

दिल्ली ट्रांस्को लिमिटेड
DELHI TRANSCO LIMITED

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No. F./DTL/207/16-17/Mgr(EA)/SLDC/758

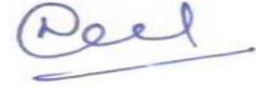
Dated : 08/03/2017

Subject : Minutes of the Meeting held in SLDC on 02.03.2017 at 03:00 p.m. for resolution of the issues related to Intrastate Short Term Open Access(ISOA).

Sir,

The minutes of the meeting held in SLDC conference Room at 3.00 PM for resolution of the issues related to Intra State Open Access(in line with Regulation no 16(1) of Intra-State Regulations dated 03.01.2006) are enclosed for ready reference and further necessary action please.

Yours Faithfully



(Naveen Goel)

Nodal Officer, Open Access SLDC

Encl:- As above

List of Addressees

To

1. Sh. Sumit Sachdev Nodal Officer , TPDDL
2. Sh. Shreyans Naval Nodal officer, BRPL
3. Smt. Nisha Kotnala, Nodal Officer, BYPL
4. Sh. Mohit Gupta, 19,Jawahar Nagar Industrial area, Loni Road ,Delhi-110094
5. Sh. Govind Kumar, GMR Energy
6. Sh. Gaurav Nand, T 44, Karam Pura, New Delhi-110015

Copy for favour of Kind information to:-

1. Secretary, DERC
2. Director (Oprn), DTL
3. GM(T) (SLDC)
4. ED(Engg), DERC
5. Addl. Secretary (Power) GNCTD
6. CEO, BRPL
7. CEO, TPDDL
8. CEO, BYPL
9. DGM(SO),SLDC

STATE LOAD DESPATCH CENTRE (DELHI)

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Subject : Minutes of the Meeting held in SLDC on 02.03.2017 at 03:00 p.m. for resolution of the issues related to Intrastate Short Term Open Access.

GM, SLDC welcomed all the participants.

- 1 Some Open Access Consumers of TPDDL, BYPL and BRPL represented their grievances to SLDC through numerous correspondences.
- 2 Main issue raised by the consumers is that TPDDL, BRPL and BYPL charges the Wheeling Charges based on the quantum of the Open Access applied whereas as per the order of DERC dated 18.05.2015, these should be based on the quantum cleared by Nodal Agency which is NRLDC for Bilateral transactions involving interstate sources and NLDC for collective transactions in power exchange. Further the issues of gaming by open access consumers were also raised by TPDDL and BRPL.
- 3 Accordingly, the meeting was necessitated to resolve the above mentioned open access related issues. As issues were not getting settled between the Open Access Consumers and the DISCOMs, it was felt necessary to invoke **Regulation no 16(1)** of Intra-State Regulations dated 03.01.2006. For clarity the said Regulation is reiterated here under.

16. Dispute Regulation:

- (1) The complaints regarding all grievances and disputes relating to open access shall be made to the State Transmission utility or state Load Dispatch Center, as the case may be, which may investigate and endeavor to resolve the grievance amicably.*
 - (2) If State Transmission utility or State Load Dispatch Center is unable to redress the grievances or complaint or dispute, the matter may be referred to the Commission, by the State Transmission utility or state Load Dispatch Center as the case may be, for adjudication.*
- 4 The list of the participants is enclosed as Annexure.

5 The gist of the discussions and decisions are as under:-

Issues

i) **Gaming By M/s Max Health Care Institute Ltd. Shalimar Bagh.**

Open Access Customer's View:

Representative of M/S Max Health Care Institute Ltd.. submitted that TPDDL is not issuing the NOC for the open access as they had alleged that Max Health Care Institute Ltd. indulged in the practice of gaming. He submitted that there was no gaming done by Max Health Care Institute Ltd.. They were procuring power from the exchange and bids have been made for all the slots but due to congestion the bids were failed in some time blocks in the same day. As they had applied for all slots so there is no question of gaming.

DISCOM's view

TPDDL stated that Max Health Care Institute Ltd. was found regularly indulging in gaming and TPDDL had been regularly writing letters to them to stop this practice. The view of TPDDL was also considered by SLDC and vide letter dated 23.01.2017 SLDC also directed Max Health Care Institute Ltd. to refrain from violation of Grid Code and DERC orders in this regard. The relevant portion of Grid code is reproduced as under:

5.4.2 Demand Disconnection

(a) SLDC/ SEB/distribution licensee and bulk consumer shall initiate action to restrict the drawal of its control area, from the grid, within the net drawal schedule.

TPDDL also mentioned that the consumer is regularly over drawing from the grid and the same has been informed to the consumer time and again. Total no. of slots in which Consumer is over drawing is around 73% which is huge violation of the Grid Code and posing a threat to the grid security if all such consumers behave in the same way. TPDDL requested for levy of temporary tariff on the full quantum of over drawl.

SLDC's view

SLDC is of the view that the violation of Grid code has been done by the consumer which is not a healthy practice and consumer should refrain from such practice in future for ensure grid discipline and security of power system.

After deliberation, it was decided that the consumer will pay DSM rate upto 12% of over drawal and above 12% temporary tariff will be charged. In case failure of bids in exchange, either consumer reduced its load to the extent of

availability from the exchange or the consumer should pay temporary tariff on the power drawn during that period.. The same shall be applicable from date of commencement of Open Access i.e. 13-Apr-2016, for M/s Max Healthcare. This was accepted by the consumer and TPDDL. TPDDL agreed for issuing the NOC to the consumer subjected to this condition.

ii) **Discrepancies in wheeling charges in open access Transaction bills**

It has been brought to the notice that, BRPL is charging wheeling charges on the quantum approved in format 5-A in place of quantum approved by concerned nodal agency in Format-II (For bilateral transactions) / PX-I (for Power Exchange transactions) which is in deviation of DERC order dated 18.05.2015.

M/s Maiden Hotel and M/s Avdhut Swami Metal ltd. raised the same issue. (TPDDL and BYPL)

Open Access Customer's View:

Representative of M/s Maiden Hotel read out the relevant portion of DERC orders which is reproduced as under:

Para 11 A DERC order dated 24.12.2013

Transmission and wheeling charges shall be leviable as determined by DERC. The charges will be levied on the quantum in MWH cleared by the concerned SLDC for bilateral transactions and National Load Despatch Centre (NLDC) in case of collective transactions. Provided that when the capacity has been reserved consequent to bidding, the Open Access charges will be taken as determined through bidding.

Para 4, V DERC order dated 18.05.2015

The transmission charges, Wheeling charges, Additional Surcharge & Cross Subsidy Surcharge shall be levied on open access quantum cleared by the nodal agency

Point No.7 , DERC minutes dated 23.06.2015

Amendment/Clarification on DERC order dated 18.05.2015:

õ IERS submitted that the cross subsidy surcharge and additional surcharge shall be levied on actual consumption and not on the approved quantum.

SLDC suggested that the cross subsidy surcharge and additional surcharge should be levied on approved quantum as generally there should be no difference between approved quantum and actual drawl, to avoid gaming”

They further mentioned that the principal regulation of 2005 only speaks about

bilateral transactions wherein the Open access scheduled energy is fixed. As such, it is not applicable for power through Power Exchanges as Power Exchanges were not in existence at the time of issuance of said Regulations. After the concept of Energy Exchange, which the Govt. of India is promoting for economical use of electricity, the Honøble Commission vide its order dated 24.12.2013, has provided for Wheeling charges on the Scheduled Energy cleared by concerned Nodal Agency.

As per para 15 DERC order dated 24.12.2013 which is reproduced as under:

“This order shall be read in conjunction with the Delhi Electricity Regulatory Commission (terms and conditions for Open Access) Regulations, 2005 or as amended and as per the procedures drawn by STU for Operationlization of Open Access in Delhi.”

The same concept is already in force in various states like Maharashtra, Haryana, Punjab. It is also noteworthy to mention that, BRPL has never appealed against the order. TPDDL has already accepted the Additional Surcharge, BG Calculation etc. which is heavily loaded in its favour and selectively not implementing the order in toto. He requested that TPDDL should charge as per DERC orders and if TPDDL wants any clarification then they should approach DERC.

Representative of M/s **Avdhut Swami Metal Ltd.** submitted that due to wrong charging in the open access bills to them, financial burden has increased on the company. BYPL has revised the bill since April 2016 on account of wheeling charges and levy the wheeling charges on the quantum approved by SLDC in format 5B instead of quantum approved in exchange which is in violation of the DERC order. The total bill raised is of Rs 1.2 crore. To avoid the disconnection the consumer has paid Rs 20 lakh as per the provision of Section 56(ii) of Electricity Act, 2003. He requested that until clear-cut directions are issued by DERC regarding quantum for wheeling charges along with the date of applicability, BYPL should charge as per DERC order.

DISCOMS view

BYPL stated that Wheeling Charges are levied on the basis of DERC Open Access Regulations 2005. They quoted the relevant regulation in this regard as under:

11. Non-Utilisation of open access capacity:

1. In the event of inability of the short term open access customer to utilize, continuously for more than four hours, on any day, full or substantial part of the capacity allocated to him, such a short tem open access customer shall inform the respective state load dispatch centre of his inability to utilise the capacity allocated to him. However, such short term open access customer shall bear full transmission and/ or wheeling charges based on the original reserved capacity till the time such capacity is allotted

to some other customer.

Complainant's contention that such charges have to be in accordance with the order dated 24.12.2013 & 18.05.2015 is incorrect. BYPL insisted that in case of any difference between DERC order and DERC regulation, the regulations of DERC will supersede and will prevail. BYPL informed that they will encash the BG of M/s Avdhut Swami Metal Ltd on 03.03.2017 if full amount is not cleared by the consumer and requested SLDC to get the clarification at the earliest from the commission.

SLDC's View

Both the consumers have brought out discrepancy in the billing of wheeling charges which is not in line with the DERC Orders i.e. TPDDL & BYPL is levying the wheeling charges on full quantum of open access applied instead of the open access quantum cleared by the Nodal Agency which is NRLDC for Bilateral transactions involving interstate sources and NLDC for collective transactions in power exchange.

In the meeting SLDC tried to settle the matter amicably (in line with earlier discussions in meetings held on 18.10.2016 and 01.02.2017) and requested TPDDL and BYPL to levy wheeling charges on open access quantum cleared by the nodal agency as mentioned above and rectify the bills accordingly, to which TPDDL and BYPL did not agree upon. SLDC requested BYPL to not to en-cash the BG till 31.03.2017 by the time the commission may issue the clarification. After long deliberation BYPL agreed not to en-cash the BG on 03.03.2017 but they may not be able to defer the encashment of BG beyond 20.03.2017.

Since Parties could not reach the consensus it was decided to refer the matter to the Commission to resolve the issue as per Regulation 16(2) of DERC Open Access Regulations, 2005.

iii) Delay in issuance of consent in format 5(A) for M/s GMR by BRPL

1. M/s DIAL:

Open Access Customer's View:

Consumer submitted that they have a sanction load of around 45 MW and they are in partial open access for 5 MW. DIAL was purchasing through bilateral route from Kamalanga plant of GMR located in ER and due to congestion in ER-NR corridor the quantum was curtailed. Their overall consumption is well below 45 MW in all time blocks. Due to congestion the quantum cleared is less than 5 MW and BRPL is treating this as gaming. Now BRPL is pressing for paying the temporary tariff on the difference between the approved open access quantum by SLDC and the Bid cleared quantum. Further BRPL refused to issue the NOC.

DISCOM'S View:

BRPL submitted that the consumer is deliberately scheduling the power from ER despite of knowledge that there is congestion in ER-NR corridor. Further the temporary charges has been levied based on para 12 (2) vii and 4 viii of the commission order dated 24.12.2013 and 18.05.2015. The relevant portions of para of the orders are reproduced as under:

12 (2) vii of order dated 24.12.2013

“In the event of non-availability of power supply due to any reason including outage of generator supplying the Open Access consumer, the distribution licensees shall provide the power supply to such Open Access consumers on payment of the charges leviable to similarly placed consumers of the DISCOMs availing temporary connection from the distribution company”

4 vii of order dated 18.05.2015

“Partial drawl can be allowed only if Open Access quantum is fixed for a whole day”

BRPL further submitted that NOC will be issued only if consumer will give the undertaking that they will pay the temporary tariff on the difference of quantum for future and clear the current bill.

In view of clarification provided by BRPL, M/s DIAL submitted that now they have arranged the power from source situated in NR region and they will submit the undertaking as above. BRPL agreed to give the consent after submission of Undertaking.

Meeting ends with thanks to the chair.

Annexure

List of the participants who attended the meeting held in SLDC on 02.03.2017 at 03:00p.m. for resolution of the issues related to Intra State Short Term Open Access.

Sr. No.	Name	Designation & Organization
1	Sh. V.Venugopal	G.M.(SLDC)
2	Sh. Naveen Goel	Manager (Energy Accounting), SLDC
3	Sh. Deepak Sharma	Asstt. Manager (SLDC)
4	Sh. Sunil Kakkar	Add. VP, BYPL
5	Smt. Nisha Kotnala	Nodal officer, BYPL
6.	Sh. Sanjay Srivastva	AVP, BRPL
7.	Sh. Abhishek Ranjan	Add. VP, BRPL
8.	Sh. Naveen Chandra	Manager (PMG), BRPL
9.	Sh. Shreyas Naval	Nodal officer, BRPL
10	Sh. Sumit Schdev	DGM, TPDDL
11	Sh. Uttam Kumar	Manager, TPDDL
12	Sh. Mohit Gupta	Manager, Avdhut Swami Metal Works
13	Sh. Gaurav Nand	Auth. Representative Asian Hotel
14	Govind Kumar	Associate Manager, GMR