the Petitioner
Enrolment No.D-336N1980
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