



# पावर सिस्टम ऑपरेशन कारपोरेशन लिमिटेड

(भारत सरकार का उपक्रम)

POWER SYSTEM OPERATION CORPORATION LIMITED

(A Government of India Enterprise)

राष्ट्रीय भार प्रेषण केन्द्र

National Load Despatch Centre

## Notification of Transmission charges payable by DICs for Billing Month of March, 2022

No: TC/02/2022

Date: 25.02.2022

1. Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses), Regulations 2020 came into force with effect from 1.11.2020. National Load Despatch Centre (NLDC) as the Implementing Agency under Sharing Regulations 2020 has been entrusted with the responsibility of computation of ISTS transmission charges and losses. As per Regulation (14)(5)(b), Transmission charges payable by DICs shall be notified by the Implementing Agency by 25th day of the month following billing period. The computation of transmission charges shall be done on the basis of inputs received from ISTS Licensees, DICs/ States, CTU as per the Regulations.
2. As per Regulation 24(1), all entities whose transmission elements have declared COD during the billing period shall submit to the Implementing Agency, network data, date(s) of commercial operation of the new transmission element and Yearly Transmission Charge (YTC) of such transmission element in the format stipulated by the Implementing Agency, on or before the end of the billing period.
3. As per Regulation 24(2), Implementing Agency shall publish the peak block of the billing period on the first day of the month following the billing period. Accordingly, NLDC had identified **47<sup>th</sup> time block (11:30 Hrs to 11:45 Hrs) on 21<sup>st</sup> Jan,2022** as a peak block for the billing period of Jan'22 and published the information of peak block on POSOCO website. Details of the inputs from entities have been received as per the stipulated timelines is enclosed as **Annexure-I**.
4. NLDC/RLDCs have examined the data and information submitted by ISTS licensees/ Deemed ISTS licensees, DICs/ States and CTU. Based on the inputs furnished by ISTS licensees, Monthly Transmission Charges (MTC) to be considered in the computations have been shared with all ISTS licensees/ deemed ISTS licensees for review and comments on 20.02.2022 with last date of submission of comments as 21.02.2022. Teesta Valley Power Transmission Ltd has given the comments.
5. CTU vide letter with no. CTU/S/07/NLDC dated 08.02.2022 regarding exemption of LTA quantum from Central generating stations in Uttar Pradesh of Northern region has requested Implementing Agency to exempt the share of Uttar Pradesh from Unchahar Stage-1, NAPP and Tanda-II. Accordingly, the share of Uttar Pradesh from Unchahar Stage-1, NAPP and Tanda-II have been exempted for the computation of transmission charges for billing month March,2022.
6. NTPC vide letter with no. 01:CD:151 dated 09.02.2022 regarding relinquishment of Haryana's allocation (24.03 MW) from NTPC Anta GPS has communicated that in view of MoP guidelines, the SIX months' notice period for the relinquishment completes on 18.01.2022. Therefore, the

quantum of 24.03 MW from NTPC Anta GPS stands treated as withdrawn with effect from 00:00 Hours of 19.01.2022. Accordingly, Haryana share from Anta GPS has been deducted (for 13 days) for the computation of transmission charges for billing month March,2022.

7. In compliance of the Appellate Tribunal for Electricity order dated 08.02.2022 in the appeal no. 239 OF 2021 & IA NO. 1175 OF 2021, Delhi share from Dadri Stage-1 has been deducted for the computation of transmission charges for billing month March,2022.
8. Based on inputs furnished by DICs/ States, all India basic network has been prepared along with node wise generation and demand as per the peak block and made it available on POSOCO website on 15.02.2022 for review and comments of DICs/ States in line with the notified procedures with the last date for submission of comments as 18.02.2022.
9. The methodology involved in the computation exercise along with the assumptions followed in the computations are enclosed at **Annexure-II**.
10. Accordingly, the transmission charges are hereby notified for the billing month of Mar'22 mentioned as follows:
  - a) Various components of the transmission charges determined have been added for each DIC in order to compute total transmission charges payable by the DIC.
  - b) The transmission charges are computed separately for both LTA/MTOA and STOA:
    - For LTA/MTOA billing in ₹: These charges are calculated only for withdrawal entities (withdrawal rates) and for generators having LTA to target region without identified beneficiaries.
    - For STOA billing in paise/kWh: These rates are calculated for all the states
  - c) The notified transmission charges payable by DICs for the billing month of Mar'22 shall be used by RPCs for preparation of Regional Transmission Account (RTA) for the billing month of Mar'22 considering regional DIC wise break up of LTA/MTOA enclosed along with this notification.
  - d) Transmission charges for STOA shall be payable by the generators and embedded entities located in the state as per the notified STOA rate of the state in which they are located.
  - e) The notified transmission charges for STOA bilateral transactions shall be applicable for the applications received on or after 00:00 Hrs of the next day (D+1) following the date of this notification (D). In the case of STOA collective transactions, both DAM and RTM, the notified transmission charges shall be applicable from the delivery day D+2 following the date of this notification.
  - f) The transmission charges payable by DICs for LTA/MTOA are given at **Annexure-III**.
  - g) The transmission rates applicable for STOA transactions are given at **Annexure-IV**.
  - h) Regional DIC wise break up of LTA/MTOA is given at **Annexure-V**.
  - i) ISTS licensee wise break up of Monthly Transmission Charges (MTC) is given at **Annexure-VI**.
  - j) Entity-wise details of bilateral billing are given separately at **Annexure-VII**.

- k) LTA details of exempted Renewable Energy (RE) based generation for the billing period of Jan'22 is given at **Annexure-VIII**.
- l) CTU letter dated 08.02.2022 regarding exemption of LTA quantum from Central generating stations in Uttar Pradesh of Northern region from Unchahar Stage-1, NAPP and Tanda-II is given as **Annexure-IX**.
- m) NTPC vide letter with no. 01:CD:151 dated 09.02.2022 regarding relinquishment of Haryana's allocation (24.03 MW) from NTPC Anta GPS is given as **Annexure-X**.
- n) Copy of Appellate Tribunal for Electricity order dated 08.02.2022 in the appeal no. 239 OF 2021 & IA NO. 1175 OF 2021 is given as **Annexure-XI**.



(एस. सी. सक्सेना)

मुख्य महाप्रबंधक/ रा. भा. प्रे. के

**Input Data furnished by DICs/ ISTS Licensees/ CTU**

1. As per Regulation 24(1) of Sharing Regulations 2020, some of the ISTS Licensees have submitted YTC data by 31.01.2022. Torrent Powergrid Limited has submitted YTC on 03.02.2022. Khargone Transmission Limited has submitted YTC on 03.02.2022. Powerlinks Transmission Limited has submitted YTC on 03.02.2022. NER-II Transmission Limited has submitted YTC on 03.02.2022. PowerGrid has submitted its YTC and YTC of its SPV's on 18.02.2022. PowerGrid has submitted revised format-II (C) on 22.02.2022. The list of ISTS licensees that have submitted YTC data is mentioned as below.

**List of ISTS Licensees submitted the YTC data for the billing period Jan'22**

<b>Sl. No.</b>	<b>Name of ISTS Licensee</b>
1	Powergrid Corporation Of India Ltd
2	Adani Transmission (India) Limited
3	Chhattisgarh-WR Transmission Limited
4	Raipur Rajnandgaon-WR Transmission Limited.
5	Sipat Transmission Limited.
6	Western Transmission Gujarat Limited
7	Western Transco Power Limited
8	Alipurduar Transmission Limited
9	Fatehgarh-Bhadla Transmission Ltd.
10	North Karanpura Transco Limited
11	Bikaner-Khetri Transmission Limited
12	Essar Power Transmission Company Limited
13	Jindal Power Limited
14	Parbati Koldam Transmission Company Limited
15	Bhopal Dhule Transmission Company Ltd.
16	East North Interconnection Company Limited

Sl. No.	Name of ISTS Licensee
17	Gurgaon Palwal Transmission Limited
18	Jabalpur Transmission Company Limited
19	Maheshwaram Transmission Limited
20	Khargone Transmission Company Ltd.
21	NRSS-XXIX Transmission Limited
22	Odisha Generation Phase-II Transmission Limited
23	Patran Transmission Company Limited
24	Purulia & Kharagpur Transmission Company Limited
25	Rapp Transmission Company Limited
26	NER-II Transmission Limited
27	Torrent Power Grid Limited
28	Darbhanga-Motihari Transmission Company Limited
29	NRSS XXXI (B) Transmission Limited
30	Kohima Mariani Transmission Limited
31	Damodar Valley Corporation
32	Powerlinks Transmission Limited
33	Warora-Kurnool Transmission Limited
34	Powergrid Vizag Transmission Limited
35	Powergrid NM Transmission Limited
36	Powergrid Unchahar Transmission Limited
37	Powergrid Parli Transmission Limited
38	Powergrid Kala Amb Transmission Limited
39	Powergrid Southern Interconnector Transmission System Limited
40	Powergrid Jabalpur Transmission Limited
41	Powergrid Warora Transmission Limited
42	Powergrid Medinipur Jeerat Transmission Limited

Sl. No.	Name of ISTS Licensee
43	Powergrid Mithilanchal Transmission Limited
44	Powergrid Ajmer Phagi Transmission Limited
45	Powergrid Varanasi Transmissoin System Limited
46	Powergrid Fatehgarh Transmission Limited
47	Powergrid Khetri Transmission System Ltd.
48	Transmission Corporation Of Andhra Pradesh (APTRANSCO)
49	Madhya Pradesh Power Transmision Co. Ltd.
50	Chhattisgarh State Power Transmission Company Ltd

2. As per Sharing Regulations 2020 and NLDC notified Procedure for collection of data and information, CTU shall submit all required data and information as stipulated in Formats II(A) to II(G) within 7 days after the end of the billing period i.e by 07.02.2022. NLDC had provided the detailed list of ISTS assets of all licensees for segregation into various components as per stipulated formats on 20.02.2022. CTU has submitted data in formats II-C on 15.02.2022, formats II-D and II (G2) to II (G5) on 22.02.2022. CTU has submitted data in formats II-A, II-B, II-E, II-F and II (G1) on 23.01.2022.

3. As per Regulation 24(4) and NLDC notified Procedure for collection of data and information, DICs shall submit the required information to the Implementing Agency as stipulated in Formats III and IV for the billing period within 7 days after end of the billing period. The list of the DICs that have submitted the data by 07.02.2022 is as mentioned below:

S.NO.	WR	SR	NR	NER	ER	Others
1	Chhattisgarh	Andhra Pradesh	Uttar Pradesh	Assam	DVC	NHPC
2	Gujarat	Telangana	Haryana	Manipur	Odisha	
3	MP	Karnataka	Himachal Pradesh	Meghalaya	JITPL	
4	Maharashtra	Kerala	Delhi	Mizoram		
5	Goa	Tamil Nadu	Punjab	Nagaland		
6	D&D	Vallur(NTECL)	Jammu & Kashmir	Tripura		

7	DNH	IL&FS	BBMB	Palatana GBPP		
8	Hazira	Sprng Agnitra	ReNew Solar Power Private Limited			
9	ACBIL	Fortum Finnsurya Energy Private Ltd. (Pavagada Solar Park)				
10	Spectrum Power	Fortum Solar India Private Limited. (Pavagada Solar Park)				
11	Maruti Coal Power	Galiveedu (Karnal P1, Hisar P3 & Bhiwadi P6)				
12	BALCO	Yarrow Infra Structure Private Ltd. (Pavagada Solar Park)				
13	CGPL	PVG Renew-TN2				
14	DB Power Ltd.	PVG ADYAH				
15	DGEN	PVG AMPLUS Tumkur and PVG AMPLUS Pavagada				
16	Dhariwal	PVG Azure Earth				
17	GMR Warora					
18	Raipur Energen					
19	Jindal Stg-1					
20	JPL Stg-2					
21	Jhabua Power					

22	JP Nigrie					
23	KAPS 1&2					
24	Raigarh Energy					
25	KSK Mahanadi					
26	LANCO					
27	MB Power					
28	Essar Mahan					
29	NSPCL Bhilai					
30	Ratnagiri Dabhol					
31	RKM Power					
32	Sasan UMPP					
33	SKS Power					
34	SSP					
35	TAPS (3,4)					
36	TRN Energy					
37	TAPS (1,2)					
38	Naranpar Ostro					
39	ACME RUMS					
40	Mahindra Renewables Pvt. Ltd.					
41	ARINSUM					
42	Bhuvad Renew					
43	Vadwa Green Infra					
44	Roha Green infra					
45	Dayapar Inox					
46	Ratadiya AGEMPL					
47	Alfanar wind					
48	Renew AP2 Gadhsisa					

**Methodology of the computations and assumptions followed in the basic network**

**a) Modeling of the Basic Network**

- A. The All India network was modeled with the help of network data and node wise generation and demand data furnished by DICs. Wherever network data has not been provided by DICs, network data already available at RLDCs/NLDC has been considered. Wherever technical parameters were not furnished, standard parameters as per CEA Manual on Transmission Planning Criteria have been used.
- B. Certain Transmission Lines included in the basic network were partly owned by ISTS Licensee and partly by STUs. There were cases where the existing lines originally owned by one utility have been made LILO by other utility. In cases where the line originally owned by ISTS Licensee has been made LILO by STU, the Monthly Transmission Charge for the entire line has been considered (including the section owned by STU). In cases where the line originally owned by STU has been made LILO by ISTS Licensee, the Monthly Transmission Charge for the entire line has not been considered.
- C. All India basic network up to 66/ 33 kV level and at some nodes even till 0.4 kV level has been prepared. As per the Sharing Regulations 2020, basic network means power system at voltage levels of 110 kV and above, containing all power system elements including generating station and transmission systems.
- D. In line with Sharing Regulations 2020, all India basic network has been truncated to 110 kV level. Power flow into lower voltage system has been considered as load at the substation at truncated point. Power flow from a lower voltage system has been considered as generation at the substation at truncated point.
- E. To account for the transmission losses of the truncated lower voltage network and to ensure state drawal as per SEM data corresponding to peak block, minor adjustments in states generation has been done.
- F. Interstate generating Stations (ISGS) connected at 220kV and below voltage level are created as separate control areas.
- G. To avoid loop flows in the network, power flows on HVDC BNC-Agra and HVDC Raigarh-Pugalur has been kept as zero.
- H. 400 kV Singrauli considered as slack bus.

**b) Load Generation balance for the basic network**

- A. Node wise generation and demand data for the peak block as submitted by DICs has been considered to prepare Load Generation balance.
- B. Wherever aggregate generation and demand data submitted by DICs, the generation and demand data has been distributed across the nodes of the DICs as per the node wise distribution of the TTC/ATC base case applicable for Jan'22.
- C. Wherever node wise generation and demand data has not been provided by DICs, SEM data/ SCADA data available with NLDC/RLDCs has been considered. In the absence of SEM/ SCADA data, the node wise generation and demand data as available from TTC/ ATC base case / recently submitted base case of states has been considered.

**c) Commercial Data considered in the computations**

- A. The data as submitted by the ISTS Licensees has been examined by NLDC and suitably considered for computation of transmission charges for DICs for the billing period Jan'22. For the ISTS licensees who have not submitted YTC data for Jan'22, the YTC data recently available with reference to the previous computations have been considered.
- B. While checking the YTC of the licensees who have not submitted data, the recently available CERC orders are referred to consider the recently available approved YTC for FY 2018-19 in case for 2019-20 or 2020-21 is not available.
- C. All ISTS transmission assets commissioned by the end of Jan'22 as furnished by ISTS licensees have been considered in the computations.
- D. Yearly Transmission Charges (YTC) based on approved/ adopted tariff by CERC has only been considered in line with Sharing Regulations 2020. RPC certified non-ISTS lines as ISTS lines have not been considered in the computations.
- E. The assets of State Utilities whose approved Tariff by the Commission is not available as on 31.03.2019 are not being considered in the computations since 2019-20 Q3 in line with Terms & Conditions of Tariff Regulations. The same is continued in this computation.
- F. As per minutes of Validation Committee meeting held for 2020-21 Q2 PoC computations, for the assets of Essar Power transmission limited, combined tariff of LILO of 400kV Vindhyachal-Korba at Mahan, GIS S/s at Hazira and 400kV Hazira-Gandhar line) was being excluded from PoC computations in the absence of exclusive tariff of LILO of 400kV Vindhyachal-Korba at Mahan since 2020-21 Q2. As per CERC Order dated 04.06.2021 in I.A. No. 32/2021 in Petition No. 92/MP/2021, Exclusive tariff of 400kV Hazira-Gandhar Line and GIS S/s at Hazira has been approved and same has been considered for billing period Jan'22.
- G. As per Regulation (13) clauses (3), (6), (9), the YTC of assets claimed by licensees have been examined to find out whether the YTC to be completely or partly billed to generators. Accordingly, transmission charges have been computed for DICs in line with the Regulations.
- H. All ISTS assets corresponding to the bilateral payments on the basis of information furnished by ISTS licensees and the worked out bilateral payments in line with Regulation (13) have been considered while preparing final transmission charges for DICs.
- I. The components of Yearly Transmission Charges such as National Component for RE (NC-RE), National Component for HVDC (NC-HVDC), Regional Component (RC) and Transformers Component (TC) have been worked out on the basis of the inputs furnished by CTU.

J. Indicative cost level of different conductor configuration was provided by CTU and is as follows:

Sl. No.	Voltage level (kV)	Type of conductor configuration	Indicative cost (Rs.Lakh/km)
1	± 800	HVDC	258
2	± 500	HVDC	126
3	765	D/C	364
4	765	S/C	163
5	400	S/C	68
6	400	M/C TWIN	322
7	400	D/C Quad Moose	207
8	400	D/C Twin HTLS	135
9	400	D/C Twin Moose	121
10	400	M/C QUAD	604
11	400	D/C TRIPLE	168
12	400	S/C QUAD	113
13	220	D/C	51
14	220	S/C	39
15	220	M/C TWIN	230
16	132	D/C	35
17	132	S/C	20
18	132	M/C TWIN	163

K. The indicative cost levels provided by CTU are for only selected configurations and voltage level. Hence, for the conductor configurations which are not mentioned in the above list, following assumptions have been made:

- a. The indicative cost level of 765 kV lines (Quad Bersimis) charged at 400 kV has been considered to be same as cost of one circuit of 400 kV Quad Moose D/C.
- b. The indicative cost level of 400 kV Quad Bersimis D/C has been considered to be same as 400 kV Quad Moose D/C.
- c. The indicative cost level of 765 kV Hexa zebra has been considered to be same as 765 kV Quad Bersimis.
- d. The indicative cost levels of 400 kV ACKC, ACAR, AAAC, Moose, Zebra and Lapwing have been considered to be same as 400 kV Twin Moose depending on the no. of circuits.
- e. 400 kV lines (Twin Moose) charged at 220 kV are charged as per the rate of 220 kV D/C lines.

- L. Circuit Kms of RE lines considered as National component has been considered as zero.
- M. Circuit Kms of the assets covered under Regulation (13) clauses (3), (6), (9), have been pro-rata adjusted with respect to YTC considered for bilateral payment wherever YTC are to be partly included in the computations.

**d) Computation of Usage part of AC system charges**

- A. The usage part of AC system charges has been computed by running AC load flow and determining the utilization of the lines with respect to SIL of the lines. For SIL of lines at various voltage levels, annexure-II to Regulations has been followed.
- B. AC Usage Base Charges (AC-UBC) thus determined has been used for apportionment through hybrid method and computed total aggregated nodal charges in ₹ for each drawee DIC and injecting DICs having untied LTA.

**Transmission Charges for Designated ISTS Customers (DICs) for the billing month March,2022**

S.No.	Zone	Region	LTA Demand / Injection (in MW)	Usage based AC system charges (₹)	Balance AC system charges (₹)	National Component (₹)		Regional Component (₹)	Transformers component (₹)	Bilateral Charges (₹)	Total Transmission charges payable in ₹
				AC-UBC	AC-BC	NC-RE	NC-HVDC	RC	TC		
1	Delhi	NR	4496	356465499	778934448	55943278	93494340	196657938	55795719		1537291222
2	UP	NR	9243	863490670	1601301408	115005890	192201820	404281301	144473801	5537449	3326292339
3	Punjab	NR	4422	434152985	766176500	55026998	91963023	193436933	115580907	1368429	1657705775
4	Haryana	NR	3728	342633714	645849164	46385057	77520312	163057835	202746392		1478192475
5	Chandigarh	NR	279	25471161	48410624	3476864	5810655	12222253	3118287		98509843
6	Rajasthan	NR	4251	484238554	736508939	52896266	88402070	185946750	100509900	4291079	1652793557
7	HP	NR	1750	183877708	303166714	21773513	36388649	76540639	28505509	53233957	703486689
8	J&K	NR	2852	339324038	494071843	35484370	59302707	124738545	56457120		1109378623
9	Uttarakhand	NR	1273	175428718	220540014	15839242	26471089	55679839	32518273	2652156	529129331
10	GMR Kamalanga	NR	75	8923993	12993582	933203	1559600	3280496			27690874
11	WBSEDCL_Inj	NR	600	0	103948659	7465620	12476803	26243966			150135047
12	MB Power	NR	175	33373159	30318359	2177473	3639067	7654490			77162548
13	Jorthang	NR	86.4	2705526	14968607	1075049	1796660	3779131			24324973
14	Tashiding	NR	87.3	2832074	15124530	1086248	1815375	3818497			24676724
15	Northern Railways	NR							2627988		2627988
16	North Central Railways	NR							2047375		2047375
17	RAPP 7&8, NPCIL	NR								34175759	34175759
18	Gujarat	WR	7723	843597530	1337978667	96093981	160595584	111044186	53986961	975778	2604272687
19	Madhya Pradesh	WR	8037	947776730	1392413411	100003499	167129306	115561943	121097625	4242248	2848224761
20	Maharashtra	WR	7131	1153105553	1235474013	88732070	148292104	102536916	78544014		2806684669
21	Chhattisgarh	WR	2829	86545925	490061465	35196344	58821347	40672156	21367613		732664850
22	Goa	WR	513	33882760	88847791	6381072	10664268	7373833	11934919	1453413	160538056

S.No.	Zone	Region	LTA Demand / Injection (in MW)	Usage based AC system charges (₹)	Balance AC system charges (₹)	National Component (₹)		Regional Component (₹)	Transformers component (₹)	Bilateral Charges (₹)	Total Transmission charges payable in ₹
				AC-UBC	AC-BC	NC-RE	NC-HVDC	RC	TC		
23	Daman Diu	WR	446	34863165	77295495	5551383	9277663	6415061	17448056		150850823
24	Dadra Nagar Haveli	WR	1032	125763189	178869913	12846484	21469489	14845127	9851162		363645364
25	Jindal Power Limited	WR	125	97428093	21655971	1555338	2599334	1797315			125036050
26	ACB Ltd	WR	51	8270373	8749012	628356	1050131	726115			19423988
27	Torrent Power	WR	200	564810	34649553	2488540	4158934	2875705			44737542
28	Sembcorp Energy India Ltd Project-I	WR	115	9065881	19923493	1430911	2391387	1653530			34465202
29	DB Power	WR	186	49888728	32224084	2314342	3867809	2674405			90969368
30	TRN Energy Pvt. Ltd.	WR	3	0	519743	37328	62384	43136			662591
31	CSPTCL	WR	261	0	45217667	3247545	5427409	3752795			57645415
32	WBSEDCL_Inj	WR	400	0	69299106	4977080	8317868	5751409			88345464
33	KSK Mahanadi	WR	400	50338303	69299106	4977080	8317868	5751409			138683767
34	GMR Warora Energy Ltd, Maharashtra	WR	45	3076880	7725118	554820	927234	641138			12925191
35	MB Power	WR								12202188	12202188
36	Adani Power Limited	WR								284036950	284036950
37	Essar Steel	WR							13208787		13208787
38	Andhra Pradesh	SR	1725	333939794	298812596	21460799	35866030	25771714	30156545		746007478
39	Telangana	SR	3928	243391501	680433962	48868947	81671474	58685442	32830409		1145881735
40	Tamil Nadu	SR	8133	442527450	1408944567	101190771	169113516	121517354	95524337		2338817993
41	Kerala	SR	2774	179378720	480655064	34520774	57692311	41455095	53131487		846833451
42	Karnataka	SR	5531	432359073	958307652	68825908	115024239	82651236	103661637	3548778	1764378523

S.No.	Zone	Region	LTA Demand / Injection (in MW)	Usage based AC system charges (₹)	Balance AC system charges (₹)	National Component (₹)		Regional Component (₹)	Transformers component (₹)	Bilateral Charges (₹)	Total Transmission charges payable in ₹
				AC-UBC	AC-BC	NC-RE	NC-HVDC	RC	TC		
43	Pondicherry	SR	510	10861641	88376215	6347203	10607665	7622190	14271984		138086898
44	Goa-SR	SR	86	34144	14835326	1065477	1780662	1279504			18995113
45	Sembcorp Energy India Ltd Project-I	SR	55	4335856	9528627	684349	1143707	821816		116842	16631196
46	Sembcorp Energy India Ltd Project-II	SR	490	62321886	84891405	6096923	10189389	7321636		7195939	178017177
47	BHAVINI	SR								20469173	20469173
48	Betam	SR								346663	346663
49	AP Solar Power Corporation Pvt Ltd (APSPCL)	SR								1276471	1276471
50	West Bengal	ER	2688	91214401	465770938	33451792	55905791	71369694	46472511		764185128
51	Odisha	ER	1949	86678751	337691028	24253059	40532551	51744116	69779837		610679341
52	Bihar	ER	5478	202180925	949079128	68163113	113916553	145426607	172093870		1650860196
53	Jharkhand	ER	1005	36129083	174166939	12508716	20904998	26687456	51186222	9872996	331456409
54	Sikkim	ER	132	2805169	22954351	1648588	2755177	3517276	2657981		36338541
55	DVC	ER	650	35605725	112557609	8083917	13510122	17247109	9721255		196725738
56	Bangladesh	ER	782	7127626	135554982	9735595	16270462	20770977			189459642
57	NPGC Nabinagar	ER								10635548	10635548
58	Arunachal Pradesh	NER	288	20891381	49853798	3580513	5983877	8747035	13389569		102446175
59	Assam	NER	1623	62047072	281221432	20197397	33754589	49341351	21792710	1016063	469370615
60	Manipur	NER	237	11030597	41114441	2952850	4934905	7213682	4004755		71251230
61	Meghalaya	NER	336	17854133	58259835	4184237	6992841	10221906	381869		97894821

S.No.	Zone	Region	LTA Demand / Injection (in MW)	Usage based AC system charges (₹)	Balance AC system charges (₹)	National Component (₹)		Regional Component (₹)	Transformers component (₹)	Bilateral Charges (₹)	Total Transmission charges payable in ₹
				AC-UBC	AC-BC	NC-RE	NC-HVDC	RC			
62	Mizoram	NER	136	5370586	23632036	1697259	2836518	4146329	1532249		39214976
63	Nagaland	NER	194	8293350	33653639	2417013	4039396	5904657	24468490		78776546
64	Tripura	NER	353	1873600	61203452	4395648	7346159	10738374	24305846		109863080
<b>Total</b>			<b>101900.39</b>	<b>8995338183</b>	<b>17654016020</b>	<b>1267916089</b>	<b>2118985221</b>	<b>2661657347</b>	<b>1843183973</b>	<b>458647878</b>	<b>34999744710</b>

**Transmission Charges to be paid by DICs under Regulation 13(7)**

*Where Long Term Access is granted to a generating station on existing margins and COD of the generating station or unit(s) thereof is delayed (as received from CTU)*

Sl.No.	Name of Generating Station	State	Capacity	LTA granted	Commissioned capacity	Date of Commercial Operation	Date of LTA Operationalization	Delayed Capacity	Transmission Charges (₹)
1	ReNew Power Pvt Limited	Karnataka		138.6	136.5	63 MW: 25.09.21 10.5MW: 12.10.21 10.5MW: 20.10.21 16.8MW: 27.10.21 14.7MW: 13.11.21 10.5MW: 01.12.21 10.5MW: 18.12.21	63 MW: 24.09.21 10.5 MW: 11.10.21 12.6 MW: 19.10.21 14.7 MW: 26.10.21 16.8 MW: 11.11.21 10.5 MW: 23.11.21 10.5 MW: 30.11.21	2.1	66850
2	Ostro Kutch Wind Private Ltd	Gujarat		300		Yet to be commissioned	50MW: 14.04.19	50	1685436
3	ReNew Power Limited	Gujarat		300	230.1	126MW:18.05.19 58.5MW: 01.10.19 27.6MW: 02.09.20 18MW: 07.02.2021	300MW: 01.05.19	69.9	2356239
4	ReNew Power Limited	Gujarat		50	0	Yet to be commissioned	50MW: 23.11.19	50	1685436

**Transmission Charges for Short Term Open Access (STOA)**

S.No.	State	Region	STOA rate (paise/kWh)
1	Delhi	NR	47.49
2	UP	NR	49.90
3	Punjab	NR	52.02
4	Haryana	NR	55.07
5	Chandigarh	NR	48.96
6	Rajasthan	NR	53.86
7	HP	NR	51.61
8	J&K	NR	54.03
9	Uttarakhand	NR	57.44
10	Gujarat	WR	46.82
11	Madhya Pradesh	WR	49.15
12	Maharashtra	WR	54.66
13	Chhattisgarh	WR	35.97
14	Goa	WR	43.08
15	Daman Diu	WR	46.96
16	Dadra Nagar Haveli	WR	48.92
17	Andhra Pradesh	SR	60.07
18	Telangana	SR	40.52
19	Tamil Nadu	SR	39.94
20	Kerala	SR	42.39
21	Karnataka	SR	44.21
22	Pondicherry	SR	37.60
23	Goa-SR	SR	30.81
24	West Bengal	ER	39.48
25	Odisha	ER	43.51
26	Bihar	ER	41.85
27	Jharkhand	ER	44.43
28	Sikkim	ER	38.09
29	DVC	ER	42.06
30	Bangladesh	ER	33.63
31	Arunachal Pradesh	NER	49.45
32	Assam	NER	40.07
33	Manipur	NER	41.70
34	Meghalaya	NER	40.43
35	Mizoram	NER	39.93
36	Nagaland	NER	56.32
37	Tripura	NER	43.19

## Regional DIC wise break up of LTA/MTOA considered in the computations

Sl.No.	Name of the DIC	Region	LTA/MTOA considered in the computations	Name of the state control area in which LTA/MTOA of specific DICs is included in the computations*
1	UP	NR	8833.04	
2	Delhi	NR	4491.07	
3	Haryana	NR	3709.60	
4	Uttarakhand	NR	1272.97	
5	Punjab	NR	4422.43	
6	Rajasthan	NR	4250.24	
7	Himachal Pradesh	NR	1749.90	
8	Jammu & Kashmir	NR	2851.82	
9	Chandigarh	NR	279.43	
10	Noida Power Company Ltd, UP	NR	170.00	Uttar Pradesh
11	Railways_UP	NR	235.00	Uttar Pradesh
12	Railways_Haryana	NR	15.00	Haryana
13	Railways_Delhi	NR	5.00	Delhi
14	PG-Rihand	NR	0.74	Uttar Pradesh
15	PG-Dadri	NR	0.76	Uttar Pradesh
16	PG-Agra	NR	2.36	Uttar Pradesh
17	PG-Balia	NR	0.95	Uttar Pradesh
18	PG-Bhiwadi	NR	0.95	Rajasthan
19	PG-Kurukshetra	NR	3.30	Haryana
20	MB Power	NR	175.00	
21	WBSEDCL	NR	600.00	
22	GMR Kamalanga Energy Pvt. Ltd	NR	75.00	
23	Jorthang	NR	86.40	
24	Tashiding	NR	87.30	
25	Gujarat	WR	7605.04	
26	Madhya Pradesh	WR	7797.43	
27	Chhattisgarh	WR	2808.61	
28	Maharashtra	WR	6999.07	
29	GOA	WR	512.84	
30	Daman Diu	WR	446.16	
31	Dadra Nagar Haveli	WR	1032.45	
32	HVDC Bhadrawathi	WR	0.91	Maharashtra
33	HVDC Vindhyachal	WR	0.69	Madhya Pradesh
34	BARC Facility	WR	9.10	Maharashtra
35	Heavy Water Plant of DAE	WR	12.88	Gujarat
36	HVDC Champa	WR	3.19	Chhattisgarh
37	HVDC Raigarh	WR	1.88	Chhattisgarh
38	Railways_Gujarat	WR	105.00	Gujarat
39	Railways_MP	WR	239.00	Madhya Pradesh
40	Railways_Maharashtra	WR	122.18	Maharashtra
41	Railways_Chhattisgarh	WR	15.00	Chhattisgarh
42	ACB Ltd.	WR	50.50	
43	JINDAL	WR	125.00	
44	Torrent Power	WR	200.00	
45	DB Power	WR	186.00	

46	KSK Mahanadi	WR	400.00	
47	GMR Warora Energy Ltd, Maharashtra	WR	44.59	
48	CSPTCL	WR	261.00	
49	TRN Energy Pvt. Ltd.	WR	3.00	
50	Sembcorp Energy India Ltd	WR	115.00	
51	WBSIEDCL	WR	400.00	
52	BIHAR	ER	5377.25	
53	JHARKHAND	ER	935.31	
54	DVC	ER	339.69	
55	ORISSA	ER	1949.18	
56	WEST BENGAL	ER	2642.06	
57	SIKKIM	ER	132.49	
58	Bangladesh	ER	782.43	
59	TATA Steel Ltd.	ER	200.00	DVC
60	Railways_Jharkhand	ER	70.00	Jharkhand
61	Railways_Bihar	ER	100.00	Bihar
62	Railways_DVC	ER	110.00	DVC
63	Railways_West Bengal	ER	45.00	West Bengal
64	HVDC Alipurduar	ER	1.41	West Bengal
65	POWERGRID PUSAULI	ER	0.91	Bihar
66	Andhra Pradesh	SR	1722.29	
67	Karnataka	SR	5484.93	
68	KSEB	SR	2773.30	
69	Tamil Nadu	SR	8115.97	
70	Telangana	SR	3927.52	
71	Puducherry	SR	510.11	
72	Goa	SR	85.63	
73	SAIL, Salem	SR	13.65	Tamil Nadu
74	Railways_Karnataka	SR	45.00	Karnataka
75	PG-HVDC Gazuwaka	SR	0.98	Andhra Pradesh
76	PG-HVDC Talcher	SR	1.50	Andhra Pradesh
77	PG-HVDC Kolar	SR	1.50	Karnataka
78	PG-HVDC Pugalur	SR	2.92	Tamil Nadu
79	PG-HVDC Thrissur	SR	1.08	Kerala
80	Sembcorp Energy India Ltd Project-I	SR	55.00	
81	Sembcorp Energy India Ltd Project-II	SR	490.00	
82	Arunachal Pradesh	NER	287.76	
83	Assam	NER	1621.87	
84	Manipur	NER	237.32	
85	Meghalaya	NER	336.28	
86	Mizoram	NER	136.41	
87	Nagaland	NER	194.25	
88	Tripura	NER	353.27	
89	PG-HVDC BNC	NER	1.37	Assam

**TOTAL**

**101900.397**

**\*Note: Transmission charges of the state are to be shared on prorata basis on the basis of LTA/MTOA of the DICs included in the state's control area as mentioned in the table.**

**Transmission Charges claimed by ISTS licensees for the billing period Jan'22**

S.No.	Name of the Transmission Licensee	Total YTC claimed by Licensees (₹ Cr)	Total YTC allowed for Jan'22 (₹ Cr)	Equivalent MTC to be considered for Jan'22 (₹ Cr)	Remarks
1	Powergrid Corporation Of India Ltd	32104.81	32104.81	2726.71	As per data furnished by ISTS Licensee for Jan'22. MTC of the assets listed under Regulation 13(3) shall be partly settled through the bilateral payments from respective entities as detailed in the transmission charges bill. PowerGrid assets for bilateral payments as mentioned in format I-C are also included in this total YTC claimed.
2	Adani Transmission (India) Limited	642.34	642.34	54.55	As per data furnished by ISTS Licensee for Jan'22
3	Chhattisgarh-WR Transmission Limited.	165.00	165.00	14.01	As per data furnished by ISTS Licensee for Jan'22
4	Raipur Rajnandgaon-WR Transmission Limited.	219.74	219.74	18.66	As per data furnished by ISTS Licensee for Jan'22
5	Sipat Transmission Limited.	95.03	95.03	8.07	As per data furnished by ISTS Licensee for Jan'22
6	Western Transmission Gujarat Limited	55.57	55.57	4.72	As per data furnished by ISTS Licensee for Jan'22
7	Western Transco Power Limited	102.21	102.21	8.68	As per data furnished by ISTS Licensee for Jan'22
8	Alipurduar Transmission Limited	159.40	159.40	13.54	As per data furnished by ISTS Licensee for Jan'22
9	Fatehgarh-Bhadla Transmission Ltd.	48.09	48.09	4.08	As per data furnished by ISTS Licensee for Jan'22
10	North Karanpura Transco Limited	23.64	23.64	2.01	As per data furnished by ISTS Licensee for Jan'22
11	Bikaner-Khetri Transmission Limited	128.95	128.95	10.95	As per data furnished by ISTS Licensee for Jan'22
12	Aravali Power Company Private Limited	10.78	10.78	0.92	Data not furnished for Jan'22. Considered the same as in the earlier billing period.
13	Essar Power Transmission Company Limited	399.59	399.59	33.94	As per data furnished by ISTS Licensee for Jan'22
14	Essar Power Transmission Company Limited (NTPC Portion)	3.46	3.46	0.29	Data not furnished for Jan'22. Considered the same as in the earlier billing period.
15	Jindal Power Limited	19.12	19.12	1.62	As per data furnished by ISTS Licensee for Jan'22
16	Kudgi Transmission Limited	196.29	196.29	16.67	Data not furnished for Jan'22. Considered the same as in the earlier billing period.

17	Parbati Koldam Transmission Company Limited	171.37	171.37	14.55	As per data furnished by ISTS Licensee for Jan'22
18	Bhopal Dhule Transmission Company Ltd.	260.31461	260.31	22.11	As per data furnished by ISTS Licensee for Jan'22
19	East North Interconnection Company Limited	144.07641	144.08	12.24	As per data furnished by ISTS Licensee for Jan'22
20	Gurgaon Palwal Transmission Limited	144.18406	144.18	12.25	As per data furnished by ISTS Licensee for Jan'22
21	Jabalpur Transmission Company Limited	147.01409	147.01	12.49	As per data furnished by ISTS Licensee for Jan'22
22	Maheshwaram Transmission Limited	55.94587	55.95	4.75	As per data furnished by ISTS Licensee for Jan'22
23	Khargone Transmission Company Ltd.	186.37770	186.38	15.83	As per data furnished by ISTS Licensee for Jan'22
24	NRSS-XXIX Transmission Limited	502.06443	502.06	42.64	As per data furnished by ISTS Licensee for Jan'22
25	Odisha Generation Phase-II Transmission Limited	157.79632	157.80	13.40	As per data furnished by ISTS Licensee for Jan'22
26	Patran Transmission Company Limited	30.69752	30.70	2.61	As per data furnished by ISTS Licensee for Jan'22
27	Purulia & Kharagpur Transmission Company Limited	72.44249	72.44	6.15	As per data furnished by ISTS Licensee for Jan'22
28	Rapp Transmission Company Limited	44.03294	44.03	3.74	As per data furnished by ISTS Licensee for Jan'22
29	NER-II Transmission Limited	412.52850	412.53	35.04	As per data furnished by ISTS Licensee for Jan'22
30	Teestavalley Power Transmission Limited	289.56	289.56	24.59	Data not furnished for Jan'22. Considered the same as in the earlier billing period.
31	Torrent Power Grid Limited	40.75	40.75	3.46	As per data furnished by ISTS Licensee for Jan'22
32	Darbhanga-Motihari Transmission Company Limited	119.03	119.03	10.11	As per data furnished by ISTS Licensee for Jan'22
33	NRSS XXXI (B) Transmission Limited	90.76	90.76	7.71	As per data furnished by ISTS Licensee for Jan'22
34	Jaypee Powergrid Limited	138.41	138.41	11.76	Data not furnished for Jan'22. Considered the same as in the earlier billing period.
35	Kohima Mariani Transmission Limited	222.20	222.20	18.87	As per data furnished by ISTS Licensee for Jan'22
36	Raichur Sholapur Transmission Company Private Limited	35.20	35.20	2.99	Data not furnished for Jan'22. Considered the same as in the earlier billing period.
37	Damodar Valley Corporation	137.08	0.00	0.00	Data furnished by ISTS Licensee for Jan'22. YTC has been considered as zero as per clause 13 (13) of the Sharing Regulations,2020
38	Powerlinks Transmission Limited	137.79	137.79	11.70	As per data furnished by ISTS Licensee for Jan'22
39	NRSS XXXVI Transmission Limited	1.28	1.28	0.11	Data not furnished by ISTS Licensee for Jan'22. Data as furnished by ISTS Licensee for Jan'21 has been considered.

40	Warora-Kurnool Transmission Limited	6.19	6.19	0.53	Data as furnished by ISTS Licensee for Jan'22 has been considered. Cost of 240 MVAR reactor with bays at Warora end is considered under the sharing mechanism
41	Powergrid Vizag Transmission Limited	285.71	285.71	24.27	As per data furnished by ISTS Licensee for Jan'22
42	Powergrid NM Transmission Limited	113.93	113.93	9.68	As per data furnished by ISTS Licensee for Jan'22
43	Powergrid Unchahar Transmission Limited	20.27	20.27	1.72	As per data furnished by ISTS Licensee for Jan'22
44	Powergrid Parli Transmission Limited	326.22	326.22	27.71	As per data furnished by ISTS Licensee for Jan'22
45	Powergrid Kala Amb Transmission Limited	70.578	70.58	5.99	As per data furnished by ISTS Licensee for Jan'22. Bilateral payment of HPSEB is also included in the claimed YTC
46	Powergrid Southern Interconnector Transmission System Limited	449.68	449.68	38.19	As per data furnished by ISTS Licensee for Jan'22
47	Powergrid Jabalpur Transmission Limited	256.43	256.43	21.78	As per data furnished by ISTS Licensee for Jan'22
48	Powergrid Warora Transmission Limited	364.20	364.20	30.93	As per data furnished by ISTS Licensee for Jan'22
49	Powergrid Medinipur Jeerat Transmission Limited	555.23	555.23	47.16	As per data furnished by ISTS Licensee for Jan'22
50	Powergrid Mithilanchal Transmission Limited	170.00	170.00	14.44	As per data furnished by ISTS Licensee for Jan'22
51	Powergrid Ajmer Phagi Transmission Limited	52.54	52.54	4.46	As per data furnished by ISTS Licensee for Jan'22
52	Powergrid Varanasi Transmissoin System Limited	116.97	116.97	9.93	As per data furnished by ISTS Licensee for Jan'22
53	Powergrid Fatehgarh Transmission Limited	61.60	61.60	5.23	As per data furnished by ISTS Licensee for Jan'22
54	Powergrid Khetri Transmission System Ltd.	104.72	104.72	8.89	As per data furnished by ISTS Licensee for Jan'22
55	North East Transmission Company Limited	351.53	351.53	29.86	Data not furnished for Jan'22, data furnished by ISTS Licensee for Mar'21 has been considered
56	Transmission Corporation Of Andhra Pradesh (APTRANSCO)	440.14	45.30	3.85	As per data furnished by ISTS Licensee for Jan'22. CERC approved ISTS lines are only considered as per Sharing Regulations 2020
57	Madhya Pradesh Power Transmision Co. Ltd.	12.54	12.54	1.06	As per data furnished by ISTS Licensee for Jan'22.
58	Karnataka Power Transmission Corporation Limited	1.42	1.42	0.12	Data not furnished by ISTS Licensee for Jan'22. CERC Tariff Order dated 12.06.2019 has been considered
59	Delhi Transco Limited	3.12	3.12	0.26	Data not furnished by ISTS Licensee for Jan'22. Data as furnished by ISTS Licensee for Dec'20 has been considered.

60	Power Transmission Corporation Of Uttarakhand Ltd	43.39	43.39	3.68	Data not furnished by ISTS Licensee for Jan'22. CERC Tariff Order dated 09.11.2021 , 25.11.2021 and 13.06.2021 have been considered.
61	Rajasthan Rajya Vidhyut Prasaran Nigam Ltd.	33.98	6.37	0.54	Data not furnished by ISTS Licensee for Jan'22. Data as furnished by ISTS Licensee for Jan'21 has been considered. RPC certified non-ISTS as ISTS has not been considered in line with clause 13 (13) of Sharing Regulations,2020
62	Tamilnadu Transmission Corporation Limited	0.59	0.59	0.05	Data not furnished by ISTS Licensee for Jan'22. CERC Tariff 148/TT/2018 Order dated 16.11.2018 has been considered
63	Chhattisgarh State Power Transmission Company Ltd	0.75	0.75	0.06	As per data furnished by ISTS Licensee for Jan'22.
64	Himachal Pradesh Power Transmission Corporation Ltd	2.61	2.61	0.22	Data not furnished for Jan'22. Considered the same as in the earlier billing period.
65	Odisha Power Transmission Corporation Limited	9.80	9.67	0.82	Data not furnished by ISTS Licensee for Jan'22. Data as furnished by ISTS Licensee for Jan'21 has been considered.Filing and Publication fee of ₹ 13.67 Lacs as claimed by the licensee is not considered. The same may be claimed in Bill-2 or Bill-3 as applicable.
66	Uttarpradesh Power Transmission Corporation Limited	27.23	0.00	0.00	Data not furnished by ISTS Licensee for Jan'22. YTC has been considered as zero in line with CERC terms & conditions for Tariff Regulations 2019 as tariff as on 31.03.2019 is not available
67	Power Development Department, Jammu & Kashmir	10.11	0.00	0.00	Data not furnished by ISTS Licensee for Jan'22. YTC has been considered as zero in line with CERC terms & conditions for Tariff Regulations 2019 as tariff as on 31.03.2019 is not available
68	Gujarat Energy Transmission Corporation Limited	5.71	0.00	0.00	Data not furnished by ISTS Licensee for Jan'22. YTC has been considered as zero in line with CERC terms & conditions for Tariff Regulations 2019 as tariff as on 31.03.2019 is not available
69	Maharashtra State Electricity Transmission Company Ltd	97.68	0.00	0.00	Data not furnished by ISTS Licensee for Jan'22. YTC has been considered as zero in line with CERC terms & conditions for Tariff Regulations 2019 as tariff as on 31.03.2019 is not available
70	West Bengal State Electricity Transmission Company Ltd	32.05	0.00	0.00	Data not furnished by ISTS Licensee for Jan'22. YTC has been considered as zero in line with CERC terms & conditions for Tariff Regulations 2019 as tariff as on 31.03.2019 is not available
71	Haryana Vidyut Prasaran Nigam Limited	8.09	0.00	0.00	Data not furnished by ISTS Licensee for Jan'22. YTC has been considered as zero in line with CERC terms & conditions for Tariff Regulations 2019 as tariff as on 31.03.2019 is not available

72	Assam Electricity Grid Corporation Limited	10.78	0.00	0.00	Data not furnished by ISTS Licensee for Jan'22. YTC has been considered as zero in line with CERC terms & conditions for Tariff Regulations 2019 as tariff as on 31.03.2019 is not available
73	Meghalaya Power Transmission Corporation Limited	3.61	0.00	0.00	Data not furnished by ISTS Licensee for Jan'22. YTC has been considered as zero in line with CERC terms & conditions for Tariff Regulations 2019 as tariff as on 31.03.2019 is not available
74	Kerala State Electricity Board	10.06	0.00	0.00	Data not furnished by ISTS Licensee for Jan'22. YTC has been considered as zero in line with CERC terms & conditions for Tariff Regulations 2019 as tariff as on 31.03.2019 is not available

TOTAL MTC considered for the billing period Jan'22 from the claimed assets of ISTS licensees (₹ Crores) **3499.97**

**Details of Entity-wise bilateral billing**

Sl.No.	Name of the Asset	Name of the beneficiary	Region	MTC in ₹	State Control Area in which the Bilateral charges are included	Remarks
1	02 Nos of 132 kV line bays at Daltonganj Substation	Jharkhand Urja Sancharan Nigam Limited (JUSNL)	ER	836575	Jharkhand	As per Regulation 13(12) of Sharing Regulations 2020
2	04 Nos. 220 KV Bays at Daltonganj Sub-station;					
3	400kV D/C (Quad) Nabinagar-II – Gaya transmission line with 02 nos. associated bays at Gaya Sub-station	NPGC Nabinagar	ER	10635548		As per Regulation 13(3) of Sharing Regulations 2020
4	220 kV, 2 nos. Line bays at Hamirpur Sub-station	Himachal Pradesh Power Transmission Corporation Limited (HPPTCL)	NR	1674000	Himachal Pradesh	As per Regulation 13(12) of Sharing Regulations 2020
5	02 Nos. 220 KV Line Bays (HPSEB Future Bays)	Himachal Pradesh State Electricity Board (HPSEB)	NR	51559957	Himachal Pradesh	As per Regulation 13(12) of Sharing Regulations 2021
6	GIS substation 7X105 MVA (1-ph), 400/220 kV at Kala Amb (Himachal Pradesh) and LILO of Karcham Wangtoo - Abdullapur 400 kV D/C					As per Regulation 13(12) of Sharing Regulations 2022
7	220kV, 2 Nos. Line bays at Jallandhar Substation	Punjab State Transmission Corporation Limited (PSTCL)	NR	1368429	Punjab	As per Regulation 13(12) of Sharing Regulations 2020
8	Asset-B(ii) 2 nos. 220 kV Line Bays at Kotputli S/S	Rajasthan DISCOMs	NR	1513479	Rajasthan	As per Regulation 13(12) of Sharing Regulations 2021
9	2 nos. 220 kV line bays (#211 and 212) at 400/220 kV Jaipur (South) Substation	Rajasthan Rajya Vidyut Prasaran Nigam Limited (RRVPL)	NR	2777600	Rajasthan	As per Regulation 13(12) of Sharing Regulations 2022
10	Extension of 400/220 kV Sikar Sub-station with 2 nos. 220 kV line bays					

11	400KV D/C Kota - Jaipur (South) line along with associated bays at Kota and Jaipur(South) (part of RAPPJaipur (S) 400KV D/C line with one ckt LILO at Kota)	RAPP 7&8, NPCIL	NR	34175759		As per Regulation 13(3) of Sharing Regulations 2020
12	One No. 220kv line Bays (206 no. Bay) associated with Baghpat GIS Substation	Uttar Pradesh Power Transmission Corporation Limited (UPPTCL)	NR	5537449	Uttar Pradesh	As per Regulation 13(12) of Sharing Regulations 2020
13	One No. 220kv line Bays (207 no. Bay) associated with Baghpat GIS Substation					
14	2 nos. 220kv bays (#206 & 207) of Shahjahanpur (PG)-Shahjahanpur (UPPTCL) at 400/220 kV Shahjahanpur Sub-Station					
15	1 no. 220 kV line bay (# 210) of Shahjahanpur (PG)-Shahjahanpur (UPPTCL) at 400/220 kV Shahjahanpur Sub-Station					
16	2X500MVA 400/230kV transformers along with associated bays and equipment at new 400/230kV (GIS) Tirunelveli Pooling Sub-station	Betam	SR	346663		As per Regulation 13(3) of Sharing Regulations 2020
17	Asset 1. Kalpakkam PFBR-Sirucheri 230 kV D/C Line, Asset 2. Kalpakkam PFBR - Arani 230 KV D/C Line, Asset 3. 230 kV D/C Kalpakkam PFBR-Kanchipuram transmission line and 2 numbers of 230 kV Bays at Kanchipuram Sub-station of TNEB	Bharatiya Nabhikiya Vidyut Nigam Limited (BHAVINI)	SR	20469173		As per Regulation 13(3) of Sharing Regulations 2020

18	220 kV line bays at Madhugiri for termination of 220 kV D/C Madhugiri – Nittur line	Karnataka DISCOMs	SR	838359	Karnataka	As per Regulation 13(12) of Sharing Regulations 2020
19	04 No. 220 KV bays at 400/220kV Yelahanka Substation	Karnataka Power Transmission Corporation Limited (KPTCL)	SR	2710419	Karnataka	As per Regulation 13(12) of Sharing Regulations 2021
20	Thermal Powertech Corporation India Ltd Switchyard-Nellore PS 400kV D/c (quad)	Sembcorp Energy India Ltd Project-I	SR	116842		As per Regulation 13(9) of Sharing Regulations 2020
21	HVDC Mundra-Mahendergarh	Adani Power Limited	WR	284036950		--
22	2 nos. 220 kV line bays at Mapusa (Colvale) (Powergrid) Substation (for Mapusa- (Colvale) (Powergrid)-Tuem 220 kV D/C line)	Goa Electricity Department (GED), Goa	WR	1453413	Goa	As per Regulation 13(12) of Sharing Regulations 2020
23	Asset 3: 2 nos. 220 kV line bays at 400/220 kV Pirana substation	Gujarat Urja Vikas Nigam Limited (GUVNL)	WR	975778	Gujarat	As per Regulation 13(12) of Sharing Regulations 2021
24	MBPMPL TPS-Jabalpur PS 400 kV D/c (Triple) line	MB Power	WR	12202188		As per Regulation 13(9) of Sharing Regulations 2020
25	2 Nos. 400 kV line bays at Indore Substation (for Indore (Powergrid)-Ujjain 400 kV D/C Line.	Madhya Pradesh Power Transmission Corporation Limited (MPPTCL)	WR	4242248	Madhya Pradesh	As per Regulation 13(12) of Sharing Regulations 2020
26	1 no. 220 kV line bays at 400/220 kV Indore substation					
27	1 no. 220 kV line bay at 400/220 kV Indore substation					
28	2 nos. 220 kV Line bays (Bay No 209 & 211) at NP Kunta substation	AP Solar Power Corporation Pvt Ltd (APSPCL)	SR	1276471		As per Regulation 13(3) of Sharing Regulations 2020
29	LILO of one ckt of 132 kV Biswanath-Chariyalli (PG)-Itanagar at Gohpur(AEGCL)	Assam Electricity Grid Corporation Limited (AEGCL)	NER	1016063.34	Assam	As per Regulation 13(12) of Sharing Regulations 2020
30	04 Nos. 220 kV bays at Dehradun Substation	Power Transmission Corporation Of Uttarakhand Limited	NR	2652156.16	Uttarakhand	As per Regulation 13(12) of Sharing Regulations 2020

31	YTC of NCC Power projects Ltd. -Nellore PS 400kV D/c (quad)	Sembcorp Energy India Ltd Project-2	SR	7195939.36		As per Regulation 13(9) of Sharing Regulations 2020
32	ICTs at 400/220 kV, 2x500 MVA Dhanbad sub-station	Jharkhand Urja Sancharan Nigam Limited (JUSNL)	ER	9036420.38	Jharkhand	As per Regulation 13(12) of Sharing Regulations 2020

**TOTAL                      458647878**

**Note: The details of bilateral billing mentioned are prepared on the basis of Format-I(C) received from ISTS Licensees.**

**LTA details of exempted Renewable Energy (RE) based generation for the billing period of Jan'22**

(As furnished by CTU- cumulative till Jan'22)

S. No	Name of the LTA customer (RE Injecting utility)	Region	Quantum of LTA Granted / MTOA operationalised	LTA/MTOA with tied up beneficiaries	Name of the beneficiaries (for entire LTA granted)	Effective date of LTA/MTOA operationalization	Exempted quantum in MW (as on Jan'22)	Remarks	PS	SPD/SPV/Subsidiary
1	Rewa Ultra Mega Solar Power Development	WR	750	750	MP-651 MW, DMRC-99 MW	490MW:07.07.18; 260 MW: 13.04.19	750	Further no billing on RUMS as bills already been raised.		
2	Ostro Kutch Wind Private Limited	WR	300	300	GRIDCO-50 MW, Jharkhand-50 MW, Bihar-50 MW, UPPCL-150MW	126MW: 24.08.18; 50MW: 02.11.18; 50MW: 29.12.18; 24MW: 30.03.19; 50MW: 14.04.19	250	Already included in Format II G (3)		
3	Inox Wind Infrastructure Services Limited	WR	500	500	Bihar -50 MW, Jharkhand -50 MW, UP -200 MW, BRPL -50 MW, Haryana -150 MW	500MW: 14.04.2019	210	No Billing for Mar'22 billing month.10 MW COD w.e.f 04.09.2021.		
4	ReNew Power Limited	WR	300	300	UP - 100 MW, PSPCL - 100 MW, GRIDCO - 50 MW, GOA - 50 MW	300MW: 01.05.19	230.1	Already included in Format II G (3)		
5	ReNew Power Limited	WR	50	50	UHBVN & DHBVN - 50MW	50MW: 23.11.19	0	Already included in Format II G (3)		

6	Green Infra Wind Energy Ltd.	WR	250	250	Assam (APDCL) - 50 MW, GRIDCO Ltd.-100 MW, Jharkhand (JBVNL)-100 MW	151.2MW:14.04.19; 98.8 MW: 04.11.19	250	No Delayed part Billing for Mar'22 billing month corresponding 98.8 MW ,due to Non availability of approved CERC tariff order for ATS.		
7	Green Infra Wind Energy Ltd.	WR	300	300	PSPCL -200 MW, Bihar DISCOMs: 100 MW (NBPDCCL & SBPDCL)	300 MW: 04.11.19	300	No Delayed part Billing for Mar'22 billing month, due to Non availability of approved CERC tariff order for ATS.		
8	Adani Green Energy MP Ltd. (AGEMPL Dayapar)	WR	100	100	UPPCL - 40 MW, NPCL - 10 MW, PSPCL - 50 MW	100 MW: 04.11.19	100	No Delayed part Billing for Mar'22 billing month, due to Non availability of approved CERC tariff order for ATS.		
9	SEI Sunshine	WR	180	180	TPDDL-180 MW	90 MW:18.11.19; 90 MW: 01.04.20	180	No Billing for Mar'22 billing month		

10	Alfanar Energy Pvt. Limited	WR	300	300	BRPL -150 MW, BYPL - 50 MW, TPDDL - 50 MW, Bihar - 50 MW	100MW: 31.01.20; 50MW: 15.02.20; 50MW: 28.02.20; 36MW: 06.10.20; 36MW: 20.10.20; 28MW: 10.02.21	300	No Delayed part Billing for Mar'22 billing month, due to Non availability of approved CERC tariff order for ATS. Already included in Format II G(2).		
11	ReNew Wind Energy (AP2) Private Limited (2 separate LTA grants, 1 to Haryana & 2nd to GRIDCO)	WR	262.5	262.5	Haryana	50 MW:25.02.20; 100 MW: 20.09.20; 20: 03.12.20; 40: 10.12.20; 43.75: 20.12.20 4.375: 27.01.21 4.375: 19.02.21	262.5	No Delayed part Billing for Mar'22 billing month, due to Non availability of approved CERC tariff order for ATS. Already included in Format II G(2).		
			37.5	37.5	GRIDCO	30: 10.12.2020 6.25: 20.12.2020 0.625: 27.01.21 0.625: 19.02.21	37.5	LTA operation alized on existing margin. No billing for Mar'22 Billing month. Already included in Format II G(2).		
12	Mytrah Energy (India) Pvt Ltd (GEC-I Corridor)	SR	250	250	UPPCL -100 MW, Jharkhand - 50 MW, Bihar - 50 MW, Assam - 50 MW	75MW: 10.06.18; 50MW: 30.09.18; 125MW: 01.12.18;	250	Further no billing on Mytrah as bills already been raised.		
13	AP Solar Power Corporation Pvt Ltd (NP Kunta)	SR	1500	1500	Andhra Pradesh-1500MW	250MW: 11.07.16; 750MW: 04.08.18; 500MW: 01.10.18;	1400	Already included in Format II G (1)		

14	Karnataka Solar Power development Corporation Ltd	SR	2050	2050	Karnataka-1850 MW, UPPCL-200 MW	600MW: 12.07.18; 400MW: 28.09.18; 200MW: 30.12.19; 850 MW: 03.05.20	2050	Further no billing on KSPDCL as bills already been raised.		
15	Green Infra Renewable Energy Ltd.	SR	249.9	249.9	UPPCL -99.9 MW, Jharkhand - 50 MW, Bihar - 50 MW, BRPL - 50 MW	249.9 MW: 10.10.18	249.9	No delay. Hence, no billing.		
16	Orange Sironj Power Pvt. Ltd.	SR	200	200	Bihar - 100 MW, Haryana - 100 MW	200 MW: 22.02.19	200	Further no billing on Orange Sironj as bills already been raised.		
17	Betam Wind Energy Private Limited	SR	250.2	250.2	Bihar - 50.2 MW, Odisha- 100 MW, UPPCL -100 MW	250.2 MW:31.07.19	218.2	LTA was granted on existing margins. However, CERC in tariff petition 172/TT/2018 has linked the LTA to 2X500MVA, 400/230kV ICTs at Tirunelveli Pool (Tuticorin-II). Therefore, Betam is not included in FORMAT II-G(3).		
18	Saurya Urja Company of Rajasthan Limited	NR	500	500	UPPCL-500 MW	500 MW: 27.10.19	500	No Delayed part Billing for Mar'22 billing month, due to Non availability of approved CERC tariff order for ATS.	Bhadla	Claen Solar Power (Bhadla) Pvt. Ltd. : 300MW SB Energy Four Pvt. Ltd.: 200MW

19	Adani Renewable EnergyPark Rajasthan Ltd.	NR	250	250	UPPCL-250 MW	250 MW: 27.10.19	250	No delay. Hence, no billing.	Bhadla	Azure Power India Pvt. Ltd.: 200MW ReNew Solar Power Pvt. Ltd.:50MW
20	NTPC Ltd. (Auraiya Solar)	NR	20	20	UPPCL-20MW	15MW: 25.10.2020 5MW: 30.11.2020	20	Further No billing.	Auraiya	
21	Sprng Renewable Energy Pvt Limited	SR	300	300	UP-300 MW	300 MW: 30.11.19	300	Further No billing.		
22	Adani Wind Energy Kutchh Three Limited	WR	250	250	Chandigarh Administration, UT, Chandigarh 40MW Uttar Pradesh Power Corporation Ltd 85MW Kerala State Electricity Board Ltd 75MW GRIDCO LTD. 50MW	115 MW: 05.02.2021 30.5 MW: 15.03.2021 43.8 MW: 08.04.2021 28.5 MW: 05.05.2021 32.2 MW: 09.05.2021	250	No Billing for Mar'22 billing month. Already included in Format II G(2)		
23	Continuum Power Trading (TN) Pvt. Ltd	WR	50	50	MPPMCL	15.02.2021	50	32MW RE Capacity commissioned wef 12/4/21 18MW RE Capacity commissioned wef 22/4/21 No Billing for Mar'22 billing month. Already included in Format II G(2).		

24	Avikiran Solar India Private Ltd.. (ASIPL)	WR	285	285	MSEDCL-100MW MPPMCL-185MW	09.05.2021	0	LTA made effective vide letter dated 07.05.2021 upon commissioning of identified transmission system (Bhuj ICT Augmentation scheme) but generation is delayed. No Delayed part Billing for Mar'22 billing month, due to Non availability of tariff order for ATS.		
25	Essel Saurya Urja Company of Rajasthan Ltd.	NR	750	750	PSPCL-300MW NBPDC-207MW SBPDCL-243MW	01.06.2021	300	No Delayed part Billing for Mar'22 billing month, due to Non availability of approved CERC tariff order for ATS.	Bhadla	SB Energy Six pvt. Ltd.:600MW SB Energy Sixteen Projects Ltd.: 150MW

26	Adani Green Energy (MP) Limited	WR	75	75	MSEDCL	01.07.2021	75	<p>MTOA was operational upto 30-Jun-2021. Now. The corresponding LTA has been operationalised w.e.f. 01.07.2021 (indicated along side) and waiver documents also submitted. Already included in Format II G(2).</p>		
27	Adani Renewable Energy Park Rajasthan Ltd.	NR	1000	296	TSSPDCL-208.82MW TSNPDC-87.18MW	01.08.2021	49.92	<p>LTA made effective vide CTU letter dated 31.07.2021 but generation is delayed. 1000MW is on Target (NR) till 11.08.2021. After 11.08.2021, 704MW is on Target (NR) and 296MW is on Firm (SR). 49.92 MW: 30.12.21.</p>	Fat ehg arh	NTPC Ltd.:296MW Adani Hybrid Energy Jaisalmer Four Ltd.: 700MW

28	Gujarat Power Corporation Limited	WR	700	600	GUVNL:600 MW WR TARGET:100 MW	12.08.2021	400	No Delayed part Billing for Mar'22 billing month, due to Non availability of approved CERC tariff order for ATS		
29	Azure Power India Pvt. Ltd.	NR	130	130	MSEDCL	01.09.2021	130	No Billing for Mar'22 billing month	Bhadla	Azure Power Thirty Four Pvt. Ltd.
30	Tata Power Renewable Energy Ltd.	NR	150	150	MSEDCL	01.09.2021	150	No Billing for Mar'22 billing month	Bhadla	Tata Power Renewable Energy Ltd.
31	Azure Power India Pvt. Ltd.	NR	300	300	GRIDCO: 200MW BRPL: 100MW	01.09.2021	200	LTA was made effective vide CTU letter dated 26.08.2021. 50MW w.e.f. 13.10.2021, 50MW COD w.e.f 02.11.2021 and 50MW COD w.e.f 30.11.2021, 50MW COD w.e.f. 27.12.2021.No Delayed part Billing for Mar'22 billing month, due to Non availability of approved CERC tariff order for ATS.	Bhadla	Azure Power Forty One Pvt. Ltd.

32	Azure Power India Pvt. Ltd.	NR	200	200	MPPMCL	01.09.2021	0	No Delayed part Billing for Mar'22 billing month, due to Non availability of approved CERC tariff order for ATS.	Bhadla	Azure Power Maple Pvt. Ltd.
33	Azure Power India Pvt. Ltd.	NR	50	50	MPPMCL	01.09.2021	0	No Delayed part Billing for Mar'22 billing month, due to Non availability of approved CERC tariff order for ATS.	Bhadla	Azure Power Maple Pvt. Ltd.
34	Renew Power Pvt Ltd	SR	300	300	SBPDCL: 162 MW NBPDCCL: 138 MW	63 MW: 24.09.21 10.5 MW: 11.10.21 12.6 MW: 19.10.21 14.7 MW: 26.10.21 16.8 MW: 11.11.21 10.5 MW: 23.11.21 10.5 MW: 30.11.21 <b>Total : 138.6 MW</b>	136.5	Part LTA operation alized on existing margins as per the request of applicant. Already included in Format II G(3).		
35	SBSR Power Cleantech Eleven Pvt. Ltd.*	NR	300.0	300.0	TPDDL- 200MW BYPL- 100MW	20.11.2021	0.0	LTA made effective vide CTU letter dated 18.11.2021. 50MW commissioned but waiver documents not submitted.	Bikaner	SBSR Power Cleantech Eleven Pvt. Ltd.



**सेंट्रल ट्रांसमिशन यूटिलिटी ऑफ इंडिया लिमिटेड**

(पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड के स्वामित्व में)

(भारत सरकार का उदयम)

**CENTRAL TRANSMISSION UTILITY OF INDIA LTD.**

(A wholly owned subsidiary of Power Grid Corporation of India Limited)

(A Government of India Enterprise)

**Ref. No.:** CTU/N/07/NLDC

**Date:** 08.02.2022

**Executive Director**

National Load Dispatch Centre

POSOCO

61, IFCI Tower, 8<sup>th</sup> & 9<sup>th</sup> Floor,

Nehru Place, New Delhi – 110019

**Sub: Exemption of LTA quantum (deemed) from Central Generating Stations in UP of Northern Region– reg.**

Dear Sir,

This is with reference to UPPCL letter dated 08/11/21 & 27/12/21 regarding deduction of ISTS transmission charges for UPPCL share out of Unchahar-I, II, III, NAPP, Tanda-II and Rosa-II generation projects in UP.

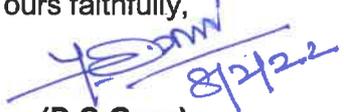
The matter has been examined and it is observed that evacuation of power from generation projects viz. Unchahar-I (420 MW), NAPP (440 MW) and Tanda-II (1320 MW) for UP share was planned and being evacuated on Intra state transmission system (UPPTCL).

Therefore, Implementing Agency (NLDC) may exempt deemed LTA quantum of UP from the computation of monthly transmission charges in respect of the following generation projects w.e.f. 01/11/20 i.e. from the effective date of implementation of sharing regulation 2020:

- Uttar Pradesh quantum of share from Unchahar Stage-I (420 MW)
- Uttar Pradesh quantum of share from NAPS (440 MW)
- Uttar Pradesh quantum of share from Tanda -II (1320 MW)

Thanking you,

Yours faithfully,

  
(P C Garg)  
COO (CTU)

**Copy to :**

**The Secretary**

Central Electricity Regulatory Commission,

3<sup>rd</sup> & 4<sup>th</sup> Floor, Chanderlok Building,

36, Janpath, New Delhi-110001



Ref. No.: 01: CD: 151

Date: 09.02.2022

To,  
Member Secretary,  
Northern Regional Power Committee (NRPC)  
Katwaria Sarai, New Delhi-110016

**Sub: Regarding relinquishment of Haryana's allocation (24.03 MW) from NTPC Anta GPS**

**Ref.:**

1. MoP, GoI guidelines dated 22.03.2021 enabling the Discoms to either continue or exit from the PPA after completion of the term of the PPA i.e beyond 25 years
2. HPPC's letter no Ch-42 / HPPC/SE/ C&R-I /XEN-LTP-I /ANTA dated 19.07.2021 to NTPC
3. NTPC's letter no 01:CD:151 dated 17.08.2021 to HPPC
4. NTPC's letter no 01:CD:151 dated 11.01.2022 to HPPC

Dear Sir,

Ministry of Power, Govt of India (MoP, GoI), vide guidelines dated 22.03.2021, has enabled the DISCOMs to either continue or exit from the PPA after completion of the term of the PPA, i.e., beyond 25 years or a period specified in the PPA. Para 2 (III), (IV) & (IV) of the MOP Guidelines provides as under:

*“ III.*

*a) The States/ Discoms having Long-term PPAs with the Central Generating stations, which are due to expire in the near future can opt to relinquish the entire allocated power (firm and unallocated share) from such eligible CGSs post completion of the PPA tenure i.e. on completion of 25 years from the date of commissioning of the plant or a period specified in the PPA by giving six months advance notice for their intention to relinquish such power.*

*b) For the Stations, which have already completed 25 years, States may exit from the PPA of such eligible CGS after giving six months of notice of relinquishment of such power.*

*IV. The relinquishment of such power shall be considered only after the State / Discoms have cleared all the past dues. The State / Discoms shall continue to be liable to make all eligible payments / dues as per the prevailing rules / regulations to the generators whose share of power has been relinquished till final settlement.*

*V. In all such cases of relinquishment of share from power stations, the power allocation, if any, made by the Central government to the State from that power station would be treated as withdrawn. Intimation to this effect will be required to be given by either the generating company or the State to the Ministry of power.”*

Based on the above MoP guidelines, HPPC vide letter dated 19.07.2021, has served notice to relinquish its allocation share (24.03 MW) from NTPC Anta GPS.

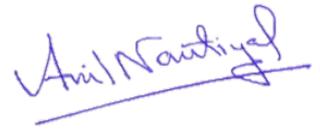
Further, NTPC, vide its letters dated 17.08.2021 & 11.01.2022 to HPPC, has communicated the claims/ amounts require to be settled and paid by HPPC such as tentative unrecovered depreciation based on 2019-24 tariff petition, likely ToP liability on account of gas tie-up, alongwith clearance of all outstanding dues related to energy bills, any adjustments, if any, due to CERC / ATE orders / regulations in future pertaining to tariff revisions for the period prior to the final settlement etc. as per the MoP guidelines. HPPC shall continue to be liable to make all eligible payments / dues as per the prevailing rules / regulations with respect to relinquished power till final settlement.

Copy of the Haryana's letter dated 19.07.2021 and NTPC's reply letters dated 17.08.2021 & 11.01.2022 is attached herewith.

In view of MoP guidelines, the SIX months' notice period for the relinquishment completes on 18.01.2022. Therefore, the quantum of 24.03 MW from NTPC Anta GPS stands treated as withdrawn with effect from 00:00 Hours of 19.01.2022.

This is for your information and necessary action please.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Anil Nautiyal', is written over a horizontal line.

ED (Commercial)

Copy To:

1. Executive Director, Northern Regional Load Despatch Centre, Katwaria Sarai, New Delhi-110016

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY  
(Appellate Jurisdiction)**

**APPEAL NO. 239 OF 2021 & IA NO. 1175 OF 2021**

**AND**

**APPEAL NO. 240 OF 2021 & IA NO. 1179 OF 2021**

**Dated: 08<sup>th</sup> February, 2022**

**Present: Hon'ble Mr. Justice R. K. Gauba, Officiating Chairperson  
Hon'ble Mr. Sandesh Kumar Sharma, Technical Member**

**APPEAL NO. 239 OF 2021 & IA NO. 1175 OF 2021**

**In the matter of:**

BSES Rajdhani Power Limited  
BSES Bhawan, Nehru Place  
New Delhi 110019

**...Appellant**

**VERSUS**

1. Central Electricity Regulatory Commission  
Through Secretary  
3<sup>rd</sup> & 4<sup>th</sup> Floor,  
Chanderlok Building, 36  
Janpath, New Delhi-110001
2. NTPC Limited  
NTPC Bhawan, Scope Complex  
7 Institutional Area, Lodhi Road  
New Delhi-110003
3. Northern Regional Load Despatch Centre  
184A, Shaheed Jeet Singh Sansanwal Marg  
Katwaria Sarai  
New Delhi-110016

**...RESPONDENT(S)**

Counsel for the Appellant(s) : Mr. J.J. Bhatt, Sr. Adv.  
Mr. Amit Kapur  
Mr. Buddy A. Ranganadhan  
Mr. Anupam Varma  
Mr. Nikhil Sharma  
Mr. Rahul Kinra  
Mr. Aditya Gupta  
Mr. Utkarsh Singh  
Mr. Aditya Ajay

Counsel for the Respondent(s): Mr. Tushar Mehta, Sr. Adv. & SGI  
Mr. M. G. Ramachandran, Sr Adv.  
Mr. Basawa Prabhu S. Patil, Sr. Adv.  
Mr. Anand K. Ganesan  
Ms. Swapna Seshadri  
Ms. Ritu Apurva  
Ms. Geet Ahuja  
Ms. Poorva Saigal  
Mr. Ravi Nairfor R-2

Mr. Sajan Poovayya, Sr. Adv.  
Mr. Anand Kumar Shrivastava  
Ms. Priyansha Sharma  
Mr. Rahul Jajoo  
Mr. Sharan Balakrishana  
Ms. Raksha Agarwal  
Mr. Atul Kumar Srivastava for Intervener

Ms. Anisha Chopra  
Mr. Prashant Garg  
Mr. Somara Lakra  
Mr. Alok Misra  
Mr. Gajendra Singh Vasava for R-3

**APPEAL NO. 240 OF 2021 & IA NO. 1179 OF 2021**

**In the matter of:**

BSES Yamuna Power Limited  
BSES Bhawan, Nehru Place  
New Delhi 110019

**...Appellant**

**VERSUS**

1. Central Electricity Regulatory Commission  
Through Secretary  
3<sup>rd</sup> & 4<sup>th</sup> Floor,  
Chanderlok Building, 36  
Janpath, New Delhi-110001
  
2. NTPC Limited  
NTPC Bhawan, Scope Complex  
7 Institutional Area, Lodhi Road  
New Delhi-110003
  
3. Northern Regional Load Despatch Centre  
184A, Shaheed Jeet Singh Sansanwal Marg  
Katwaria Sarai  
New Delhi-110016

**...RESPONDENT(S)**

- Counsel for the Appellant(s) : Mr. J. J. Bhatt, Sr. Adv.  
Mr. Amit Kapur  
Mr. Buddy A. Ranganadhan  
Mr. Anupam Varma  
Mr. Nikhil Sharma  
Mr. Rahul Kinra  
Mr. Aditya Gupta  
Mr. Utkarsh Singh  
Mr. Aditya Ajay
- Counsel for the Respondent(s): Mr. Tushar Mehta, Sr. Adv. & SGI  
Mr. M. G. Ramachandran, Sr. Adv.  
Mr. Basawa Prabhu S. Patil, Sr. Adv.  
Mr. Anand K. Ganesan  
Ms. Swapna Seshadri  
Ms. Ritu Apurva  
Ms. Poorva Saigal  
Mr. Ravi Nair for R-2
- Mr. SajanPoovayya, Sr. Adv.  
Mr. Anand Kumar Shrivastava  
Ms. Priyansha Sharma

Mr. Rahul Jajoo  
Mr. Sharan Balakrishana  
Ms. Raksha Agarwal  
Mr. Atul Kumar Srivastava for Intervener

Ms. Anisha Chopra  
Mr. Prashant Garg  
Mr. Somara Lakra  
Mr. Gajendra Singh Vasava for R-3

## **J U D G M E N T**

### **PER HON'BLE MR. SANDESH KUMAR SHARMA, TECHNICAL MEMBER**

1. These appeals were taken up by video conference mode on account of pandemic conditions, it being not advisable to hold physical hearing.

2. The Appellants namely BSES Rajdhani Power Ltd. and BSES Yamuna Power Ltd. in the present Appeals i.e., Appeal no. 239/2021 and Appeal no. 240 of 2021 respectively have challenged the common Order dated 01.07.2021 ("**Impugned Order**") passed by the Central Electricity Regulatory Commission (**in short "Respondent Commission" or Central Commission or "CERC"**) in Petition No. 65 of 2021 & 60 of 2021 ("**Dadri Petition**"). The Appellants are aggrieved by the findings contained in Para Nos. 48 and 49 of the Impugned Order and submitted that the CERC has erred on the following counts: -

- (a) Power Purchase Agreement dated 05.06.2008 ("**PPA**")/ Supplementary PPA dated 29.03.2012 ("**SPPA**") will subsist so long as the allocation of power by the Ministry of Power ("**MoP**") from the National Capital Thermal Power Station at Dadri,

Stage – I (“**Dadri-I**”) of NTPC Limited (“**Respondent No. 2**” / “**NTPC**”) to the Appellant is not de-allocated. With this observation, CERC directed the Appellant to approach the MoP for de-allocating its share from the Dadri-I Station for it to be able to exit from the said PPA/ SPPA.

- (b) Provisions of Regulation 17(2) of the CERC (Terms and Conditions for Tariff) Regulations, 2019 (“**Tariff Regulations, 2019**”) are subject to the condition of MoP’s de-allocation of Appellant’s share of power from Dadri-I.

**3.** The Appellants also prayed for: -

- a. Directing NTPC Ltd. not to raise any Invoices with respect to any charges qua Dadri – I Station w.e.f. 01.12.2020,
- b. Setting aside the Invoices raised by NTPC with respect to the Dadri-I stations and paid by the Appellants in protest, and
- c. Directing NTPC to refund the entire amount paid under (b) above along with interest at rate of 18%.

***The Parties***

**4.** The Appellant in the first & second Captioned Appeals, BSES Rajdhani Power Limited and BSES Yamuna Power Limited, are Distribution Licensees in terms of the Delhi Electricity Reforms Act, 2000 (“**Reforms Act**”) read with section 2(17) and section 14 of the Electricity Act, 2003 (“**the Act**”). The Appellants are two different joint venture companies formed between Reliance Infrastructure Limited (“**R-Infra**”) and Delhi Power Company Ltd. (“**DPCL**”) (a company wholly owned by the Government of NCT of Delhi (“**GoNCTD**”). R-Infra has 51% equity and management control over the Appellant, whereas DPCL has 49% equity in

the Appellant. Delhi Electricity Regulatory Commission (“**DERC**”) have granted the Distribution and Retail Supply Licence to the Appellants for undertaking distribution and retail supply of electricity in the specified control areas within the NCT of Delhi.

5. Respondent No. 1 i.e., CERC, is a statutory authority constituted under the Electricity Regulatory Commissions Act, 1998 with powers vested in it by virtue of Sections 79 and 178 of the Electricity Act.

6. Respondent No. 2 i.e., NTPC Limited., is a generating company within the meaning of Sections 2(28) and 79(1) (a) of the Electricity Act.

7. Respondent No. 3 i.e., Northern Regional Load Despatch Centre (“**NRLDC**”), is a statutory body constituted in terms of Section 27 of the Electricity Act. In terms of 28(3)(a) of the Electricity Act, NRLDC is required to ensure optimum scheduling and despatch of electricity within the region in accordance with the contracts entered into with the licensees or the generating company operating in the region.

### ***The Factual Background***

8. The factual matrix of both the Captioned Appeals is virtually common and filed against the impugned common order dated 01.07.2021 passed by the Central Commission.

9. The Appellants succeeded to the Delhi Electricity Supply Undertaking, the erstwhile Utility vested with the powers to distribute and supply electricity in the NCT of Delhi.

10. Delhi Electricity Supply Undertaking, in addition to various other entities, signed a Bulk Power Supply Agreement (“**BPSA**”) with NTPC on 31.01.1994.

11. In terms of the BPSA, NTPC was to sell energy from the NTPC Stations to the Bulk Power Customers who signed the BPSA on mutually agreed terms as incorporated in the BPSA. As per Clause 12 of the BPSA, the said agreement was deemed to have come into force from the date of signing and the same remained operative till 31.10.1997.

12. The Appellant acquired the business from the erstwhile Delhi Electricity Supply Undertaking in its area of supply with effect from 01.07.2002 as part of the unbundling, restructuring and privatization of Distribution of electricity, under the law. Further, from 01.07.2002 till 31.03.2007, the Delhi Transco Limited (“DTL”) was entrusted with the responsibility of bulk procurement and bulk supply of power in the National Capital Territory (“NCT”) of Delhi.

13. On 11.03.2004, DERC issued the Licence to the Appellant to undertake Distribution and Retail Supply in its licensed area under Section 20 of the Reforms Act read with the Electricity Act, 2003 and as Part of the Licence specified that: -

*“5.4 The Licensee shall purchase the energy required by the Licensee for Distribution and Retail Supply in an economical manner and under a transparent power purchase or procurement process and in accordance with the Regulations framed, guidelines, directions and orders issued by the Commission from time to time.”*

14. DERC vide order dated 31.03.2007 re-assigned all the existing power purchase agreements from DTL to the Distribution Licensees operating in NCT of Delhi, including the Appellants thereby the responsibility for arranging power for its area of supply was vested with the Appellant from 01.04.2007 and pursuant to the order dated 31.03.2017, the Appellant, on 05.06.2008, executed a consolidated PPA with NTPC for procurement of electricity from the generating stations of NTPC as per the allocation of the Appellants.

15. On 29.03.2012, the Appellant and NTPC executed a Supplementary Power Purchase Agreement (“**SPPA**”) extending the expiry dates of all stations of NTPC till the end of life of the respective station considered in the tariff orders or Regulations issued by CERC or GOI allocations, whichever is later.

16. CERC notified the Central Electricity Regulatory Commission (Terms and Conditions for Tariff) Regulations, 2019 (“Tariff Regulations 2019”) for the Control Period starting from 01.04.2019 to 31.03.2024.

17. Subsequently, the Appellant vide Communication dated 23.11.2020 addressed to NTPC requested for an arrangement under Regulation 17 of the Tariff Regulations, 2019 for Dadri –I station which would complete 25 years from its Commercial Operation Date (“**COD**”) stating therein:

*“6. In view of above, we would earnestly request NTPC to propose a suitable arrangement in terms of Regulation 17(1) of the Tariff Regulations, 2019 for procurement of power from Dadri-I, as soon as possible and in any event prior to the completion of 25 years from the COD i.e., 30.11.2020 as contemplated under the aforesaid Regulation 17(1) and, in any event with recovery of capacity charges being related to scheduled generation. Kindly*

*provide the proposed arrangement at the earliest, so that further necessary steps can be taken including approval from the Board of BRPL and also from Hon'ble DERC, if any arrangement is agreed to."*

18. Further, the Appellant again on 30.11.2020 sent a letter to NTPC, informing that as per the provision contained in Regulation 17 of the Tariff Regulations, 2019, the PPA and SPPA would lapse on 01.12.2020 at 00:00 hrs. i.e. on completion of 25 years from the COD for the Generating Station (Dadri-I), unless a mutually agreed arrangement to extend the supply from Dadri-I is in place.

19. NTPC vide communication dated 30.11.2020, in response to the Appellant's Communication dated 30.11.2020 regarding non-scheduling of Power from Dadri-I, informed the Appellant that: -

*"As indicated above, the cost of electricity from Dadri – I Station is comparable with other sources of power of the BRPL and other Discoms in Delhi and NTPC is taking steps to reduce the cost of power further. In view of the above, it is requested that BRPL should reconsider the decision as the same is against the provisions of Central Commission Regulations/ Orders, provisions of the Agreement signed with NTPC, security of supply of strategic location such as National Capital Delhi, various other reasons stated above and the decision is not in the interest of consumers of Delhi and other stakeholders.*

*This is however, without prejudice to the claim of NTPC that the rights and obligations of the parties under the BPSA continues, even after 30.11.2020 and therefore, the purported contention of BRPL of the BPSA (as amended) cease to have effect from 30.11.2020 is not valid, legal or sustainable. NTPC will proceed to declare availability from Dadri – I Station as before as required under the Tariff Regulations and BRPL shall be responsible for performance of all obligations under the BPSA including payment of tariff to NTPC."*

**20.** On 01.12.2020, NRLDC in response to the Appellant communication dated 30.11.2022 informed the Appellant that: -

*“...It may be noted that NRLDC is scheduling the transaction for Central Generating Stations/Inter-State Generating stations based on the share allocation by Ministry of Power(MOP), as received from NRPC. As per the latest NRPC Share Allocation Revision No. 02/2020-21 ( w.e.f. from 0000hrs of 18.10.2020) dtd 16.10.2020. Delhi has share allocation (90%) from Dadri Thermal Stage-1. Accordingly, NRLDC is scheduling the power to all beneficiaries in as per NRPC allocation order...  
....Therefore, it is requested that the matter may please be taken up with appropriate authority. Till such time any revised allocation order is received from NRPC, NRLDC has to continue scheduling as per IEGC Regulations, requisition received from beneficiaries and NRPC allocation order.”*

**21.** Aggrieved by the unilateral decision of NTPC and its continuation of billing the Appellants, the Appellants filed the Petition No. 60/MP/2021 and Petition No. 65/MP/2021 before the CERC *inter alia* seeking adjudication of dispute with NTPC as: -

- (a) NTPC had refused to agree upon an arrangement under Regulation 17 (1) of Tariff Regulations, 2019 to continue supply from Dadri-I Station, which has completed 25 years from its COD.
- (b) Under threat of coercive action, NTPC is holding the Appellant hostage to continue supply from Dadri-I with effect from 01.12.2020.
- (c) NTPC had unlawfully raised Invoices dated 06.01.2021 and 05.02.2021 on the Appellant and was coercing the Appellant to make payments.
- (d) NRLDC had unlawfully acted in unison with NTPC against the mandate of Section 28(3)(a) of the Electricity Act and refused to stop scheduling and despatching of power from NTPC's Dadri-I Station to

the Appellant even when the contract / PPA in respect of the Dadri-I Station lapsed / expired on 00:00 Hrs of 01.12.2020 by operation of law.

(e) NTPC seeks to present a fait-accompli to CERC and its Procurers from Dadri-I by seeking a post-facto approval for installation of FGD at the environmentally and economically inefficient Station without allowing for techno-economic prudence check.

22. CERC vide the Impugned Order disposed of the Petitions with the following observations:

**“48. ... Government of India Guidelines also permit the willing distribution companies to relinquish their allocation after a period of 25 years from COD. DERC has already written to Ministry of Power for de-allocation of share of distribution companies of Delhi. For relinquishment of their allocations, the Petitioners may approach the Ministry of Power. Provisions of Regulation 17(2) related to first right of refusal would become effective once the Ministry of Power de-allocates share of the Petitioners from Dadri-I generating station.**

**49. Accordingly, we answer that PPA/SPPA is still subsisting as the allocation of power by Ministry of Power, Government of India from Dadri-I generating station to the Petitioner is still subsisting as per the Share Allocation Revision No.1/2021-22 dated 1.4.2021 issued by NRPC; that the Petitioner may exit from the PPA/SPPA by approaching the Ministry of Power for de-allocating its share from Dadri-I generating station; and that as Dadri-I generating station has already completed 25 years on 30.11.2020 from its COD, the provisions of Regulation 17(2) related to first right of refusal would become effective once the Ministry of Power de-allocates share of the Petitioners from Dadri-I generating station.**

**50. The Petition No. 60/MP/2021, Petition No. 65/MP/2021, IA No. 12/2021, IA No. 31/2021 and IA No. 33/2021 are disposed of in terms of the above findings and discussion.”**

**[Emphasis Supplied]**

23. Being aggrieved by the observations of CERC under para 48 and 49 of the order, the Appellants filed the captioned Appeals. This Tribunal vide its interim order dated 26.08.2021 in the captioned Appeals issued the following directions:

*“Having heard the learned counsel on all sides at length on the prayer for interim relief, we notice that the question of law to be addressed requires interpretation of the terms of the Power Purchase Agreement (PPA) and regulations that are applicable would be same for disposal of the interim application and the main appeal. In these circumstances, we deem it proper to call upon the learned counsel to instead argue on the main appeal. The learned senior counsel for the second Respondent, however, submitted that he would be inclined to argue on the main appeal only after filing counter affidavit with supporting documents. We grant him liberty to do so within one week. Rejoinder, if required, may be filed within one week thereafter. The appeal be listed on 17.09.2021. **Meanwhile, the recovery of the impugned demand (capacity charges) shall remain stayed till next date. Written submissions may also be filed well in advance before the next date.**”*

24. The said interim order of this Tribunal was challenged in the Hon'ble Supreme Court of India vide Civil Appeals nos. 5974 and 6018 of 2021. Hon'ble Supreme Court of India vide its order dated 05.01.2022 disposed of the Appeals requesting the Hon'ble Tribunal to dispose of the Appeal in accordance with law, preferably within a period of six (6) weeks from the date of communication of the Order. The extract of the said order is:

*“On the joint request made by Mr. Tushar Mehta, learned Solicitor General and Mr. Harish N. Salve, learned senior counsel, who appears on caveat on behalf of respondent No.2, and without going into the merits of the case, **we dispose of these appeals by requesting the APTEL to dispose of the***

***matter, pending adjudication before it, in accordance with law, preferably within a period of six weeks from the date of communication of the instant order.”***

**25.** In compliance with the said order of the Hon'ble Supreme Court of India, the two captioned Appeals were considered for hearing on priority. Accordingly, on 14.01.2022, this Tribunal passed the following order:

*“This bench is presently in the midst of hearing Appeal No. 280 of 2021 - Tata Power Company Limited (Transmission) vs. MERC & Ors. - which comes up on regular course on Mondays & Tuesdays, those days being reserved for long matters. it is agreed by learned counsel on all the sides that the captioned appeal can be taken up immediately after hearing in the said appeal i.e Appeal No. 280 of 2021 is concluded.*

*We, thus, direct this appeal and the connected appeal to be included in the List A i.e 'list of priority hearing' immediately below Appeal No.280 of 2021.-----”*

### **Questions of Law**

- 26.** The main issues that arise out of the Appeals are: -
- 1) Whether the beneficiaries can relinquish the PPA/SPPA after the completion of useful life of 25 years from the COD of the Dadri-I Generating Station under Regulation 17 of the Tariff Regulation, 2019?
  - 2) Whether the provisions contained in PPA & SPPA and/ or the Guidelines vide letter dated 22.03.2021 issued by Government of India/ MoP can override the provisions of the Regulations?

27. The Appellants also prayed for certain other reliefs which will be considered after the above two issues are deliberated and decided. The other reliefs sought are: -

- a. Directing NTPC Ltd. not to raise any Invoices with respect to any charges qua Dadri – I Station w.e.f. 01.12.2020,
- b. Setting aside the Invoices raised by NTPC with respect to the Dadri-I stations and paid by the Appellants in protest, and
- c. Directing NTPC to refund the entire amount paid under (b) above along with interest at rate of 18%.

28. To examine the above issues, it is important that the relevant provisions of Law are referred and quoted for analyzing the Appeals. The relevant extracts are noted as follows:

### 1) Relevant Extracts of Tariff Regulations, 2019

-----

#### ***“2. Scope and extent of application.***

*(1) These regulations shall apply in all cases where tariff for a generating station or a unit thereof and a transmission system or an element thereof is required to be determined by the Commission under section 62 of the Act read with section 79 thereof:*

*Provided that any generating station for which agreement(s) have been executed for supply of electricity to the beneficiaries on or before 5.1.2011 and the financial closure for the said generating station has not been achieved by 31.3.2019, such projects shall not be eligible for determination of tariff under these regulations unless fresh consent of the beneficiaries is obtained and furnished.*

*(2) These regulations shall not apply to the following cases:-*

*(a) Generating stations or transmission systems whose tariff has been discovered through tariff based competitive bidding in*

accordance with the guidelines issued by the Central Government and adopted by the Commission under section 63 of the Act;

(b) Generating stations based on renewable sources of energy whose tariff is determined in accordance with the Central Electricity Regulatory Commission (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations, 2017.

**3. Definitions. - In these regulations, unless the context otherwise requires:-**

(1) 'Act' means the Electricity Act, 2003 (36 of 2003);

-----

(24) 'Extended Life' means the life of a generating station or unit thereof or transmission system or element thereof beyond the period of useful life, as may be determined by the Commission on case-to-case basis;"

-----

(73) 'Useful Life' in relation to a unit of a generating station, integrated mines, transmission system and communication system from the date of commercial operation shall mean the following:

- (a) Coal/Lignite based thermal generating station 25 years
- (b) Gas/Liquid fuel based thermal generating station 25 years

-----

Provided that the extension of life of the projects beyond the completion of their useful life shall be decided by the Commission on case to case basis;

-----

**17. Special Provisions for Tariff for Thermal Generating Station which have Completed 25 Years of Operation from Date of Commercial Operation:**

(1) In respect of a thermal generating station that has completed 25 years of operation from the date of commercial operation, the generating company and the beneficiary may agree on an arrangement, including provisions for target availability and incentive, where in addition to the energy charge, capacity charges determined under these regulations shall also be recovered based on scheduled generation.

*(2) The beneficiary shall have the first right of refusal and upon its refusal to enter into an arrangement as above, the generating company shall be free to sell the electricity generated from such station in a manner as it deems fit.*

**27. Additional Capitalisation on account of Renovation and Modernisation:**

*(1) The generating company or the transmission licensee, as the case may be, intending to undertake renovation and modernization (R&M) of the generating station or unit thereof or transmission system or element thereof for the purpose of extension of life beyond the originally recognised useful life for the purpose of tariff, shall file a petition before the Commission for approval of the proposal with a Detailed Project Report giving complete scope, justification, cost-benefit analysis, estimated life extension from a reference date, financial package, phasing of expenditure, schedule of completion, reference price level, estimated completion cost including foreign exchange component, if any, and any other information considered to be relevant by the generating company or the transmission licensee:*

*Provided that the generating company making the applications for renovation and modernization (R&M) shall not be eligible for Special Allowance under Regulation 28 of these regulations;*

*Provided further that the generating company or the transmission licensee intending to undertake renovation and modernization (R&M) shall be required to obtain the consent of the beneficiaries or the long term customers, as the case may be for such renovation and modernization (R&M) and submit the same along with the petition.*

*(2) Where the generating company or the transmission licensee, as the case may be, makes an application for approval of its proposal for renovation and modernisation (R&M), approval may be granted after due consideration of reasonableness of the proposed cost estimates, financing plan, schedule of completion, interest during construction, use of efficient technology, cost-benefit analysis, expected duration of life extension, consent of the beneficiaries or long term customers, if obtained, and such other factors as may be considered relevant by the Commission.*

-----  
(4) After completion of the renovation and modernisation (R&M), the generating company or the transmission licensee, as the case may be, shall file a petition for determination of tariff. Expenditure incurred or projected to be incurred and admitted by the Commission after prudence check, and after deducting the accumulated depreciation already recovered from the admitted project cost, shall form the basis for determination of tariff.

-----  
**55. Billing and Payment of charges:**

-----  
(2) Payment of the capacity charge for a thermal generating station shall be shared by the beneficiaries of the generating station as per their percentage shares for the month (inclusive of any allocation out of the unallocated capacity) in the installed capacity of the generating station.....

**Note 1**

Shares or allocations of each beneficiary in the total capacity of Central sector generating stations shall be as determined by the Central Government, inclusive of any allocation made out of the unallocated capacity. The shares shall be applied in percentages of installed capacity and shall normally remain constant during a month. Based on the decision of the Central Government, the changes in allocation shall be communicated by the Member-Secretary, Regional Power Committee in advance, at least three days prior to beginning of a calendar month, except in case of an emergency calling for an urgent change in allocations out of unallocated capacity. The total capacity share of a beneficiary would be sum of its capacity share plus allocation out of the unallocated portion. In the absence of any specific allocation of unallocated power by the Central Government, the unallocated power shall be added to the allocated shares in the same proportion as the allocated shares.

**Note 2**

The beneficiaries may propose surrendering part of their allocated firm share to other States within or outside the region. In such cases, depending upon the technical feasibility of power transfer and specific agreements reached by the generating company with other States within or outside the region for such transfers, the shares of the beneficiaries may be re-allocated by the Central Government for a specific period (in complete

months) from the beginning of a calendar month. When such reallocations are made, the beneficiaries who surrender the share shall not be liable to pay capacity charges for the surrendered share. The capacity charges for the capacity surrendered and reallocated as above shall be paid by the State(s) to whom the surrendered capacity is allocated. Except for the period of reallocation of capacity as above, the beneficiaries of the generating station shall continue to pay the full capacity charges as per allocated capacity shares...”

**2) Explanatory Memorandum:**

-----  
3.5.8 Besides Special Allowance, the Commission has also proposed an alternate provision for thermal generating station which have completed 25 years of operation. This provision will be available to those thermal generating stations, which have neither undertaken R&M nor availed Special Allowance. Under this special provision, the generating company and the beneficiary may agree to enter into an arrangement, wherein the total cost (fixed and variable) of the generating station, as determined under these regulations, shall be recovered on scheduled generation basis. Further, under this provision, the beneficiary shall have first right of refusal and in the event of such refusal, the generating company shall be free to sell the electricity generated from such station in a manner it deems fit.”

**3) Statement of Object and Reasons:**

-----  
“6.4 Special Provisions for Tariff for Thermal Generating Station which have Completed 25 Years of Operation from Date of Commercial Operation [Regulation 17]

...  
6.4.2 In the draft 2019 Tariff Regulations, this Regulation was placed after Regulation pertaining to Renovation and Modernisation (R&M) and Special Allowance which also kicks in only after completion of useful life of the generating station. Considering the fact that the Regulation pertaining to "Special Provision for Tariff..." is an optional tariff structure, the same is now placed under 'Chapter 4 - Tariff Structure'.

...  
6.4.4 The Commission after reviewing the comments has decided to revise the Regulation to bring in the desired clarity. The objective of the Regulation was to introduce an enabling provision,

*where the recovery of both capacity charges and energy charges shall be linked to scheduled generation. Further, this provision is only optional, which may be exercised after completion of useful life of a thermal generating station, if both the beneficiary and the generating company agree. Accordingly, the Regulation has been amended to state that 'the generating company and the beneficiary may agree on an arrangement, including provisions for target availability and incentive, where in addition to the energy charge, capacity charges determined under these regulations shall also be recovered based on scheduled generation'.*"

**4) Relevant Extract of Bulk Supply Power Agreement:**

***"12. EFFECTIVE DATE AND DURATION OF AGREEMENT***

-----

*shall remain operative upto 31st Oct 1997 provided that this Agreement may be mutually extended, renewed or replaced by another Agreement on such terms and for such further period as the parties may mutually agree In case Bulk Power Customer(s) continue to get power from the NTPC Station(s) even after expiry of this Agreement, without further renewal or formal extension thereof then all the provisions of this Agreement shall continue to operate till this Agreement is formally renewed, extended or replaced."*

**5) Relevant Extract of the Power Purchase Agreement dated 05.06.2008**

***"6.2 Letter of Credit***

-----

*6.2.8 If the Letter of Credit is not maintained or the same is not replenished after drawal made there from by BRPL within a period of seven days from the date of such drawal, the Escrow arrangement shall come into operation in the manner specified in the Default Escrow Agreement signed separately between the parties.*

-----

***6.6 Disputed Bill***

-----

*6.6.3 If the Bill raised by the NTPC is not disputed within sixty (60) days of receiving it, such bill shall be taken as conclusive. If BYPL disputes any amount, it shall pay 95% of the disputed amount forthwith and file a written objection with NTPC within*

sixty days (60) days of presentation of the bill. BYPL shall issue a notice (the Bill Dispute Notice”) to NTPC setting out the following:

i) Item disputed, with full details/data and reasons thereof for the dispute

ii) Amount disputed against each item.

Provided that non-acceptance of tariffs determined/approved by CERC shall not be a valid ground for dispute.

-----

### **13.0 DURATION OF AGREEMENT**

13.1 Validity of this Agreement for power supply shall be as follows:

**(A) Stations:** (i) Singrauli Super Thermal Power Station Stage- I (2000 MW), (ii) Rihand Super Thermal Power Station Stage – I (1000 MW), (iii) Anta Gas Power Station (419.33 MW), (iv) Auraiya Gas Power Station (663.36 MW), (v) Dadri Gas Power Station (829.78 MW), (vi) Feroz Gandhi Unchahar Thermal Power Station Stage – I (420MW), **(vii) National Capital Thermal Power Station (840 MW).**

...

**NOTE:** For all the above stations under (A), (B), (C) and (D).

**Validity: Upto 31<sup>st</sup> March, 2012 or 25 years for coal-based stations and 15 years for gas-based stations, from the COD of the last unit of the respective stage/station whichever is later.**

...

(i) The Power Agreement for individual stage/station may be extended, renewed or replaced by another Agreement on such terms and for such further period as the parties may mutually agree.

(ii) In case BRPL continues to get power from these station(s)

*after the above period without further renewal or formal extension of the Power Agreement then the terms and conditions of this PPA shall continue to operate till the Power Agreement is formally renewed, extended or replaced.”*

**6) Relevant Extract of the Supplementary Power Purchase Agreement dated 29.03.2012:**

- “A. In consideration of mutual rights and obligations of the respective parties contained herein and as per the agreement of the parties to continue the sale and purchase of power from the gas based stations of NTPC beyond 31.3.2012 and from other stations contained in sub clause 13.1 (A) of clause 13.0 of PPA dated 05.06.2008, beyond their respective expiry dates as currently specified, it is hereby mutually agreed between the parties to extend the validity of the said PPA for all the stations contained in sub clause 13.1 (A) of clause 13.0 of the said PPA in a composite manner till the end of life of the respective station considered in the tariff orders or Regulations issued by CERC or GOI allocations whichever is later.*
- B. The parties agree that the extension of the validity period as aforesaid shall apply collectively to all stations covered by the said PPA dated 05.06.2008.”*

**Our Findings and Analysis**

**29.** Firstly, the question at sub para 2) of para 26 is dealt herewith. If the answer to it is 'Affirmative', then the allocation or deallocation order of Government of India will have precedence over the Regulation 17 of the Tariff Regulations, 2019.

30. The Ld. Senior Advocate Mr. J.J. Bhatt, appearing for the Appellants, placed before us the Hon'ble Supreme Court Judgment passed by Constitution Bench in **PTC India Ltd Vs Central Electricity Regulatory Commission & Ors. 2010 4 SCC 603**, whereby it was ruled that the PPA are to be aligned to the extent of the express provisions of Regulation notified even after the date of signing of the PPA. Relevant extract of the judgement is quoted below:

*“58. One must understand the reason why a regulation has been made in the matter of capping the trading margin under Section 178 of the Act. **Instead of fixing a trading margin (including capping) on a case to case basis, the Central Commission thought it fit to make a regulation which has a general application to the entire trading activity which has been recognized, for the first time, under the 2003 Act. Further, it is important to bear in mind that making of a regulation under Section 178 became necessary because a regulation made under Section 178 has the effect of interfering and overriding the existing contractual relationship between the regulated entities. A regulation under Section 178 is in the nature of a subordinate Legislation. Such subordinate Legislation can even override the existing contracts including Power Purchase Agreements which have got to be aligned with the regulations under Section 178 and which could not have been done across the board by an Order of the Central Commission under Section 79(1)(j).”***

*[Emphasis Supplied]*

31. The Appellant submitted that the provisions of the PPA & SPPA signed between the Appellant and Respondents shall be aligned with the provisions of the Tariff Regulations, 2019. Any provision contained under the PPA and/or SPPA in question, inconsistent with the said Regulations shall be aligned or overridden by the provision contained in these Regulation.

32. On the contrary, Mr. Tushar Mehta, Ld. Senior Advocate & SGI, appearing on behalf of the Respondent no. 2, submitted that:

a) the above (PTC Judgement) states that the framing of the statutory regulation would override the terms of the existing contract. The contract sought to be overridden in the present case is '**Clause A**' of the SPPA dated 29.03.2012. The PTC Judgement would have effect if the Regulation framed by the Central Commission (even if it is assumed that the Central Commission can deal with allocation and deallocation of power), deals with the issue of validity of PPA entered into in pursuance of the GoI allocation. There is no conflict in so far as the present case is concerned since while Regulation 17 of the Tariff Regulations 2019 is a generic provision with regard to an alternative manner of recovery of tariff after 25 years from COD, the SPPA contemplates a continuance of the relationship till the life of the project as per the Orders of the Central Commission or Regulations or GoI allocations, whichever is later.

b) Further, the question of inconsistency arises only when the Regulations, the SPPA and the allocation by the GoI, are not construed harmoniously. On the other hand, the Regulations cannot possibly be read as being inconsistent with the exercise of power by the GoI under Article 73 of the Constitution of India. In any event, the question of the Regulations over-riding the exercise of constitutional powers does not arise.

33. He, further, invited our attention towards the Explanatory Memorandum (para 3.5) and the Statement of Reasons (para 6.4).

i. **“3.5 Commission’s Proposal**

3.5.1 After examining and reviewing the comments/suggestions of stakeholders, the Commission has proposed as follows: *Renovation and Modernisation.*

3.5.2 The Commission is of the view that the provision for R&M for the purpose of extension of life beyond the useful life of generating stations and transmission assets is essential. The provision for R&M will ensure availability of well-maintained generating stations and transmission systems to the beneficiaries at reduced cost -----.

3.5.3 As part of the prudence check, various beneficiaries have suggested that the generating station should obtain consent from the beneficiaries before applying for R&M. In the current tariff regime, the generating station submits plan for R&M through a tariff petition, before the Commission where beneficiaries get the opportunity to submit their responses. The Commission considers approval of R&M only after undertaking prudence check and carefully considering beneficiaries’ comments. -----**Therefore, the Commission proposes that the generating company or the transmission licensee intending to undertake R&M shall be required to obtain the consent of the beneficiaries or the long term customers, as the case may be, for such R&M and submit the same along with the petition.”**

ii. Further, the **Statement of Reasons(“SoR”)** at Para 6.4 reads as under

**“6.4 Special Provisions for Tariff for Thermal Generating Station which have Completed 25 Years of Operation from Date of Commercial Operation [Regulation 17]**

6.4.1 The draft 2019 Tariff Regulations provides for a special provision for tariff for thermal generating stations which have completed 25 years of operation in 'Chapter 7 - Computation of Additional Capital Expenditure'. The Regulation provides that the generating company and the beneficiary may agree on an arrangement where the total generation cost inclusive of the fixed cost and the variable cost shall be payable on scheduled generation.

6.4.2 In the draft 2019 Tariff Regulations, this Regulation was placed after Regulation pertaining to Renovation and Modernisation (R&M) and Special Allowance which also kicks in only after completion of useful life of the generating station. Considering the fact that the Regulation pertaining to Special Provision for Tariff..... is an optional tariff structure, the same is now placed under Chapter 4- Tariff Structure

6.4.3 One of the stakeholders has suggested to provide clarity in the Regulation, about whether the Merit Order Dispatch (MOD) would operate on the total cost inclusive of both the fixed cost and variable cost or otherwise. If MOD is to be considered based on total cost, it is possible that the generation from the unit may not get dispatch due to higher cost. As a result, the generating station will not be entitled for any tariff.

6.4.4 The Commission after reviewing the comments has decided to revise the Regulation to bring in the desired clarity. The objective the Regulation was to introduce an enabling provision, where the recovery of both capacity charges and energy charges shall be linked to scheduled generation. Further, this provision is only optional, which may be exercised after completion of useful life of a thermal generating station, if both the beneficiary and the generating company agree. Accordingly, the Regulation has been-mended to state that the generating company and the beneficiary may agree on an arrangement, including provisions for target availability and incentive, where in addition to the energy charge, capacity charges determined under these regulations shall also be recovered based on scheduled generation.”

34. We are not inclined to accept the above contention of the Respondent on the following counts:

- (1)The judgement of the Hon’ble Supreme Court Judgment passed by Constitution Bench in **PTC India Ltd Vs Central Electricity Regulatory Commission & Ors. 2010 4 SCC 603** has laid down the principle of law whereby any provision of an agreement has to be aligned with the Regulations, the

subordinate legislation, if it falls under the domain of the Regulation. The provisions of any PPA cannot be derogatory to the Tariff Regulations as also the life of any Generating Station defined under these Regulations.

(2) Further, any extension to the useful life of a generating station can only be granted by the Appropriate Commission and cannot be extended by the Central Government through an executive order.

(3) Para 3.5 is regarding Renovation & Modernisation of a Generating Station or a Transmission Line thereby increasing the efficiency and life of the plant. However, for such an activity the consent of beneficiaries is must. In the present case, there is no such proposal moved by the Respondent no. 2 before the completion of 25 years or when the matter was heard except the ECS unit which is installed for the purpose of compliance of environment norms and not for increasing the life of the Plant. Further, it has resulted into increase in tariff and not in its reduction.

(4) Further, para 6.4 of the Statement & Reasons in no way suggests that the ruling under the cited Judgment of the Hon'ble Supreme Court is not applicable in the present case.

**35.** We also decline to accept the contention of the Respondent No. 2 that Regulation 17 is a Generic provision, as the provision has been introduced for the first time and is applicable only under special condition that the Generating Station completes 25 years of operation from COD.

**36.** Our attention was further invited on the principle that the Regulatory Commissions under the Electricity Act do not have any power with regard

to allocation of electricity or for that matter creation of a contract has been settled by the Hon'ble Supreme Court in the case of **Tata Power Company Ltd. vs Reliance Energy Limited (2009) 16 SCC 659**. The Hon'ble Supreme Court has decided that under Section 86 (1) (b) of the Act, the State Commission cannot reallocate the electricity of a generating company from one Distribution company to another by issuing any directions. By the very same principle, if there is an allocation of electricity, the Regulatory Commission cannot direct the reallocation or de-allocation or cancellation thereof, particularly when the PPA between the parties subsists.

**37.** To our mind, it is clear that there was no dispute on whether the allocation or de-allocation of power from the Central Generating Stations (CGS) is vested upon the Central Government. All agreed that the power of allocation or de-allocation is vested with the Central Government but such power doesn't provide any delegation of power to the Central Government for extension of the life of Generating Station through an order for allocation, re-allocation or de-allocation of power and in case the useful life of a generating station is completed, further, extension of life can be extended by the Central Commission for CGS. In case the life for a CGS is extended by Central Commission, the allocation and de-allocation will be made as per the orders of the Central Government.

**38.** The judgement passed by Hon'ble Supreme Court of India, in CLP India Limited v GUVNL (2020) 5 SCC 185, was also relied upon by the Appellant, however the Respondent submitted that the Judgement also confirms the position that if a clause in an agreement is in variation to a statutory notification, the statutory notification would prevail. Added further that there is no conflict, and it is possible to read Regulation 17 in a harmonious manner.

**39.** The contention of the Respondent that the powers of the Central Government for allocation and de-allocation of power from CGS are exercised under Article 73 of the Constitution as such cannot be overridden by any Statutory Laws as the Tariff Regulations, 2019 need further deliberation.

**40.** Mr. Tushar Mehta submitted that the allocation of power from Central Sector Generating Companies has been, is, and continues to remain with the Ministry of Power (**'MoP'**), Government of India (**'Gol'**) to be exercised under Article 73 of the Constitution of India. The power of allocation and de-allocation has not been vested either by framing a law or by any rules by the Central Government, in any other authority. As such, the Regulations cannot possibly be read as being inconsistent with the exercise of power by the Gol under Article 73 of the Constitution of India. In any event, the question of the Regulations over-riding the exercise of constitutional powers does not arise.

**41.** It was, further, added that Allocation of power is a sovereign function which vests solely in the jurisdiction of the Central Government and has not been delegated to any authority under the Electricity Act and previous enactments. By virtue of Article 73 of the Constitution of India, dealing with 'the extent of the executive power of the Union', the power stands extended to all matters with respect to which the Parliament has the power to make laws. Therefore, Tariff Regulations cannot be interpreted to overreach the power of the Central Government.

**42.** Before, the above submission of the Respondent is considered, it is important to note that Article 73 of the Constitution provides that the

executive powers of the Union shall extend to matters with respect to which the Parliament has power to make laws. Article 73 is as under:

*“73. Extent of executive power of the Union. - (1) Subject to the provisions of this Constitution, the executive power of the Union shall extend –*

*(a) to the matters with respect to which Parliament has power to make laws; and*

*(b) to the exercise of such rights, authority and jurisdiction as are exercisable by the Government of India by virtue of any treaty or agreement:*

*Provided that the executive power referred to in sub-clause (a) shall not, save as expressly provided in this Constitution or in any law made by Parliament, extend in any State to matters with respect to which the Legislature of the State has also power to make laws.*

*(2) Until otherwise provided by Parliament, a State and any officer or authority of a State may, notwithstanding anything in this article, continue to exercise in matters with respect to which Parliament has power to make laws for that State such executive power or functions as the State or officer or authority thereof could exercise immediately before the commencement of this Constitution”*

43. Hon'ble Supreme Court in the case of ***Rai Sahib Ram Jawaya Kapur v. State of Punjab, (1955) 2 SCR 225*** while dealing with the executive powers of the Union and State under the Constitution as covered under Article 73 (for Central Government) and Article 162 (for State Government) has held as under: -

*“7. Article 73 of the Constitution relates to the executive powers of the Union, while the corresponding provision in regard to the executive powers of a State is contained in Article 162.*

...

*Thus under this article the executive authority of the State is exclusive in respect to matters enumerated in List II of Seventh Schedule. The authority also extends to the Concurrent List*

except as provided in the Constitution itself or in any law passed by Parliament. Similarly, Article 73 provides that the executive powers of the Union shall extend to matters with respect to which Parliament has power to make laws and to the exercise of such rights, authority and jurisdiction as are exercisable by the Government of India by virtue of any treaty or any agreement. The proviso engrafted on clause (1) further lays down that although with regard to the matters in the Concurrent List the executive authority shall be ordinarily left to the State it would be open to Parliament to provide that in exceptional cases the executive power of the Union shall extend to these matters also. **Neither of these articles contain any definition as to what the executive function is and what activities would legitimately come within its scope. They are concerned primarily with the distribution of the executive power between the Union on the one hand and the States on the other. They do not mean, as Mr Pathak seems to suggest, that it is only when Parliament or the State Legislature has legislated on certain items appertaining to their respective lists, that the Union or the State executive, as the case may be, can proceed to function in respect to them**

...

**12. It may not be possible to frame an exhaustive definition of what executive function means and implies. Ordinarily the executive power connotes the residue of governmental functions that remain after legislative and judicial functions are taken away. The Indian Constitution has not indeed recognised the doctrine of separation of powers in its absolute rigidity but the functions of the different parts or branches of the Government have been sufficiently differentiated and consequently it can very well be said that our Constitution does not contemplate assumption, by one organ or part of the State, of functions that essentially belong to another. The executive indeed can exercise the powers of departmental or subordinate legislation when such powers are delegated to it by the legislature. It can also, when so empowered, exercise judicial functions in a limited way. The executive Government, however, can never go against the provisions of the Constitution or of any law. This is clear from the provisions of Article 154 of the Constitution but, as we have already stated, it does not follow from this that in order to enable the executive to function there must be a law already in existence**

*and that the powers of the executive are limited merely to the carrying out of these laws.”*

**[Emphasis Supplied]**

44. Further, the Hon'ble Supreme Court in **Satya Narain Shukla v. Union of India, (2006) 9 SCC 69 [Para. 16]**, while relying on the ratio in **Rai Sahib Ram Jawaya Kapur (Supra)** has held that:

**“16. It is now well established that the Central Government's executive power extends to the same subjects and to the same extent as that of Parliament, as long as it does not infringe any provision of any law made by Parliament or of the Constitution. In Rai Sahib Ram Jawaya Kapur v. State of Punjab [(1955) 2 SCR 225 : AIR 1955 SC 549] this Court has observed (vide AIR para 12): (SCR pp. 235-36)…”**

**[Emphasis Supplied]**

45. Therefore, the contentions of the Respondent are misplaced in the light of the two judgements as quoted above which clearly provides that the Central Government can exercise the powers to issue executive orders under 73 only on subjects which does not encroach upon the provisions of any law made by the Parliament. In the present case, the Electricity Act, 2003 vests the powers of formulating and notifying the Tariff Regulations with the Central Commission as such any executive order issued by the Central Government infringing any provisions of either the Electricity Act, 2003 or the Tariff Regulations, 2019 is bad in law.

46. We are inclined to accept the submission made by the Appellant that even if the allocation by Central Government is an executive action and not the guidelines/ advisories, it cannot infringe the provisions of the Electricity Act and the Regulations framed thereunder. The Central Government has

no role in framing Rules or passing policy directions regarding the tariff determination exercise.

47. Therefore, the allocation or de-allocation of power by the Central Government can best be considered as guidelines or advisory. Further, the Hon'ble Supreme Court of India in *Bhim Singhji v. Union of India*, (1981) 1 SCC 166 has ruled that once a statute provides for a specific remedy then the same cannot be made subject to an alternate mechanism provided under a Guideline. The Appellant submitted that MoP Guidelines are merely administrative advisories and cannot override, alter or amend the statutory Tariff Regulations, 2019. Reliance was further placed on: -

- (i) ***State of Haryana v. Mahender Singh*, (2007) 13 SCC 606**
- (ii) ***J. Fernandez v. State of Mysore & Ors.*, AIR 1967 SC 1753**

48. We are of the firm opinion that the provisions of the PPA or SPPA, as in the present case, have to be aligned with the Tariff Regulations, 2019 and cannot be in derogation to the Regulations. As such answer to second question under para 26(2) is '**Negative**', i.e. the provisions contained under PPA & SSPA and the Guidelines issued by Government of India on allocation or deallocation of power cannot override the provisions contained in the Tariff Regulations, 2019.

49. NTPC further submitted that:

- a. The relevant clause was added in the SPPA on the insistence of the Appellants since they were aware that several of the generating stations had completed or were about to complete 25 years from commercial operation and the Appellants wished to continue the power purchase in several of the older

generating stations from which it has been allocated power by the MoP. The SPPA therefore linked the power purchase 'till the end of life of *the respective station considered in the tariff orders or Regulations issued by CERC or GOI allocations whichever is later.*'

- b. With the due execution of the SPPA dated 29.03.2012, the duration of the PPA of all Generating Stations covered by the said SPPA was extended when the same was voluntarily signed and duly agreed to by the Appellants without any reservations or conditions.
- c. It is respectfully submitted that there is a valid, subsisting, binding PPA till the de-allocation of power by the Central Government, even if, in terms of the tariff orders and/or Regulation 17 of the Tariff Regulations, 2019, the impugned order has decided that there could be termination of the PPA at the end of 25 years from the commercial operation date. It is also pertinent that the same Tariff Regulations, 2019 recognizes and provides a statutory effect to the Central Government allocation and terms thereof, as more fully dealt hereunder.

**50.** The SPPA was signed prior to notification of the Tariff Regulations, 2019. CERC notified the Tariff Regulation, 2014 after the signing of the SPPA, however, such a provision was not introduced, it is only in Tariff Regulation, 2019, this provision for 'EXIT' has been introduced and that to without any condition therein. Further, it cannot be accepted that CERC was not aware of such a provision is contained in the PPA/SPPA. As such any provision contained in PPA or SPPA which is not consistent with the

Tariff Regulations, 2019 has to be aligned and cannot have overreaching effect over the Tariff Regulations.

**51.** Therefore, we decline the above contention of the Respondent (as indicated in para 49) as discussed in the foregoing paragraphs wherein it has been made clear that the PPA and SPPA are to be aligned with the Tariff Regulations, 2019 and any provision of the PPA/SSPA infringing the provision contained in the Tariff Regulations, 2019 have to be succeeded by the provision contained in the Regulations. Therefore, the provision contained under para (A) of SPPA mandating “till the end of life of the respective station considered in the tariff orders or Regulations issued by CERC or GOI allocations whichever is later.” have to be amended in line with the Tariff Regulations, 2019.

**52.** The Respondent No. 2 has further invited our attention towards Regulations 3(8)(definition of ‘beneficiary’), Regulation 42(‘Computation and Payment of Capacity Charge for Thermal Generating Stations:’) and Regulation 55 (‘Billing and Payment of charges:’).

**53.** We are not inclined to accept the above contention of the Respondent as Regulation 17 is a special provision and provisions contained under Regulation 42 and Regulation 55 can kick in only when the agreement continues beyond 25 years. In case the beneficiary invokes the provision under Regulation 17(2) to exit from the agreement, the provision contained under Regulations 42 & 55 shall become redundant.

**54.** Now the first question under para 26(1) has to be dealt with to resolve the dispute. The first question is “Whether the beneficiaries can relinquish the PPA/SPPA after the completion of useful life of 25 years from

the COD of the Dadri-I Generating Station under Regulation 17 of the Tariff Regulations, 2019?”. If the answer to this is “Affirmative” the Appeals will have merit.

55. The Regulation 17 is again quoted here for ease of reference:

***“17. Special Provisions for Tariff for Thermal Generating Station which have Completed 25 Years of Operation from Date of Commercial Operation:***

*(1) In respect of a thermal generating station that has completed 25 years of operation from the date of commercial operation, the generating company and the beneficiary may agree on an arrangement, including provisions for target availability and incentive, where in addition to the energy charge, capacity charges determined under these regulations shall also be recovered based on scheduled generation.*

*(2) The beneficiary shall have the first right of refusal and upon its refusal to enter into an arrangement as above, the generating company shall be free to sell the electricity generated from such station in a manner as it deems fit.*

56. It can be interpreted by simple reading of the Regulation that the Regulation will become applicable only once a Generating Station completes 25 years of operation from the COD, the period equivalent to the “Useful Life” as defined in these Regulations. The Regulation 3 provides the definition of “Useful Life” and the “Extended Life” of the Generating Station as:

***(24) ‘Extended Life’ means the life of a generating station or unit thereof or transmission system or element thereof beyond the period of useful life, as may be determined by the Commission on case-to-case basis;”***

-----

(73) **'Useful Life'** in relation to a unit of a generating station, integrated mines, transmission system and communication system from the date of commercial operation shall mean the following:

(a) Coal/Lignite based thermal generating station 25 years

(b) Gas/Liquid fuel based thermal generating station 25 years

-----  
**Provided that the extension of life of the projects beyond the completion of their useful life shall be decided by the Commission on case to case basis;**

57. There is no dispute that the 25 years of operation from COD or the Useful Life of the said Generating Station: Dadri-I has been completed on 30.11.2020, and as such, Regulation 17 is relevant and applicable for Dadri-I. Further, the Central Commission, vested with the powers to extend the life of the Station, has not extended the life under the provisions of the Tariff Regulations, 2019.

58. It may also be noted here that the Tariff Regulations, 2019 shall be applicable to all Generating Stations as covered by Regulation 2 and as such any provision contained in these Regulations shall be applicable to Dadri-I. Relevant extract from Regulation 2 is reproduced below.

*“These regulations shall apply in all cases where tariff for a generating station or a unit thereof and a transmission system or an element thereof is required to be determined by the Commission under section 62 of the Act read with section 79 thereof.”*

59. Therefore, in line with Regulation 17(1), in the instant case, on completion of 25 years of operation from the COD. i.e., 30.11.2020, the generating company and the beneficiary may agree on an arrangement, including provisions for target availability and incentive, where in addition to the energy charge, capacity charges determined under these

regulations shall also be recovered based on scheduled generation. The Appellant vide letter dated 23.11.2020 requested the Respondent no. 2, the Generating Company (NTPC) for a suitable arrangement in terms of Regulation 17(1) of the Tariff Regulations, 2019 for procurement of power from Dadri-I, as soon as possible and in any event prior to the completion of 25 years from the COD i.e., 30.11.2020.

**60.** As no response was received from NTPC, the Appellant, vide letter dated 30.11.2020, again informed the NTPC that as per the provision contained in Regulation 17 of the Tariff Regulations, 2019, the PPA and SPPA would lapse on 01.12.2020 at 00:00 hrs. i.e., on completion of 25 years from the COD for the Generating Station (Dadri-I), unless a mutually agreed arrangement to extend the supply from Dadri-I is in place, there will be no scheduling of power.

**61.** It is, thus clear that the Appellant invoked the provisions contained under sub-regulation (1) and sub-regulation (2). In pursuant to second letter for non-scheduling of power from Dadri-I, NTPC vide its letter dated 30.11.2020 submitted its response, however, no arrangement was proposed by NTPC. NTPC vide the said letter, in case of BRPL (the Appellant in second captioned Appeal), has stated that: *“the rights and obligations of the parties under the BPSA continues, even after 30.11.2020 and therefore, the purported contention of BRPL of the BPSA (as amended) cease to have effect from 30.11.2020 is not valid, legal or sustainable.”*

**62.** The Appellant by its letter dated 30.11.2020 discontinued scheduling of power from Dadri-I with effect from 01.12.2020 at 00.00 hrs since Dadri-I completed 25-year life term on 30.11.2020, thereby exercising its right of first refusal under Regulation 17(2) of the Tariff Regulations, 2019.

**63.** The Respondent no. 2 submitted that the power under Section 79(1)(a) is only to regulate the tariff. The contractual provisions or otherwise the allocation of power by the Central Government is not vested with the Central Commission. There is no power vested in the Central Commission to either create a contract or provide for exit routes from such contracts under the Electricity Act, 2003. The Central Commission can only interpret the contracts as entered into between the parties, apart from determining the tariff for the supply of electricity.

**64.** It was, further, submitted that the Central Commission while exercising its powers either under Section 79(1) or under Section 178 of the Electricity Act, 2003 cannot give alternates to distribution companies to rescind the allocations made by Gol. The allocation continues to remain a sovereign function and the PPA between the parties contemplates the sale and purchase to continue till the end of the life of the respective station considered in the tariff orders or Regulations issued by the Central Commission or Gol allocation whichever is later.

**65.** The Respondent relied upon the fact that the powers exercised by the Central Government cannot be succeeded by the provisions of the Regulations.

**66.** This issue has already been decided in the foregoing paras and as such we are not satisfied by the submission made by the Respondent No. 2.

**67.** The Respondent no. 2 submitted that if the Central Government can allocate the electricity from the Central Generating Stations, then irrespective of a decision to be taken on the reallocation and de-allocation by the Central Government, the Central Commission cannot provide a

route for de-allocation or cancellation of the allocation under Regulation 17 to exit the PPAs based on such an allocation.

**68.** The allocation of power from CGS can be made only when the Generating Station is under operation. Once the useful life as defined by CERC through Regulation is exhausted, the life can be extended under the provisions of the Regulations by the Central Commission. Regulation 17 is the relevant provision where a process has to be adopted for the determination of tariff for the Generating Station on completion of 25 years from the COD i.e., on continuation of the operation beyond the useful life. It is for this reason that the Central Commission has brought in the Regulation 17 for the first time so that Generating Stations completing their useful life (25 years in this case) can continue to operate under mutual agreement, at the same time providing a route for the beneficiary to exit or terminate the PPA, in case the agreement is not settled on agreed terms.

**69.** CERC vide the impugned order observed that:

*“...neither Regulation 17(1) nor Regulation 17(2) provides for or depends upon any pre-existing agreement between parties for its provisions to kick in. It simply requires that the generating station should have completed 25 years of operation from its COD.”*

**70.** From the above, the Central Commission has interpreted its own Regulation 17, providing that Regulation 17(1) and Regulation 17(2) can be invoked without dependence over pre-existing agreement. The only condition for its implementation is completion of 25 years of operation from COD for the Generating Station.

**71.** It is observed that in case the Regulation 17(2) can be invoked once an arrangement is proposed by the Generating Company and Central Government agree to de-allocate or cancel the allocation against an application made by the Appellant in terms of the MoP Guidelines for the de-allocation to be allowed, then the exercise under Regulation 17 would become redundant and infructuous.

**72.** The Appellant also invited our attention to the comments furnished by the Respondent No. 2 against the Draft Regulations published in December, 2018 by CERC seeking comments of the stakeholders. In January 2019, NTPC submitted its response to Draft Regulation 28 (which came to be renumbered as Regulation 17) stating that:

*“... Discoms also have the first right of refusal to enter into such arrangement. On refusal by Discom to enter into such arrangement, generator shall be free to sell the electricity from the station in open market in manner it deems fit.”*

**73.** Appellant, further, submitted that, NTPC, as evident from the above, has agreed to the vested right of beneficiaries such as the Appellant to seek exit from PPAs. However, contrary to this, the sole contention of NTPC in these Appeals is that Regulation 17 cannot be invoked till the de-allocation of power by the Central Government / GoI and also the beneficiary cannot exit the agreement, the PPA or SPPA, unilaterally. However, this contention is contrary to the express language of the Regulation 17 and contrary to the letter and spirit of the Electricity Act and the settled law that Regulations will have overridden effect over agreement between parties, GOI Allocations and Guidelines which have no statutory backing.

74. From the three agreements signed between the Appellants and the Respondent No. 2, the BPSA, the PPA and the SPPA, provides that the extension of contract between the parties can be carried out by signing the subsequent agreements and the final extension by SPPA. It is clear that allocation of power from different Stations of NTPC by the MoP has translated into a term of the PPA and culminated into a contractual right, which itself is regulated by statutory Regulations. In fact, if the power was to be scheduled by NTPC only in accordance with the allocation, then there was no need for NTPC to enter into a SPPA with the Appellant to extend the term of the PPA post 31.03.2012.

75. The Regulation 17 is a special provision incorporated in the Tariff Regulations, 2019 for the first time and therefore, is a subordinate legislation framed by the CERC under the power conferred to it under Section 178 read with Section 61 of the Electricity Act. Any provision contained therein is a statute specifying a remedy, as such the same cannot be made subject to an alternate mechanism provided under a Guideline. Reliance in this regard is placed on ***Bhim Singhji v. Union of India, (1981) 1 SCC 166.***

76. The allocation or de-allocation orders issued by the Central Government may offer guidance for administrative actions. But they cannot override or curtail the jurisdiction and mandate of CERC to implement its own Regulations. Reliance in this regard is placed on: -

- a) *State of Haryana v. Mahender Singh, (2007) 13 SCC 606*
- b) *G.J. Fernandez v. State of Mysore, (1967) 3 SCR 636*
- c) *Aravali Transmission Service Company Ltd. and Ors. v. Rajasthan Electricity Regulatory Commission and Ors., 2012 SCC Online APTEL 76*

77. After hearing the Ld. Advocates appearing for the Appellants and the Respondents, we are of the opinion that:

- a. The MoP Allocation by letter dated 05.07.1991 including subsequent allocations and the Guidelines dated 22.03.2021 read with clarification dated 05.07.2021 cannot be considered as Executive Orders under Article 73 of the Constitution as the powers for determination of tariff and framing the Tariff Regulations, 2019 are vested with the Central Commission for CGS and therefore, are non-statutory documents.
- b. The provisions of the Tariff Regulations, 2019 have overriding effect on the Contractual Agreements, the PPA and SPPA signed between the Respondent-Generating Station and the Appellants- Delhi Discoms.
- c. The Allocation / De-allocation of power from CGS by the Central Government cannot restrict or infringe the provisions contained under the Tariff Regulations, 2019, especially Regulation 17 which provide an option to the beneficiary Discom- the Appellant to exit the PPA/SPPA on completion of 25 years of operation from the COD for the Generating Station.
- d. Once the provision under Regulation 17(2) is exercised by the Appellant to exit from the agreement, the scheduling of power to the Appellant from the Generating Station deemed to terminated.

**78.** Therefore,

- a. the Guidelines vide letter dated 22.03.2021 issued by Government of India/ MoP cannot override the provisions of the Regulations of the Central Commission.
- b. the beneficiaries can relinquish the PPA/SPPA after the completion of useful life of 25 years from the COD of the Dadri-I Generating Station under Regulation 17 of the Tariff Regulation, 2019.

**79.** We, therefore, opined that the Appellant has the powers to exit the PPA/SPPA signed with the Respondent No. 2 under Regulation 17(2) of the Tariff Regulations, 2019 for Dadri-I Generating Station of NTPC and exercising such power vide letter dated 30.11.2020 is in line with the provision contained under the said Regulation.

**80.** We, further, opined that any Invoices raised by NTPC and paid by the Appellants in protestwith respect to any charges qua Dadri – I Station w.e.f. 01.12.2020have to be set aside and NTPC torefund the entire amount paid with interest at rate specified under the Law.

### **ORDER**

**81.** In light of the above, we are of the considered view that the issues raised in the Appeals have merits and hence must succeed. The impugned order (common order) dated 01.07.2021 in Petition No. 60/MP/2021and Petition No. 65/MP/2021 passed by Central Electricity Regulatory Commission cannot be allowed and is set aside.

**82.** The Appellants are allowed to exit the PPA and SPPA signed with the Respondent No. 2, the NTPC Ltd. in respect of Dadri-I Generating Station from the date (01.12.2020: 00:00 hours) of completion of 25 years of operation from the date of COD.

**83.** NTPC is directed not to raise any Invoices with respect to any charges qua Dadri – I Station w.e.f. 01.12.2020 and the payment made by the Appellants under protest shall be refunded immediately by NTPC along with interest as specified in the PPA/ SPPA.

The appeals are disposed of in above directions.

No order as to costs.

**PRONOUNCED IN THE VIRTUAL COURT THROUGH VIDEO  
CONFERENCING ON THIS 08<sup>th</sup> DAY OF FEBRUARY, 2022.**

**(Sandesh Kumar Sharma)**  
**Technical Member**  
*pr*

**(Justice R.K. Gauba)**  
**Officiating Chairperson**