

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005
Tel. 022 22163964/65/69 Fax 22163976
Email: mercindia@merc.gov.in
Website: www.mercindia.org.in / www.merc.gov.in

CASE NO. 153 of 2016 & MA No. 1 of 2017

Dated: 21 March, 2017

**CORAM: Shri Azeez M. Khan, Member
Shri Deepak Lad, Member**

**In the matter of
Petition of RattanIndia Nasik Power Ltd. under Section 86(1) (c) of the Electricity Act,
2003 read with Regulations 9 and 35 of the MERC (Transmission Open Access)
Regulations, 2016. (Case No. 153 of 2016).**

And

**Miscellaneous Application filed by RattanIndia Nasik Power Ltd. under Section 94 (2) for
directions for supply of power from Sinnar Thermal Power Plant (SPP), using
Transmission Network of Sinnar Power Transmission Co. Ltd.
(MA No. 1 of 2017 in Case No. 153 of 2016).**

RattanIndia Nasik Power Ltd. (RNPL) Petitioner

V/s

- 1) Maharashtra Electricity Transmission Co. Ltd (MSETCL)
- 2) Sinnar Power Transmission Co. Ltd. (SPTCL)
- 3) Maharashtra State Load Dispatch Centre (MSLDC)
- 4) Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)
- 5) Brihanmumbai Electric Supply and Transport (BEST) Respondents

Appearance

For the PetitionerShri Amit Kapur (Adv.)Shri Sameer Darji (Rep.)
For the Respondent 1Shri S. N. Bhopale, CE, STUShri K.Y. Jagtap (Chief Legal Adviser)
For the Respondent 2Shri Tushar Garg (Rep.)
For the Respondent 3 and 4 None

Daily Order

Heard the Advocate of the Petitioner and Representatives of the Respondents.

1. The Petitioner(RNPL) stated that :

- i) Sinnar TPP has a generating capacity of 1350 MW (5x270 MW). On 3.1.2011, RNPL applied to MSETCL for LTOA for evacuation of power from Sinnar TPP. It is proposing to sell 950 MW out of 1350 MW power from Sinnar TPP within the State of Maharashtra, although the long term power procurer is yet to be firm up (The PPA for 650 MW with MSEDCL being held up in litigation , and no PPA having been signed with BEST yet) .
- ii) On 4.1.2011, MSETCL granted provisional LTOA for Transmission Capacity Rights (TCR) of 950 MW to RNPL through the Transmission Network of SPTCL and MSETCL. Accordingly, BPTA was signed on 4.1.2011, between RNPL, MSETCL and SPTCL.
- iii) RNPL referred to the provisions of the BPTA and stated that the long term buyer for 950 MW of power from Sinnar TPP has not been confirmed, and hence no drawal point and drawal entity is specified. The BPTA and Transmission Charges to be paid by RNPL will be effective from the date of injection of power under LTOA from the Sinnar TPP.
- iv) PPA has been signed with MSEDCL for supply of 650 MW power for 25 years. RNPL has also proposed to tie- up for 300 MW power with BEST.
- v) The Commission has approved the PPA between RNPL and MSEDCL vide its Order dated 27.12.2012 in Case No. 53 of 2012. The approval was challenged by Wardha Power Company Limited (WPCL) before the Appellate Tribunal for Electricity (APTEL) in Appeal No. 70 of 2013 on the ground that WPCL was not given an opportunity to participate in the selection process. The APTEL vide its Order dated 10.2.2015 has partly allowed the Appeal filed by WPCL. APTEL directed the Commission to consider the quantum of power offered by WPCL.
- vi) RNPL had filed Appeal No. 14 of 2015 for review of APTEL's Order dated 10.2.2015 in Appeal No. 70 of 2013 , which was dismissed on 18.5.2015. Thereafter, RNPL has filed Civil Appeal Nos. 5731 and 5478 of 2015 before the Supreme Court, which has granted stay. Hence, operationalization of the PPA has been delayed, and RNPL is not in a position to enter into the long-term PPA for supply of power.

- vii) Sinnar TPP has a generating capacity of 1350 MW (5x270 MW). The BPTA is for 950 MW. Other than 950 MW, RNPL has proposed to sell 400 MW power on short-term basis or through other arrangement in accordance with the applicable Regulations to ensure that the Project and assets not remain stranded.
- viii) SPTCL , vide its letter dated 15.07.2016, has informed MSETCL that it will claim only ARR after implementation of the BPTA and supply of power under LTOA , meaning thereby that it will not claim ARR during operation of STOA.
- ix) To a query of the Commission, RNPL stated that test charging of one circuit of the Transmission Line is completed. Unit –I of Sinnar TPP is commissioned in March, 2014. Unit-II is synchronized in March, 2016. RNPL also stated that it has not yet applied to the Nodal Agency (MSLDC) for STOA.
- x) As per Section 39 (2) of the Electricity Act, 2003, it is the duty of STU to ensure development of an efficient, co-ordinated and economical system of Intra State Transmission Lines for smooth flow of electricity from a Generating Station to the load centres.

2. STU stated that :

- i) It has granted LTOA with TCR of 950 MW to RNPL. Subsequently, SPTCL built the Transmission Lines for evacuation of power .Hence, the LTOA granted to RNPL cannot be considered as conditional or provisional. Incremental operationalization of BPTA cannot be permitted to RNPL as it will affect the Transmission Charges payable to the STU Pool Account. Moreover, the entire Annual Revenue Requirement (ARR) of SPTCL will be added to the Total Transmission System Charges (TTSC) of Intra State Transmission System (InSTS), which will be a burden on consumers.
- ii) Though SPTCL is a Respondent, it has not filed its submissions.
- iii) STU has no objection to grant STOA to RNPL for the balance 400 MW subject to following conditions:
 - a) SPTCL should not claim ARR till the operationalization of the BPTA.
 - b) Operation and Maintenance of Transmission Lines should be carried out by SPTCL.
 - c) If SPTCL fails to maintain the Transmission Lines, it should hand over the Transmission Assets to MSETCL.
- iv) SPTCL shall maintain the Transmission Lines from Sinnar TPP to 400 kV Bableshwar sub-station, and onward Transmission Network will be maintained by MSETCL.

3. The Commission observed that one circuit of the Transmission Line is commissioned for evacuation of power from Sinnar TPP. Generation and Transmission Assets will remain stranded if RNPL is not permitted to supply power (surplus 400 MW) from Sinnar TPP under STOA. The utilization of assets would be optimized by allowing corridor for STOA instead of keeping Generation and Transmission Assets stranded. Considering these issues and the circumstances of the matter, RNPL may apply to MSLDC to avail STOA upto the balance 400 MW [T1350 MW - 650(MSEDCL) -300 (BEST)]. MSLDC may consider grant of STOA depending on system conditions and other technical issues such as COD of RNPL's Generating Units and SPTCL's Transmission Lines. Approval of STOA by MSLDC shall be subject to the condition put forth by STU that SPTCL shall not claim ARR and maintain the Lines during the STOA. The Commission notes that SPTCL is also not having such claim.
4. On the issue of allocation of entire 1350 MW of RNPL under STOA, STU requested two weeks' time to file its submission.
5. The Commission directed STU to make its submission within two weeks, with a copy to the parties. Thereafter, RNPL may file its Rejoinder, if any, within a week.

The Case is reserved for Order.

**Sd/-
(Deepak Lad)
Member**

**Sd/-
(Azeez M. Khan)
Member**