



नई दिल्ली
NEW DELHI

याचिका संख्या./ Petition No. 28/MP/2022

कोरम/ Coram:

श्री जिष्णु बरुआ, अध्यक्ष/Shri Jishnu Barua, Chairperson
श्री आई. एस. झा, सदस्य/ Shri I. S. Jha, Member
श्री अरुण गोयल, सदस्य/ Shri Arun Goyal, Member
श्री पी. के. सिंह, सदस्य / Shri P. K. Singh, Member

आदेश दिनांक/ Date of Order: 13th of January, 2024

IN THE MATTER OF:

Petition under Regulation 13 “Power to issue directions” of Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014, read with Regulation 111 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 in the matter of dealing with persistent default in payment of Deviation charges applicable under the CERC (Deviation Settlement Mechanism and related matters) Regulations 2014 and Regulation 40 “Removal of Difficulty” of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2019 by regional entities and other associated issues.

AND IN THE MATTER OF:

National Load Despatch Centre,
Power System Operation Corporation Limited,
B-9, Qutub Institutional Area, Katwaria Sarai,
New Delhi 110016

...Petitioner

Versus

1. Gujarat State Load Despatch Centre,
GETCO, Gotri,
Vadodara-390 021
2. Madhya Pradesh State Load Despatch Centre,
MPPTCL, Nayagaon, Rampur,
Jabalpur, 482008, MP
3. Chhattisgarh State Load Despatch Centre,
C.S. Power Distribution Company Limited,
Danganiya, Raipur- 492013
4. Maharashtra State Load Despatch Centre,
Maharashtra State Electricity Transmission Co. Limited,
Kalwa, Thane-Belapur Road, Airoli,
Navi Mumbai 400 708
5. Goa Electricity Department,
Vidyut Bhavan, 3rd Floor,
Panaji, Goa- 403 001.
6. Electricity Department, Daman & Diu,
OIDC Corporate office, Plot no. 35,
Somnath,Daman-396210.
7. DNH Distribution Corporation Limited,
First floor, Vidhut Bhavan,
Opp Secretariat, Silvassa-396230.
8. WRTS-I (HVDC Bhadrawati, Champa, Vindhyaachal & Raigarh),
Power Grid Corporation of India Limited ,
P O Uppalwadi Sampritinagar,
Nagpur 440 026.
9. ArcelorMittal Nippon Steel India Limited,
Ms. AMNSIL, Hazira, 27th km, Surat Hazira Road,
Surat-394270 Gujarat.
10. NTPC Limited,
Samruddhi Trade Complex, 2nd floor,
MIDC, Marol,
Andheri (E), Mumbai-400 093.

11. NTPC-SAIL Power Company Limited,
NSPCL, 15, NBCC Tower,
Bhikaji Cama Place,
New Delhi-110066.
12. Ratnagiri Gas and Power Private Limited,
PO: Anjanvel, Taluka: Guhaghar
Disstt: Ratnagiri (Maharashtra) - Pin 415703
13. Coastal Gujrat Power Limited,
Tunda Vandh Road,
Tunda village, Mundra,
Kutch, Gujarat-370435.
14. M/s Sasan Power Limited,
Reliance Centre, Near Prabhat Colony,
Off. Western Express Highway,
Santacruz (E), Mumbai-400055.
15. Jindal Power Limited,
O.P Jindal Super Thermal Power Plant,
Village PO:TAMNAR
Tehsil Gharghoda,
Dist : Raigarh (Chhattisgarh) 496107
16. Dongamahua Captive Power Plant,
DCPP JSPL, Dongamahua captive power plant (4*135 MW),
Dhaurabhata(PO),
Raigarh-496107 (CG).
17. LANCO Amarkantak Power Private Limited,
Plot No. 397, Phase-III,
Udyog Vihar, Gurgaon- 122016,
Haryana
18. ACB India Limited,
2*135 MW Kasaipali Power Project,
Kasaipali, P.O.- Jawali,
Tehsil- Katghora, Korba,
Chhatisgarh-495445.
19. Bharat Aluminium Co. Ltd (BALCO),
P.O. Balco Nagar, Distt. Korba,

Chhattisgarh-495684.

20. KSK Mahanadi Power Co. Limited,
8-2-293/82/A/431/A,
Road no 22, Jubilee hills,
Hyderabad-500033.
21. Essar Power MP Limited,
Thana road, Near Chunkumari stadium,
Waidhan, Dist. Singrauli (MP)-486886
22. MB POWER limited,
Hotel Govindam, Kotma road,
Anuppur, MP-484224.
23. M/s Torrent Energy Limited,
DGEN Mega power project,
Plot no Z-9, Dahej SEZ area (Eastern side),
Taluka Vagra, Distt
Bharuch-392130 Gujrat
24. Jaypee Nigrie Super Thermal Power Project,
(A Unit of Jaiprakash Power Ventures Limited)
Vill- Nigrie, Tehsil- Sarai
Distt.- Singrauli, MP-486669.
25. GMR Warora Energy Limited,
B1, MIDC, Growth centre,
Warora-post Chandrapur-dist,
Maharashtra-442907.
26. M/s Raigarh Energy Generation,
Adani Corporate House, Shantigram,
S G Highway, Ahmedbad 382421 Gujrat.
27. M/s D B Power Limited,
3rd floor, Naman corporate link,
C-31, G-block, BKC Bandra
East Mumbai-400051.
28. RKM Powergen Private Limited,
Village Uchpinda, PO Dhurkot,
Via Chandrapur, Tehsil- Dabra,

Janjgir-Champa dist,
Chhattisgarh-495692.

29. M/s. Raipur Energen Ltd
(Formerly GMR Chhattisgarh)
Adani Corporate House, Shantigram,
S G Highway, Ahmedabad 382421 Gujrat.
30. Dhariwal Infrastruture Limited,
C-6, Tadali Growth centre,
MIDC Tadali, Dist Chandrapur,
Maharashtra-442406
31. Jhabua power Limited,
Vill. Berela, post Attariya,
Tehsil Ghansore,
Dist-Seoni-480997 (MP).
32. TRN Energy Limited,
18, Vasant enclave,
Rao Tula Ram Marg,
New Delhi -110057
33. M/s SKS Power Generation Limited,
501B Elegant Business Park,
Andheri Kurla Road,
J.B. Nagar, Mumbai-400059
34. BARC-NRB-Tarapur,
Ghivali Taluka, Dist. Palghar,
Pin No. 401 502.
35. Kakrapar Atmoic Power Project
3&4, PO: Anumala,
Dist: Surat, Gujarat-394651
36. Mahindra Renewables Private Limited,
RUMS, Deputy Manager,
Mahindra Towers, Dr. G.M Bhosale Marg,
P.K Kurne Chowk, Worli, Mumbai-400018.
37. Arinsun Clean Energy Private Limited,
RUMS, Construction Manager, Unit-3,

ACEPL, Rewa Ultra Mega Solar Plant,
Gurh Tehsil, Dist. Rewa, MP-486553

38. ACME Jaipur Solar Power Private Limited,
RUMS, Senior Manager,
Plot No 152, Sector-44,
Gurgaon-122002, Haryana
39. OSTRO Kutch Wind Private Limited,
Unit No G-0, Mira Corporate Suites,
1&2 Iswar Industrial Estate,
Mathura Road, New Delhi-110065
40. ReNew Power Limited,
Commercial Block 1 Zone 6,
Golf Race Course Road,
DLF City Phase V,
Haryana Gurugram -122009
41. Green Infra Wind Energy Limited,
II -5th Floor Tower C,
Building-8, DLF Cyber City,
Haryana Gurugram 12200
42. Green Infra Wind Energy Limited,
III -5th Floor Tower C,
Building-8, DLF Cyber City,
Haryana Gurugram 122002
43. Inox Wind Infrastructure Services Limited,
Dayapara, Kutch,
Gujarat – 370625
44. Continuum Power Trading (TN) Private Limited,
102, El Tara Building, Orchard Avenue,
Hiranandani, Powai, Mumbai, Maharashtra-400076
45. Adani Wind Energy Kutchh One Limited,
Adani Corporate House, Shantigram,
Nr. Vaishno Devi Circle, S G Highway,
Khodiyar, Ahmedabad, Gujarat-382421.
46. Adani Wind Energy Kutchh Three Limited,

Adani Corporate House, Shantigram,
Nr. Vaishno Devi Circle, S G Highway,
Khodiyar, Ahmedabad, Gujarat-382421

47. Adani Wind Energy Kutchh Five Limited,
Adani Corporate House, Shantigram,
Nr. Vaishno Devi Circle, S G Highway,
Khodiyar, Ahmedabad, Gujarat-382421
48. Alfanar Energy Private Limited,
4, 419-424, JMD Megapolis,
Sector 48, Sohana Road,
Gurgaon, Haryana, 122002
49. Renew Wind Energy
AP2 SECI-III, A/806,
Premium House, Near Ghandhi Railway Station,
Ashram Road, Ahmedabad, Gujarat-380009
50. Gujarat Industries Power Company Limited,
Ranoli, Dist: Vadodara, Gujarat – 391350
51. Electro Solaire Private Limited,
Office-203, Level 2, Pentagon-3,
Magarpatta City, Hadapsar,
Pune-411013, Maharashtra.
52. Tata Power Renewable Energy Limited,
Corporate Centre, 34, Sant Tukaram Road,
Carnac Bunder, Mumbai – 400009, Maharashtra
53. Bihar State Power Holding Corporation Limited,
Vidyut Bhavan, Bailey Road,
Patna, Bihar 800021.
54. Jharkhand Bijli Vitran Nigam Limited,
Engineering Building, HEC Complex,
Dhurwa, Ranchi 834 004.
55. Damodar Valley Corporation,
DVC Tower, VIP Road, Kolkata,
West Bengal 700054.

56. Grid Corporation of Orissa Limited,
4th Floor, Vidyut Bhavan, Shaheed Nagar,
Bhubaneswar 751 007.
57. Power Deptt., Govt. of Sikkim,
Deptt. of Power, Govt. of Sikkim,
Arithang, East District, NH-31A,
DPH Road, Gangtok 737 101.
58. West Bengal State Electricity Transmission Company Limited,
SLDC, Andul Road., Danesh Seikh Lane,
Howrah 711109.
59. Power Grid Corporation Of India Limited,
PowerGrid RHQ, ER – I, Board Colony,
Bailey Road, Shastri Nagar,
Patna 800023.
60. NTPC Vidyut Vyapar Nigam Limited,
NVVN Limited, 7th Floor, Core-3,
SCOPE Complex, 7 Institutional Area,
Lodhi Road, New Delhi-110003.
61. Power Grid Corporation Of India Limited,
RHQ, ERTS-II, CF-17, Action Area-1C,
New Town, Kolkata,
West Bengal 700156.
62. NTPC Limited, Eastern Region Head Quarters,
Lok Nayak Jaiprakash Bhawan (2nd Floor) Fraser Road,
Dak Bunglow chawk Patna,
Bihar 800 001.
63. NHPC Limited, Commercial Division,
NHPC Complex, Sector – 33,
Faridabad Pin – 121 003.
64. Maithon Power Limited,
Tata Power, Maithon Office MA-5 Gonga,
PO – Maithon Dam, Dist – Dhanbad, Pin 828207.
65. GATI Infrastructure Private Limited,
Plot No. KH 14/19/02 Old Delhi, Gurgaon Road,

Samalkha, New Delhi 110037.

66. Adhunik Power & Natural Resource Limited,
Padampur, Kandra, Tata-Seraikela Road,
Jharkhand 832105.
67. GMR Kamalanga Energy Limited,
Kamalanga, Dhenkanal, Odisha 759121.
68. Jindal India Thermal Power Limited,
Plot No.12, Local Shopping Complex,
Sector-B1, Vasant Kunj, New Delhi 110070.
69. Tata Power Trading Company Limited,
B12 & 13, 2nd floor, Shatabdi Bhavan,
Sector 4, Noida (UP) Pin 201 301
70. Dans Energy Private Limited,
5th Floor, DLF Building No. 8,
Tower C, DLF Cyber City,
Phase – II, Gurgaon, Haryana 122002.
71. Bharatiya Rail Bijlee Company Limited,
Nabinagar, H-Type office PO-Pirouta,
Khera Police Station, Aurangabad,
Bihar 824303.
72. Teesta Urja Limited (Teesta -III HEP),
Bhikaji Cama Bhawan, 6th Floor, 604,
Bhikaji Cama Place, New Delhi 110 066.
73. Sneha Kinetic Power Project Private Limited,
Greenko Group Sneha Kinetic Power Projects Private Limited,
Corporate Office: # 1071, Road No. 44,
Jublilee hills, Hyderabad 500 033.
74. Shiga Energy Private Limited,
5th Floor, DLF Building No.8,
Cyber City, Tower C, Phase-II,
Gurgaon, Haryana 122002.
75. Nabinagar Power Generation Corporation Limited
(Wholly owned subsidiary of NTPC Ltd)

Location: Shivanpur, P.O.-Ankorha,
Dist.-Aurangabad, Bihar, PIN 824 303.

76. Rongnichu Hydro Electric Project,
3rd Floor, Vanijya Bhavan, Devendra Nagar,
Raipur, Chhatisgarh - 492001.
77. Kanti Bijlee Utpadan Nigam Limited,
MTPS-Stg-II, Muzaffarpur Thermal Power Station
PO: Kanti Thermal, Dist. Muzaffarpur,
Bihar-843 130
78. The Chairman, UPPCL,
Uttar Pradesh Power Corporation Limited,
Shakti Bhawan, 14-Ashok Marg, Lucknow-226001
79. Development Commissioner,
Power Development Department UT J&K,
Lottery building Behind Civil Secretariat,
Srinagar, Jammu and Kashmir.
80. Managing Director, JKPCL,
SLDC Building, Ist Floor Gladni Grid Station,
Nanval Bala. Jammu-180 004
81. CMD, Rajasthan Rajya Vidyut Prasaran Nigam Limited,
Vidyut Bhawan, Vidyut Marg, Jaipur-302005
82. Chairman, RUVNL,
RUVNL, Vidyut Bhawan,
Janpath, Jyoti Nagar,
Jaipur- 302005, Rajasthan
83. CMD, Punjab State Transmission Corporation Limited,
PSEB Head Office The Mall,
Patiala-147 001
84. Managing Director, Haryana Vidyut Prasaran Nigam Limited,
Shakti Bhawan, Sector-6, Panchkula-134109
85. Chief Engineer, Haryana Power Purchase Center,
Room No-308, Shakti Bhawan,
Sector-6 Panchkula-134109, Haryana

86. CMD, Delhi Transco Limited,
Shakti Sadan, Kotla Road,
New Delhi-110 002
87. Chairman, Himachal Pradesh State Electricity Board Limited,
Kumar House, Vidyut Bhawan,
Shimla-171004
88. SE SLDC, Himachal Pradesh Load Society,
Totu, Shimla-171 011, Himachal Pradesh
89. Managing Director, Power Transmission Corporation of Uttarakhand Limited,
7-B, Lane No-1, Vasant Vihar Enclave,
Dehradun - 248 001.
90. Managing Director, Uttarakhand Power Corporation Limited,
Kanwli Road, Urja Bhawan, Dehradun-248001, Uttarakhand
91. Chief Engineer, Electricity Department,
UT Chandigarh, Sector 9-D,
UT Chandigarh-160019
92. Chief Electrical Engineer, North Central Railway General Manager Office,
Subedarganj Uttar Madhya Railway,
Allahabad, UP- 211011.
93. The DGM, Electrical, National Fertilizers Limited,
District:- Ropar, Naya Nangal 140124, Punjab.
94. Chief General Manager, PGCIL Kurukshetra (± 800 KV HVDC Inter Connector Project)
V.P.O. Bhadson, Opp Piccadily Sugar Mill,
Tehsil INDRI, District Karnal-132117 (Haryana)
95. Senior DGM, PGCIL Bhiwadi HVDC (± 500 KV),
4th Km Mile Stone, Bhiwadi- Alwar Bye-Pass Road,
P.O. Khijuriwas, Distt. Alwar, (Rajasthan)-301018.
96. General Manage, PGCIL,
Dadri HVDC (± 500 KV),
PO-Vidyut Nagar,
Distt: Gautambuddh Nagar (U.P.)-201008.

97. Senior GM, PGCIL,
Agra HVDC Terminal 765/400/220 KV,
Sub-Station, 6 KM, Mile Stone,
Shamshabad Road, P.O. Shyamo,
Agra-283125 (U.P.)
98. Senior DGM, PGCIL,
Ballia HVDC (± 500 KV) Sub-Station,
Village & Post: Ibrahimatti, (via Krihirapur),
Tehsil: Belthra Road,
Distt: - Ballia (U.P.) Pin-221716.
99. General Manager, PGCIL
Rihand HVDC Station,
Inside NTPC Rihand Plant Premises,
P.O-Bijpur Distt: Sonebhadra, (U.P.) Pin-231223.
100. CMD, Punjab State Power Corporation Limited
The Mall, Patiala-147001, Punjab
101. General Manager, Singrauli Super Thermal Power Station,
NTPC, Shakti Nagar, UP- 231222
102. General Manager, Singrauli Solar PV Power Project,
NTPC, Shakti Nagar, UP-231222
103. General Manager, Singrauli Small Hydro Power Project,
NTPC, Shakti Nagar, UP-231222
104. General Manager, Rihand Super Thermal Power Station-I,
NTPC, Rihand Nagar, UP-231223
105. General Manager, Rihand Super Thermal Power Station-II,
NTPC, Rihand Nagar, UP-231223
106. General Manager, Rihand Super Thermal Power Station-III,
NTPC, Rihand Nagar, Dist-Sonbhadra, UP – 231223
107. General Manager, Dadri, National Capital Power Project,
Dadri Dhaulana Road, Distt. Gautam Buddh Nagar, UP-201008
108. General Manager, Dadri – Stage - II, National Capital Power Project,
NTPC, Dadri Dhaulana Road, Distt. GautamBuddh Nagar, UP-201008

109. General Manager, Firoz Gandhi Unchahar Thermal Power Project-I, NTPC, P.O. Unchahar, Distt. Raibareilly, UP-229406
110. General Manager, Firoz Gandhi Unchahar Thermal Power Project-II, NTPC, P.O. Unchahar,,Distt. Raibareilly, UP-229406
111. General Manager, Firoz Gandhi Unchahar Thermal Power Project-III, NTPC, P.O. Unchahar, Distt. Raibareilly, UP-229406
112. General Manager, Firoz Gandhi Unchahar Thermal Power Project-IV, NTPC, P.O. Unchahar, Dist.: Raibareilly, UP-229406
113. General Manager, Firoz Gandhi Unchahar Solar PV Power Project, NTPC, Unchahar, Distt. Raibareilly, UP
114. General Manager, Dadri Gas Power Project, NTPC, Dhaulana Road, Distt. Gautam Buddh Nagar, UP-201008
115. General Manager, Dadri Solar PV Power Project, NTPC, Dhaulana Road, Distt. Gautam Buddh Nagar, UP-201008
116. General Manager, Auraiya Gas Power Project(Gas Fired, RLNG Fired, Liquid Fired), NTPC, Dibiyapur, Distt Etawah, UP-206244
117. General Manager, Anta Gas Power Project (Gas Fired, RLNG Fired, Liquid Fired), NTPC, Distt. Baran, Rajasthan-325209
118. General Manager, Koldam HPP NTPC, Post- Barman, Dist- Bilaspur, Himachal Pradesh 174013
119. General Manager (T.S.), Tanda Stage II NTPC Limited, PO- Vidyut Nagar, Dist Ambedkar Nagar, Uttar Pradesh-224238
120. Sr. Manager (Operation), Auraiya Solar Power Plant NTPC Limited, EEMG Department, P.O. Dibiyapur-Auraiya, Uttar Pradesh-206244
121. Station Director, Narora Atomic Power Station, NPCIL, Narora, Distt. Bulandshahar, UP-202389
122. Station Director, Rajasthan Atomic Power Station-B, NPCIL, Rawatbhata, PO- Anu Shakti Vihar, Kota, Rajasthan-323303

123. Station Director, Rajasthan Atomic Power Station-C,
NPCIL, (RAPS-5&6) NPCIL Rawatbhata, PO-Anushakti Vihar, Kota, Rajasthan-323303
124. Station Director, RAPP-7&8,
NPCIL, Post : ANUSHAKTI, Rawatbhata via KOTA, Rajasthan-323307
125. General Manager, Bairasiul Hydro Electric Project,
NHPC Limited , Surangini, Distt. Chamba, HP-176317
126. General Manager, Salal Hydro Electric Project,
NHPC Limited, Jyotipuram, Distt. Udhampur, J&K-182312
127. General Manager, Tanakpur Hydro Electric Project,
NHPC Limited , Banbassa, Distt. Champawa,Uttarakhand-262310
128. General Manager, Chamera-I Hydro Electric Project,
NHPC Limited , Khairi, Distt. Chamba, HP-176310
129. General Manager, Uri Hydro Electric Project,
NHPC Limited, Mohra, Distt. Baramulla, J&K-193122
130. General Manager, Chamera-II Hydro Electric Project,
NHPC Limited , Karian, Distt. Chamba, HP-176310
131. General Manager, Chamera-III Hydro Electric Project,
NHPC Limited ,Dharwala,Distt.- Chamba,HP-176311
132. General Manager, Dhauliganga Hydro Electric Project,
NHPC Limited , Tapovan, Dharchula, Pithoragarh, Uttarakhand-262545
133. General Manager, Dulhasti Hydro Electric Project,
NHPC Limited , Chenab Nagar, Distt. Kishtwar, J&K-182206
134. General Manager, Uri-II Hydro Electric Project,
NHPC Limited , Nowpura, Distt. Baramulla, J&K-193123
135. General Manager, Parbati HE Project Stage-III,
NHPC Limited , Behali, P.O- Larji Kullu 175122 Himachal Pradesh
136. Chief Engineer, Sewa-II Power Station,
NHPC Limited Mashke, post Bag no-2, P.O-Khari,
Dist: Kathua, Jammu and Kashmir -176325

137. The Chief Engineer (Electrical), Kishanganga HEP, NHPC Limited, Office cum Residential colony, Kralpora, Distt: Bandipora, Jammu and Kashmir-193502
138. The General Managar, Parbati-II, HEP, NHPC Limited, E&M Complex, Sainj, Distt. Kullu 175134, Himachal Pradesh.
139. General Manager, Naptha Jhakhri HEP, Satluj Jal Vidyut Nigam Limited Power Project, Jhakri, Rampur, Distt. Shimla, HP-172201
140. General Manager, Rampur HEP, Satluj Jal Vidyut Nigam Limited Power Project, Jhakri, Rampur, Distt. Shimla, HP-172201
141. General Manager, Tehri Hydro Development Corporation Limited, Bhagirath Puram, Tehri, Uttrakhand-249001
142. General Manager, Koteshwar HEP, THDCIL, Koteshwerpuram, Post Office- Pokhari Tehri Garwal, Uttarakhand - 249146
143. General Manager, ADHPL, Village- Prini, PO -Jagat Sukh, Tehsil - Manali, Distt- Kullu (H.P) India.
144. General Manager, Indra Gandhi Super Tharmal Power Project, APCPL, PO -Jharli, Tahsil Matanhail, Dist – Jhajjar, (Haryana)-124125
145. General Manager, Karcham Wangtoo HEP, Himachal Baspa Power Company Limited, Sholtu Colony, PO- Tapti, Dist-Kinnaur, -172104 (HP).
146. Company Secretary, Shree Cement Thermal Power Project, Bangurnagar, Beawar , Dist -Ajmer, Rajasthan -305901
147. Company Secretary, Greenco Budhil HPS Limited, Plot No. 1367 Road No- 45, Jubilee Hills, Hyderabad- 500033
148. Project General Manager, Himachal Sorang Power Limited, D-7, Lane-I, Sector-I, New Shimla, Shimla, H.P.-171009

149. Director (Power Regulation), Bhakra Power House,
BBMB, SLDC Complex,
66 KV Substation, Industrial Area Phase-I,
Madhya Marg, BBMB Chandigarh
150. Superintending Engineer, Dehar HEP,
BBMB, PW, Solapper, Tehsil Sundernagar,
District: Mandi Himachal Pradesh-175017
151. Superintending Engineer, Pong Power House Circle,
Power wing BBMB Talwara,
District: Hoshiarpur, Punjab 144216
152. General Manager, Sainj HEP, HPPCL,
Larji, District - Kullu, Himachal Pradesh, 1751223
153. Head O & M, Singoli-Bhatwari HEP,
M/s L & T Uttaranchal Hydropower Limited,
Village -Bedubagar, PO- Augustmuni rudraprayag,
Dist- Rudraprayag, Uttarakhand-246421
154. Manager, SB Energy Four Private Limited,
Bhadla (SPD 200MW), 5th Floor, worldmark-2,
Asset, Area-8 Hospitality District,
Aerocity, NH – 8, Delhi-110037
155. AGM, RENEW SOLAR POWER Private Limited,
Commercial Block-1, Zone 6, Golf Course Road,
DLF City phase-V, Gurugram- 122009, Haryana
156. Vice President, Azure Power India Private Limited,
3rd Floor, Asset .301-304 & 307 Worldmark 3,
Aerocity, New Delhi -110037
157. Head– Operation and Maintenance, Adani Renewable Energy (RJ) Limited Rawara,
Village Rawara, New Water Tank,
Tehsil-Bap, District-Jodhpur,
Rajasthan-342307
158. Head– Operation and Maintenance, Adani Solar Energy Jodhpur Two Limited,
Rawara, Village Rawara, New Water Tank,
Tehsil-Bap, District-Jodhpur,

Rajasthan-342307

159. Head– Operation and Maintenance, Adani Solar Energy Four Private Limited,
Rawara, Village Rawra, New Water Tank,
Tehsil-Bap, District-Jodhpur,
Rajasthan-342307
160. Sr. Manager, Azure Power Forty Three Private Limited,
5th Floor, Southern Park, D-II,
Saket Place, Saket, New Delhi, Delhi-110017
161. Vice President, Azure Power Thirty Four Private Limited,
3rd Floor, Asset 301-304 and 307,
World Mark-3, Aerocity, New Delhi – 110037
162. Project Manager, Tata Power Renewable Energy Limited,
Corporate Centre, A Block, 34, Sant Tukaram Road,
Camac Bunder, Mumbai – 400009
163. Sr. Manager, Clean Solar Power (Bhadla) Private. Limited,
1st Floor, Plot 201, Okhla Industrial Estate,
Phase III, New Delhi,
Delhi-110020
164. Head-O&M, Eden Renewable Cite Private Limited,
236 B&C, First Floor, DLF South Court,
Saket, New Delhi, Delhi-110017
165. Sr. Engineer, Mahindra Renewables Private Limited,
DevCo, Mahindra Towers, Dr. GM Bhoasale Marg,
P K Kurle Chowk, Worli, Mumbai, Maharashtra-400018
166. Manager – O & M Solar, ACME Chittorgarh Solar Energy Private Limited,
Plot #152, Sector - 44, Gurgaon,
Haryana-122002
167. AGM, Renew Solar Power Private Limited, Bikaner (250MW),
Commercial Block-1, Zone 6, Golf Course Road,
DLF City phase-V, Gurugram- 122009, Haryana
168. AGM, ReNew Solar Energy Jharkhand Three Private. Limited,
Commercial Block-1, Zone 6, Golf Course Road,
DLF City Phase-V, Gurugram, Haryana-122009

169. AGM, ReNew Sun Waves Private Limited,
Fatehgarh-II, Commercial Block-1, Zone 6,
Golf Course Road, DLF City Phase-V, Gurugram, Haryana-122009
170. Project Manager, SB ENERGY SIX PRIVATE LIMITED,
Bhadla, 1st Floor, Wordmark-2, Asset Area -8 Hospitality,
Aerocity, NH-8 New Delhi, Delhi- 110037
171. General Manager, SBSR Power Cleantech Eleven Private Limited,
Bikaner, 1st Floor , Worldmark-2,Asset Area -8,
Hospitality District, Aerocity,NH-8, New Delhi, Delhi- 110037
172. DGM, Adani Hybrid Energy Jaisalmer One Limited,
Village Madhipura, Tehsil-Pokharan, Dist-Jaisalmer,
Rajasthan-345026
173. Manger, Azure Power Forty One Private Limited,
5th Floor, Southern Park, D-II,
Saket Place, New Delhi 110017
174. Dy. General Manager, Avaada Sunce Energy Private Limited,
Bikaner, C-11, Sector-65,
Noida, U.P.-201301
175. Sr. Manager Project, Ayana Renewable Power One Private Limited,
Bikaner, 3rd floor, Sheraton Grand Hotel,
Brigade Getway Campus, 26/1, DR. Rajkumar Road,
RajajiNagar, Bengaluru, Karnataka-560055.
176. Manager- PD & Construction, Azure Power Maple Private Limited,
Bhadla , 5th Floor, Southern Park,
5th Floor, D-II, Saket Place, Saket, New Delhi-110017
177. Dy. General Manager, Adani Hybrid Energy Jaisalmer Two Limited,
Fatehgarh-II, Village-Kajasar,
Tehsil-Pokharan, Dist.: -Jaisalmer, Rajasthan-345026.
178. Dy. General Manager, Adani Hybrid Energy Jaisalmer Three Limited,
Fatehgarh-II, Village-Kajasar,
Tehsil-Pokharan, Dist.: -Jaisalmer,
Rajasthan-345026.
179. AGM, Renew Sun Bright Private Limited,

Commercial Block-1, Zone 6, Golf Course Road,
DLF City Phase-V, Gurugram, Haryana-122009

180. Chairman cum Managing Director, APTRANSCO,
Vidyut Soudha, Gunadala, Vijayawada 520 004,
Andhra Pradesh.
181. Chairman cum Managing Director, TSTRANSCO,
Vidyut Soudha, Hyderabad 500 082,
Telangana
182. Managing Director, PCKL,
KPTCL building, Cauvery Bhavan,
Bangalore-560 009, Karnataka
183. Chairman, KSEB,
Vaidyuthi Bhavanam, Pattom,
Trivandrum 695 004, Kerala
184. Chairman, TNEB,
144, Anna Salai,
Chennai 600 002, Tamil Nadu
185. Superintending Engineer, PUDUCHERRY ELE. DEPT,
Electricity Dept. of Pondicherry,
Pondicherry 605 001
186. Chief Engineer (Electrical), Goa Electricity Board,
Office of Chief Electrical Engineer (Electrical), Govt. of Goa,
Vidyuth Bhavan, 3rd Floor, Panaji, Goa 403 001
187. Executive Director, POWERGRID HVDC, PGCIL,
Southern Regional Transmission System – II,
Near RTO Driving Test Track, Singanayakanhalli,
Yelahanka, Bangalore 560 064, Karnataka
188. Chief General Manager, HVDC-THRISSUR Substation,
Power Grid Corporation of India Limited,
Near Cashew Research Station,
Mannuthy Thannikudem Road, Madakathara, Thrissur, Kerala-680651.
189. Sr General Manager, HVDC-Pugalur Nochipalayam
Post, Sirukinar Village Dharmapuram Taluk, Tiruppur Dist,

Tamil Nadu-638706

190. Executive Director, RAMAGUNDAM STG I & II, NTPC,
RSTPS, Jyothi Nagar, Dist. Karim Nagar, Telangana - 505 215
191. Executive Director, RAMAGUNTAM STG III, NTPC,
RSTPS, Jyothi Nagar, Dist. Karim Nagar, Telangana - 505 215
192. Executive Director, SIMHADRI STG II, NTPC,
District - Vishakhapatnam, Simhadri – 531 020, Andhra Pradesh
193. Executive Director, SIMHADRI STG I, NTPC,
District - Vishakhapatnam, Simhadri – 531 020, Andhra Pradesh
194. Executive Director, NTPC, TALCHER STG II, NTPC,
Kaniha, Deepshikha - P.O, District – Angul 759 147, Orissa
195. General Manager (O&M), Kudgi STPP, NTPC,
T.K.Basavana Bagewadi, Bijapur Dist 586 121, Karnataka
196. Chief General Manager, NLC TPS II STG I,
Neyveli Lignite Corpn. Limited, Thermal Power Station II, Neyveli 607 801,
Tamil Nadu
197. Chief General Manager, NLC TPS II STG II,
Neyveli Lignite Corpn. Ltd , Thermal Power Station II, Neyveli 607 801,
Tamil Nadu
198. Chief General Manager, NLC TPS I EXPANSION,
Neyveli Lignite Corpn. Limited, Thermal Power Station I (Exp.), Neyveli 607 801,
Tamil Nadu
199. Chief General Manager, NLC TPS II EXPANSION,
Neyveli Lignite Corpn. Limited , Thermal Power Station II (Expn.), Neyveli 607 801,
Tamil Nadu
200. Chief General Manager, New Neyveli Thermal Power Project,
Neyveli 607 807, Cuddalore Dist.
Tamil Nadu
201. The Executive Director, NTPC Tamilnadu Energy Company Limited,
Vallur Thermal Power Project, Vellivoyalchavadi Post,
Poneri Taluck, Tiruvallur Dist, Chennai – 600 013, Tamil Nadu

202. The Executive Director, NLC Tamilnadu Power Limited,
2 * 500MW JV Thermal Power Project,
Harbour Estate, Tuticorin – 628 004, Tamilnadu
203. Executive Director, LANCO KODAPALLI St II, LANCO KONDAPALLI POWER
PRIVATE. LIMITED,
Kondapalli, Ibrahimpatnam Mandal, PIN 521 228, Telangana
204. Executive Director, LANCO KODAPALLI St III, LANCO KONDAPALLI POWER
PRIVATE. LIMITED,
Kondapalli, Ibrahimpatnam Mandal, PIN 521 228, Telangana
205. The Chairman & Managing Director, Meenakshi Energy Private Limited
(Phase I), 405, Saptagiri Towers, 1-10-75/1/1 to 6, Begumpet,
Secunderabad – 500 016, Telangana
206. The Chairman & Managing Director, Meenakshi Energy Private Ltd (Phase II),
405, Saptagiri Towers, 1-10-75/1/1 to 6, Begumpet,
Secunderabad – 500 016, Telangana
207. The General Manager, Simhapuri Energy Limited,
Madhucon Greenlands, 6-3-866/2, 3rd Floor, Begumpet,
Hyderabad – 560 016, Telangana
208. The President & CEO, Coastal Energen Private Limited,
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Chennai 600 006, Tamil Nadu
209. The Chief Commercial Officer (CCO), Sembcorp Energy India Limited,
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Somajiguda, Hyderabad 500082, Telangana
210. The AGM-Electrical, IL&FS Tamil Nadu Power Company Limited,
C. Pudhupettai (Post), Parangipettai (Via), Chidambaram (TK),
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211. The Chief Commercial Officer (CCO), Sembcorp Energy India Limited
P-2, 6-3-1090, A-Block, 5th Floor, T.S.R Towers,
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212. General Manager, Azure Power thirty six private limited,
3rd floor, Asset 301-304, World mark 3, Aerocity, Delhi, 110037

213. General Manager, Azure Power Earth,
3rd floor, Asset 301-304, World mark 3, Aerocity, Delhi, 110037
214. Group Head Commercial, Tata Power Renewable Energy Limited,
2nd Floor, Block B, Corporate Centre, 34, Sant Tukaram Road,
Carnac Bunder, Mumbai 400 009
215. The Director, Athena Karnal Solar Power Private. Limited,
08B116, We Work Enam Sambhav, C20, G Block,
Bandra Kurla Complex, Bandra East, Mumbai – 400051
216. The Director, Athena Bhiwadi Solar Power Private. Limited,
08B116, We Work Enam Sambhav, C20, G Block,
Bandra Kurla Complex, Bandra East, Mumbai – 400051
217. The Director, Athena Hisar Solar Power Private. Ltd
08B116, We Work Enam Sambhav, C20, G Block,
Bandra Kurla Complex, Bandra East, Mumbai – 400051
218. The GM (Commercial), NTPC Ananthapuramu Ultra Mega Solar park,
Southern Region Head Quarters, NTPC Bhavan, Kavadiguda Main Road,
Secunderabad 500 080, Telangana
219. General Manager – Projects, Green Infra Renewable Energy Limited,
5th floor, Tower C, Building No. 8,
DLF Cyber city, Gurugram, Haryana 22 002
220. Chief operating officer (Wind & Solar), Mytrah Energy (India) Energy Private Limited,
8001, S NO 109 Q city, Nanakramguda,
Gachibowli, Hyderabad, Telangana -500032
221. The Assistant General Manager (Electrical), Orange Sironj Wind Power Private Limited,
F-9, 1st Floor, Manish Plaza-1, Plot No 7,
MLU Sector-10, Dwarka, New Delhi- 110075
222. Manager, ReNew Wind Energy (TN2) Private Limited,
Commercial, Block - 1, Zone 6, Golf Course Road,
Gurugram - 122009, Haryana.
223. Sr. Manager, Avaada Solar Energy Private Limited
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224. Chief Manager, Fortum Finnsurya Energy Private Limited

- 1A Vandana Building ,11, Tolstoy Marg New Delhi-110001, India.
225. Manager, Parampujya Solar Energy Private Limited,
5-B , Sambhaav House , Judges Hudes Bungalow Road,
Bodakdev Ahmedabad – 380015
226. Asst. General Manager, Yarrow Infra Structure Private Limited
5th Floor, Tower -B, World Mark -1,
Aerocity , Delhi - 110037 India.
227. Head Constuction Solar, Sprng Agnitra Private Limited,
Unit No. FF-48 A , First Floor, Omaxe Square,
Plot No.14, Jasols District Center, New Delhi - 110025, India.
228. Manager, Project Development, Azure Power Earth Private Limited
ASSET 301-304 & 307, 3rd Floor, World Mark 3,
New Delhi - 110037, India.
229. Project Manager, Fortum Solar India Private Limited,
1A, Vandana Building, 11, Tolstoy Marg, New Delhi-110001, India.
230. Sr. manager, SBG CLEANTECH Projectco Five PRIVATE, LIMITED
1st Floor, Worldmark-2 Asset Area - 8, Aerocity, New Delhi110037, India
231. Sr. General Manager, Avaada Solarise Energy Private Limited,
910/19 , Suryakiran, Kasturba Gandhi Marg, New Delhi - 110001, India.
232. General Manager, (KREDL)
#39 Shanthi Gruha Bharath Scouts & Guides Buliding,
Palace Road, Bangalore 560001.
233. GM Projects, SB Energy Solar Private Limited,
1st Floor, Wood Mark -2,Asset Area -8, Hospitality District,
Aerocity, BH-8, New Delhi ,110037.
234. The project head, Betam Wind Energy Private Limited,
1st floor, Orchid center, Sec-53,
Golf course road, Gurugram 122002 Haryana.
235. The Director, Amplus Tumkur Solar Energy One Private Limited,
Level 6, Emaar – The Palm Square, Golf Course Extension Road,
Sector-66, Gurgaon-122102, Haryana

236. The Director, Amplus Pavagada Solar Energy Two Private Limited
Level 6, Emaar – The Palm Square, Golf Course Extension Road,
Sector-66, Gurgaon-122102, Haryana
237. Arulkumar Shanmugasundaram, Executive Director, ADYAH Solar Energy Private Limited
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238. Executive Director, Ayana Ananthapuramu Solar Private Limited,
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239. VP & Head (Regulatory and Contracts), FRV Andhra Pradesh Solar Farm-I Private,
Unit No101, First Floor, Windsor, Village Kole Kalyan Off CST Road,
Vidyanagari Marg, Santacruz (East),
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240. VP & Head (Regulatory and Contracts), FRV India Solar Park -II Private Limited,
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241. Asset Manager Wind-AGM, Sprng Renewable Energy Private Limited,
A 001, Pentagon P-5, Magarpatta City, Hadapsar, Pune-411028
242. Chief Engineer(P), Western Elect. Zone, Dept. of Power,
Govt. of Ar. Pradesh, Bidyut Bhavan, Itanagar- 791111.
243. Chairman, APDCL,
Bijuli Bhavan, Paltan Bazar, Guwahati- 781001
244. Managing Director, MSPDCL,
3rd Floor, New Directorate Building, Near second M.R. Gate,
Imphal- Dimapur Road, Imphal-795001
245. Director (Distribution), MePDCL,
Lumjingshai, Short Round Road,
Integrated Office Complex, Shillong- 793001
246. Engineer-in-Chief, P & E Dept.,
Govt. of Mizoram, New Secretariat Complex,
Aizawl- 796001.

247. Executive Engineer (Transmission),
Electrical Circle, Dept. of Power, Govt. of Nagaland,
Dimapur- 797112.
248. Chairman & Managing Director, TSECL,
Bidyut Bhavan, North Banamalipur, Agartala- 799001
249. Sr. GM (Commercial), NERTS, POWERGRID,
Dongtiah, Lower Nongrah, Lapalang, Shillong-793006
250. Managing Director, ONGC Tripura Power Company Limited,
10th Floor, Core 4 and Central, SCOPE Minar, Laxmi Nagar, Delhi – 110092
251. ED (Comml), NHPC Limited,
NHPC Office Complex, Sector-33, Faridabad, Haryana-121003
252. ED (Commercial), NEEPCO,
Lower New Colony, Shillong-793003
253. AGM (Energy Efficiency Management Group), NTPC Limited,
Bongaigaon, Thermal Project, Salakati-783369

...Respondents

Parties Present: Shri Gajendra Sinh, NLDC
Shri Debajyoti, NLDC
Shri Hemant Singh, Advocate, Green Infra
Shri Lakshyajit Singh, Advocate, Green Infra
Shri Harshit Singh, Advocate, Green Infra
Ms. Lavanya Panwar, Advocate, Green Infra
Shri Ayush Raj, Advocate, Green Infra

आदेश/ ORDER

The Petitioner, Power System Operation Corporation Limited (POSOCO) (now Grid India), is operating the National and Regional Grids through the National Load Despatch Centre (NLDC) and Regional Load Despatch Centre (RLDC), respectively. RLDCs are statutory bodies set up under Section 27 of the Electricity Act, 2003 (the Act) and perform their

functions specified in Section 28 of the said Act and various regulations of the Commission. The Petitioner has filed the petition under Regulation 13 “Power to issue directions” of the *Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014* (DSM Regulations, 2014), read with Regulation 111 of the *Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999* in the matter of dealing with persistent default in payment of deviation charges applicable under the DSM Regulations, 2014 and Regulation 40 “Removal of Difficulty” of the *Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2019* (Fees and Charges Regulations, 2019) by regional entities and other associated issues.

2. RLDCs have been entrusted with the responsibility of scheduling and metre data processing for the regional entities of the Regional grid.
3. The Regional Power Committee (RPC) is the statutory body established under Section 2(55) of the Act and functions as per its role specified in Regulation 2.4 of the Indian Electricity Grid Code (the Grid Code).
4. The statement of charges for deviations, including additional charges for deviation levied under the DSM Regulations, 2014, is prepared by the Regional Power Committees on a weekly basis as per the data provided by the RLDCs.
5. The Petitioner has made the following prayers:
 - a) *Directing all defaulting Respondents to pay the weekly payable amount as per Deviation Charge account being issued by the RPC Secretariat regularly within the stipulated period i.e. within 10 days from issue of the deviation charge accounts;*
 - b) *Directing all the eligible Respondents to open the applicable Letter of credit (LC) in line with DSM Regulations, as per the advice given by the Petitioner;*
 - c) *To empower RLDCs to initiate regulatory measures to deal with persistent default in payment of regulatory charges viz. Deviation charge including interest, Reactive Energy charge, Congestion charge, the amount payable under all kinds of ancillary services (including RRAS & AGC), RLDC fees and charges and opening and maintaining of Letter of Credit (LC) etc.*

- d) To allow RLDCs to regulate and /or restrict the schedules of defaulting entities in a graded manner, as proposed in para 21 irrespective of the type of transaction viz. STOA, MTOA or LTA.
- e) For suitably expand the scope of the order of the petition 142/MP/2012 and to include default trigger date provisions for cases such as:
- i. When, the default in payment amount of Regulatory Pool account charges including interest charges (viz. Deviation Charges) is more than the existing LC amount or when the delay is more than 30 days from the due date of payment;
 - ii. When, the monthly RLDC fees and Charge bill payment is delayed by any user by more than 45 days from the due date;
 - iii. When the entity defaults in opening LC within 30 days of issuance of letter by RLDCs and /or recouping the expired LC within 30 days of expiry of LC;
- f) Take action against Respondents for violation of Regulation 10 of the DSM Regulations 2014 as deemed fit; and
- g) Issue any or such further order or orders as may be deemed just and proper in the facts and circumstances of this case.

Brief Background:

6. As per the DSM Regulations, 2104, the Commission has given high priority to the timely payment of applicable charges by the regional entities. The schedule of payment of charges for deviation is governed by Regulation 10 of the DSM Regulations, 2014, and amendment thereof, which stipulates as under:

“10. Schedule of Payment of Charges for Deviation

*(1) The payment of charges for Deviation shall have a high priority and the concerned constituent shall pay the indicated amounts **within 10 (ten) days** of the issue of statement of Charges for Deviation including Additional Charges for Deviation by the Secretariat of the respective Regional Power Committee into the “Regional Deviation Pool Account Fund” of the concerned region.*

*(2) If payments against the Charges for Deviation including Additional Charges for Deviation are delayed by more than two days, i.e., **beyond twelve (12) days** from the date of issue of the statement by the Secretariat of the respective Regional Power Committee, the defaulting constituent shall have to pay simple interest @ 0.04% for each day of delay.*

(3) All payments to the entities entitled to receive any amount on account of charges for Deviation shall be made within 2 working days of receipt of the payments in the “Regional Deviation Pool Account Fund” of the concerned region.

provided that -

(i) in case of delay in the Payment of charges for Deviations into the respective Regional Deviation Pool Account Fund and interest there on if any, beyond 12 days from the date of issue of the Statement of Charges for Deviations the regional entities who have to receive payment for Deviation or interest thereon shall be paid from the balance available if any, in the Regional Deviation Pool Account Fund of the region. In case the balance available is not sufficient to meet the payment to the Regional Entities, the payment from the Regional Deviation Pool Accounts Fund shall be made on pro rata basis from the balance available in the Fund.

(ii) the liability to pay interest for the delay in payments to the “Regional Deviation Pool Account Fund” shall remain till interest is not paid; irrespective of the fact that constituents who have to receive payments have been paid from the “Regional Deviation Pool Account Fund” in part or full.

*(4) All regional entities which had at any time during the previous financial year failed to make payment of Charges for Deviation including Additional Charges for Deviation within the time specified in these regulations shall be **required to open a Letter of Credit (LC) equal to 110% of its average payable weekly liability for Deviations in the previous financial year**, in favour of the concerned RLDC within a fortnight from the date these Regulations come into force.*

Provided that -

(i) if any regional entity fails to make payment of Charges for Deviation including Additional Charges for Deviation by the time specified in these regulations during the current financial year, it shall be required to open a Letter of Credit equal to 110% of weekly outstanding liability in favour of respective Regional Load Despatch Centre within a fortnight from the due date of payment.

(ii) LC amount shall be increased to 110% of the payable weekly liability for Deviation in any week during the year, if it exceeds the previous LC amount by more than 50%.

Illustration: If the average payable weekly liability for Deviation of a regional entity during 2009-10 is ₹20 crore, the regional entity shall open LC for ₹22 crore in 2010-11. If the weekly payable liability during any week in 2010-11 is ₹35 crore which is more than 50% of the previous financial years average payable weekly liability of Rs 30 Crore, the concerned regional entity shall increase the LC amount to ₹38.5 Crore (1.1₹35.0) by adding ₹16.5 Crore.*

*(5) In case of failure to pay into the “Regional Deviation Pool Account Fund” within the specified time of 12 days from the date of issue of statement of charges for Deviations, the **RLDC shall be entitled to encash the LC of the concerned constituent to the extent of the default** and the concerned constituent shall recoup the LC amount within 3 days.”*

7. Some regional entities are persistently defaulting either in payment of ‘Deviation Charges’ or in opening the requisite Letters of Credit (LC) against the said default, thereby violating Regulation 10.1 and Regulation 10.4 of the DSM Regulations, 2014, respectively.

Submissions of the Petitioners:

8. The Petitioner has submitted as under:

- a) The schedule of payment of charges for deviation is governed by Regulation 10 of the DSM Regulations, 2014, and amendment thereof.
- b) A number of regulatory provisions have been made by the Commission for dealing with defaults and/or delays in payment of various regulatory charges, viz. Deviation Charges, Reactive Energy charges, Transmission Charges, Congestion Charges, RLDC Fees & Charges etc.
- c) Some regional entities are persistently defaulting either in payment of 'Deviation Charges' or in opening the requisite Letters of Credit (LC) against the said default, thereby violating Regulation 10.1 and Regulation 10.4 of the DSM Regulations, respectively, under which the Commission has given the highest priority to the timely payment of applicable charges by the regional entities.
- d) Under Regulation 25 A of the *Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) (Second Amendment) Regulations, 2013* (Open Access Regulations, 2013), the Commission has provided the conditions under which RLDCs/NLDC can refuse to grant Short Term Open Access to such defaulting entities. The said regulation (25A) is as quoted below:

Short Term Access not to be granted: 25A.

*When so directed by the Commission, the National Load Despatch Centre or the Regional Load Despatch Centre, as the case may be, shall not grant short-term open access for bilateral transaction (including transactions through Power Exchange) to the entities and associates of such entities, who consistently and wilfully default in payment of *Unscheduled Interchange (Deviation) charges, transmission charges, reactive energy charges, congestion charges, fee and charges for National Load Despatch Centre or Regional Load Despatch Centre including the charges for the Unified Load Despatch and Communication Scheme and Unscheduled Interchange (Deviation) charges to SLDC by an intra-State entity for a short term inter-State transaction.**

- e) In Petition No. 142/MP/2012, the Commission, vide its order dated 02.09.2015, clarified that the default trigger date shall be 90 days from the due date of payment of UI/ deviation charges, transmission charges, reactive energy charges, congestion charges, and RLDC fees and charges and has also defined what constitutes a consistent and wilful default. The same has been reproduced as under:

55. ...

.....Therefore, the “wilful and consistent” default will be construed differently in both cases. In our view, default in payment for a period of 90 days from the due date of payment of UI/deviation charges, transmission charges, reactive energy charges, congestion charges and RLDC fees and charges shall be considered as trigger point for invocation of Regulation 25A of Open Access Regulations to deny short term open access to the defaulting entity. However, where a transmission licensee resorts to regulation of power supply, denial of open access under Regulation 25A of Open Access Regulations shall be triggered from the date of commencement of regulation of power supply under RPS Regulations. As regards the second issue as to whether NLDC/RLDCs will be required to approach the Commission for invoking Regulation 25A of Open Access Regulations on case to case basis, it is clarified that NLDC/RLDCs shall be guided by the principle of default trigger date as clarified above and shall not be required to approach the Commission for specific directions in this regard on case to case basis.

...

...

59. Summary of order

.....

(c)..... When Regulation 25A is invoked independent of regulation of power supply, default trigger date for invoking Regulation 25A of Open Access Regulations shall be 90 days from the due date of payment of various charges covered under the respective Regulations. NLDC/RLDCs shall deny short term open access to the defaulting entity on occurrence of the default trigger dates as mentioned above without having to approach the Commission”

- f) The Commission decided to implement the default trigger date through its Order in petition 142/MP/2012 in order to put a deterrent against wilful delay and/or default in payment by the defaulting entities to the regulatory pool accounts like DSM/RRAS/Reactive Energy Charge/Congestion Charge account etc. Further, RLDCs were empowered to initiate action under Regulation 25A of the Open Access Regulations, 2013 without the requirement of approaching the Commission.
- g) Many regional entities have construed the default trigger date of 90 days as a right granted to the regional entities to default in payment of regulatory charges on a regular basis. These entities generally make payments only after 30-40 days of the issuance of a DSM account, thus avoiding the imposition of regulatory measures by RLDCs and repeating the same pattern. As a result of this, payment towards deviation charges remains overdue from such entities.
- h) RLDCs manage the Regional Deviation Pool Account in line with the extant regulatory provisions in the Grid Code and the DSM Regulations, 2014. Such regular defaults in payment of weekly deviation charges are derailing the pool-based

settlement system. Thus, RLDCs encounter difficulty in timely disbursement of the deviation charges receivable by other regional entities on account of such delay and/or default.

- i) The adverse fallout of the non-payment of the deviation charges by the defaulting entities is affecting the grid operations in the form of an increase in grid indiscipline, and this is a matter of major concern to the system operator.
- j) The non-payment by the pool members is creating a deficit in the Regional Deviation Pool Account Fund and affecting the disbursements to the RRAS providers and the payment of AGC despatch.
- k) The deviation charges are to be settled on a weekly basis, unlike other charges, such as Capacity Charges and Energy Charges for generators, Transmission charges for ISTS licensees, etc., which are billed at monthly intervals. DSM charges paid by the grid connected entities are the charges for over drawl / under injection from/into the grid. If there are no strict measures to ensure timely payment with provisions for penalties for default and/or delay, such entities may find it more convenient to overdraw /under inject from /into the grid under DSM.
- l) At present, in cases of default in payment for deviation charges, transmission charges, reactive energy charges, congestion charges, fees, and charges for the National Load Despatch Centre or Regional Load Despatch Centre, including the charges for the Unified Load Despatch and Communication Scheme and the deviation charges to SLDC by the intra-State entities, RLDCs are empowered to regulate only the short term open access (STOA) transactions under Regulation-25A of the Open Access Regulations, 2013. As a result, many regional entities that do not have any STOA transactions and transact only through Long Term Access (LTA) and Medium-Term Open Access (MTOA) are insulated from such regulatory measures.
- m) Regional entities are also defaulting on the payment of monthly RLDC fees and charges, though the payment of monthly RLDC fees and charges is very meagre compared to their pavments towards monthly generation and transmission charges.
- n) Several generating companies (viz. the IPPs / regional entity generators) are becoming sick and facing insolvency proceedings before the National Companies Law Tribunal (NCLT). In such cases, the default in payment of regulatory charges, viz., the deviation charges, RLDC fees and charges, etc. continues for several years.
- o) In view of the above POSOCO/Grid India has suggested the following mechanisms:

- (i) to reduce the default trigger duration from the current provision of 90 days to 30 days from the due date of payment in case of default in payment of DSM and other weekly regulatory charges or the default in payment amount of regulatory pool account charges (viz. deviation charges).
- (ii) that the provision for the default trigger date may be amended to 45 days from the existing 90 days from the due date of payment in case of default in payment of monthly RLDC fees and charges by the regional entities.
- (iii) to empower RLDCs to take appropriate measures, upon the incidence of any of the above-mentioned default triggers, to regulate the scheduling of power under MTOA and LTA for the defaulting regional entities. Accordingly, in case any regional entity defaults for more than 30 days from the due date of payments for the DSM payments, including other weekly regulatory charges, and more than 45 days from the due date of payments for RLDC fees and charges, RLDCs shall curtail and /or restrict the schedules (LTA/MTOA) of those defaulted regional entities' in a graded manner, i.e. 25% restriction for the first week of the default, followed by 50% for the next week, and so on.
- (iv) to issue appropriate orders under Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, read with Regulation 13 (Power to issue directions) of the DSM Regulations, 2014

Reply by the Respondents:

9. Other than a common reply filled by Respondent No.'s 41, 42, and 219, no other respondent has filled any reply on the matter under discussion.
10. In their common reply, respondents No.'s 41, 42, and 219 have submitted that there is no outstanding due on their accounts under the DSM and LPS charges, and as such, the implementation of the default trigger date would not be applicable to them.

Hearing dated 20.09.2023:

11. During the hearing dated 20.09.2023, it was held as under:

The Representative of the Petitioner submitted that the present Petition has been filed, inter-alia, seeking necessary directions of the Commission in the matter of dealing with persistent default in payment of deviation charges under the provisions of the

Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014 ('DSM Regulations') by the regional entities.

2. In response to the specific query of the Commission regarding the major defaulters, the representative of the Petitioner pointed out that the utilities of Sikkim, Assam, Manipur, Tripura, Jharkhand, Bihar, etc. are the major defaulters in payment of deviation charges.

3. Learned counsel for the Respondent Nos. 41, 42 & 219 submitted that the Respondents have already paid all the outstanding deviation charges and late payment surcharge thereof and have also opened the Letter of Credit for such charges.

4. The representative of the Petitioner pointed out that except for the above Respondents, no other Respondent has filed any reply in the matter.

5. Considering the above, the Commission deemed it appropriate to afford one last opportunity to the Respondents to file their respective reply/written submissions, if any, within three weeks. The Petitioner may also file its written submissions, if any, in response thereof, within three weeks thereafter.

6. Subject to the above, the Commission reserved the matter for order.

12. We observe that subsequent to hearing dated 20.09.2023 no submissions were submitted by any of the parties in the instant petition.

Analysis and Decision

13. We have heard the learned counsels for the Petitioner and the Respondents and have carefully perused the records and considered the submissions of the parties. It is a matter of record that no Respondent, other than Respondent No.'s 41, 42, and 219, has submitted any reply to the petition.

14. We note that under Regulation 25 A of the Open Access Regulations, 2013 – since repealed – provided as under:

“Short Term Access not to be granted: 25A.

When so directed by the Commission, the National Load Despatch Centre or the Regional Load Despatch Centre, as the case may be, shall not grant short-term open access for bilateral transaction (including transactions through Power Exchange) to the entities and associates of such entities, who consistently and wilfully default in payment of Unscheduled Interchange (Deviation) charges, transmission charges, reactive energy charges, congestion charges, fee and charges for National Load Despatch Centre or Regional Load Despatch Centre including the charges for the Unified Load Despatch and Communication Scheme and Unscheduled Interchange (Deviation) charges to SLDC by an intra-State entity for a short term inter-State transaction.”

15. We observe that, vide Order dated 25.01.2013 in Petition No 213/MP/2012 this Commission defined what constitutes a wilful and consistent default. The relevant extract of the Order is as under:

*11. The word 'wilful' has not been defined in the Open Access Regulations. Black's Law Dictionary defines the word 'wilfulness' as "an act done intentionally and designedly, a conscious failure to observe care; conscious; knowing; done with stubborn purpose, but not with malice." The Supreme Court in Ramachandra N. Kulkarni v. State of Mysore {AIR 1964 SC 1701} has held that a review of various decisions brings out clearly the guiding principle that the meaning to be attached to the words 'wilful' or 'wilfully' has to be ascertained on a close examination of the scheme and nature of the legislation in which the words appear and the context in which they are used. **Therefore, the existence of wilful and consistent default on the part of an entity has to be considered in the context of the Open Access Regulations i.e. the requirement for prompt liquidation of transmission charges and other charges. Where an entity has received the bill but has not made the payment by the due date which affects the cash flow position of the transmission licensee or the system operator, such default will be considered as wilful. If such default is prolonged beyond a reasonable period, then the default will be considered as consistent...***

16. Further, vide Order dated 02.09.2015 in the petition 142/MP/2012 with I.A.7 of 2013, the Commission defined the trigger date as ninety (90) days of default in payment of various charges covered under the respective Regulations. It was, *inter-alia*, held that the STOA of the defaulting entity shall be curtailed as per Regulation 25A of the *Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008* (Open Access Regulations, 2008). Further, where a transmission licensee resorts to regulation of power supply, denial of open access under Regulation 25A of the Open Access Regulations, 2008 shall be in accordance with the *Central Electricity Regulatory Commission (Regulation of Power Supply) Regulations, 2010* (Regulation of Power Supply, 2010). The relevant extract of the Order is as under:

11. The petitioner has submitted that the Commission in due recognition of the criticality of the issue of realization of transmission charges has specified the Regulation 25A of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 (OA Regulations) in which it has been provided that NLDC and RLDC shall not grant short term open access to the entities and associates of such entities who consistently and wilfully default in payment of UI charges, transmission charges and reactive energy charges, etc. The petitioner has submitted that there is a need to strengthen this provision by denying access to these entities for transactions through Power Exchanges and has accordingly suggested to include the words "including transactions through Power Exchanges" in Regulation 25A of OA Regulations. The petitioner has submitted that the trading licensees should not be allowed to „sell“ the electricity to the entities or their associates of such

entities who are defaulting in payment of transmission charges and has accordingly suggested incorporation of the word „sale“ in clause (l) of Regulation 7 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009 (Trading Licence Regulations).

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55. It is to be noted that while RPS Regulations can be invoked for default on the part of a regulated entity to pay the dues of generating companies and transmission licensees, Regulation 25A can be invoked for wilful and consistent default in paying UI/deviation charges, transmission charges, reactive energy charges, congestion charges, and fees and charges for NLDC/RLDCs. Therefore, only in case of default in payment of transmission charges, both Regulation 25A of Open Access Regulations and RPS Regulations can be invoked. In our view, when regulation of power supply under RPS Regulations is resorted to for default in payment of transmission charges, Regulation 25A should be invariably invoked as otherwise the defaulting entity would defeat the regulation of power supply by scheduling under short term open access. Therefore, the “wilful and consistent” default will be construed differently in both cases. **In our view, default in payment for a period of 90 days from the due date of payment of UI/deviation charges, transmission charges, reactive energy charges, congestion charges and RLDC fees and charges shall be considered as trigger point for invocation of Regulation 25A of Open Access Regulations to deny short term open access to the defaulting entity.** However, where a transmission licensee resorts to regulation of power supply, denial of open access under Regulation 25A of Open Access Regulations shall be triggered from the date of commencement of regulation of power supply under RPS Regulations. As regards the second issue as to whether NLDC/RLDCs will be required to approach the Commission for invoking Regulation 25A of Open Access Regulations on case to case basis, it is clarified that NLDC/RLDCs shall be guided by the principle of default trigger date as clarified above and shall not be required to approach the Commission for specific directions in this regard on case to case basis.

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59. Summary of order:

(a) The word ‘consultation’ occurring in Regulation 15 of the RPS Regulations shall not be interpreted as “consent” or “concurrence” and it will be sufficient if the generating company is informed three days in advance about the transmission licensee's plan to regulate the power supply to the defaulting entity, along with tentative quantum of power sought to be regulated, source and duration of regulation of power supply after considering technical minimum requirement of the thermal units.

(b) With respect to the impact of UI due to tripping of unit during the sale of such power under regulation, we are in agreement with the contention of NTPC that it should be compensated by the defaulting entity and these expenses shall be considered as incidental expenses under Regulation 16 of Power Supply Regulations.

(c) **During the period of regulation of power supply, for defaults in payment of transmission charges, STOA to the regulated entity shall be denied by NLDC/RLDCs under Regulation 25A of Open Access Regulations from the date of**

commencement of regulation of power supply. When Regulation 25A is invoked independent of regulation of power supply, default trigger date for invoking Regulation 25A of Open Access Regulations shall be 90 days from the due date of payment of various charges covered under the respective Regulations.

NLDC/RLDCs shall deny short term open access to the defaulting entity on occurrence of the default trigger dates as mentioned above without having to approach the Commission on the basis of the request of concerned RLDC or Central Transmission Utility, as the case may be.

(d) While formulating plan under Regulation 6 of Power Supply Regulations for RPS Regulations, there is a requirement to adhere to the technical minimum of a thermal generating unit. Moreover, operating at technical minimum would increase heat rate, secondary fuel oil consumption and energy charge for which a generating station needs to be compensated. The technical minimum and the compensation for increase in heat rate, secondary fuel consumption and energy charge are proposed to be included in the Grid Code through amendment. Accordingly, technical minimum in case of regulation of power supply will be governed as per the amendment to be notified to the Grid Code.

(e) The capacity charge for the quantum of regulated power shall be borne by the original beneficiary i.e. the Regulated Entity in accordance with the Regulation 17 and revenue earned on account of sale of regulated power shall be apportioned in accordance with Regulation 16 of the RPS Regulations.

(f) Staff of the Commission is directed to examine in consultation with NLDC/RLDCs and CEA as to whether the supply of regulated power to other beneficiaries of the generating station should be treated at par with un-requisition surplus and scheduled as temporary re-allocation of power and submit to the Commission its analysis with this regard within a period of 3 months. Till the issue is decided by the Commission, NLDC/RLDCs are directed to schedule the regulated power to other beneficiaries of the generating stations treating the same as deemed short term open access provided that capacity is available after meeting the demand for short term open access and the requisition is received from the regulating entity for sale of the regulated power to other beneficiaries of the generating station on day ahead basis accompanied by consent letters from the receiving beneficiaries. It is further directed that the regulating entity in such cases shall not be required to pay the short term open access charges, RLDC operating charges, application fees etc., while making the requisition for scheduling of power to short term open access on day ahead basis.

17. We observe that the present petition seeks to further reduce the trigger date/duration to thirty (30) days from the existing (90) days and also to introduce curtailment and /or restriction of the schedules (LTA/MTOA) of the defaulted regional entities in a graded manner.
18. We observe that the Regulation of Power Supply, 2010 stands repealed as per the Order dated 26.10.2021. Further, the Open Access Regulations, 2008, along with all the amendments there under, have been repealed upon implementation of the *Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022* (“the GNA Regulations 2022”). We also note that the GNA

Regulations 2022 do not have a provision corresponding to Regulation 25 A of the Open Access Regulations, 2013. The regulation of power supply is currently dealt with in accordance with the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022 (“LPS Rules 2022”) issued by the Ministry of Power. However, we note that the LPS Rules also do not cover the event of default in payment of DSM charges. While the issue remains important to be addressed in the future through suitable rules or regulations, it is beyond the scope of the present petition, in the absence of a specific provision in the extant rules or regulations, to deal with the treatment of default in the payment of DSM charges by way of regulation of the power supply of the defaulting entity.

19. Similarly, we observe that the DSM Regulations, 2014, have since been repealed and replaced by the DSM Regulations, 2022. However, the DSM Regulations, 2022 have a specific provision corresponding to Regulation 10 of the DSM Regulations, 2014, the relevant extract of which (Regulation 10 of the DSM Regulations, 2022) is reproduced below:

10. Schedule of Payment of charges for deviation

(1) The payment of charges for deviation shall have a high priority and the concerned regional entity shall pay the due amounts within 7 (seven) days of the issue of statement of charges for deviation by the Regional Power Committee, failing which late payment surcharge @ 0.04% shall be payable for each day of delay.

(2) Any regional entity which at any time during the previous financial year fails to make payment of charges for deviation within the time specified in these regulations, shall be required to open a Letter of Credit (LC) equal to 110% of their average payable weekly liability for deviations in the previous financial year in favour of the concerned Regional Load Despatch Centre within a fortnight from the start of the current financial year.

(3) In case of failure to pay into the Deviation and Ancillary Service Pool Account within 7 (seven) days from the date of issue of statement of charges for deviation, the Regional Load Despatch Centre shall be entitled to encash the LC of the concerned regional entity to the extent of the default and the concerned regional entity shall recoup the LC amount within 3 days.

20. In fact, the DSM Regulations, 2022, require the payment of the DSM charges by the regional entities within 7 days (as opposed to the 10 days specified in the DSM Regulations, 2022). The commercial consequences for default in payment of the DSM charge in time are also stipulated therein. As such, the regional entities are expected to adhere to these provisions of the DSM Regulations in the letter and spirit. We take serious note of the non-compliance of these provisions by the regional entities, as highlighted by the NLDC. We are further astounded by the non-serious approach and attitude of the defaulting entities in not filing any response to the submissions made by the NLDC in the present petition. The regional entities are expected to adhere to the schedule and, in the event of deviation, to pay the deviation charges in accordance with the DSM Regulations. The deviations caused by such defaulting entities are generally managed through the deployment of the ancillary services, and those providing the ancillary services are paid from the DSM pool. As such, in the absence of timely payment by the defaulting entities, the payment to such ancillary service providers also pends. Such an approach on the part of the defaulting entities is not only unwarranted but also tantamount to a violation of the provisions of the regulations and liable for penal action.
21. On the expectation that the regional entities shall adhere to timely payment of the deviation charge in the future, we are not proceeding any further in this regard in the present petition. However, we direct the NLDC that instances of wilful default/delay be monitored in the future and brought to this Commission for suitable penal action under Section 142 of the Electricity Act, 2003. We also direct NLDC to examine the need for a review of Regulation 10 of the DSM Regulations, 2022, if any, to further ensure discipline in the payment of DSM charges, including the consequences of not opening LC, and make recommendations for suitable provisions in the regulations and/or recommendations to the Ministry of Power for suitable provisions in the LPS Rules 2022.
22. Accordingly, Petition No. 28/MP/2022 is disposed of in terms of the above.

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