

**PUNJAB STATE ELECTRICITY REGULATORY COMMISSION**  
SITE NO. 3, BLOCK B, SECTOR 18-A MADHYA MARG, CHANDIGARH

Petition No. 63 of 2022  
Date of Order: 19.01.2024

Petition under Section 33 read with Section 86 of the Electricity Act and Regulations 14.1.6 of PSERC ( Punjab State Grid Code) Regulations, 2013, challenging the findings returned by Commercial and Metering Committee in the Minutes of its 20<sup>th</sup> and 21<sup>st</sup> Meeting dated 19.05.2020 and 24.06.2020 with respect to revision of Talwandi Sabo Power Limited Declared Capacity in the State Energy Account prepared by the Punjab State Load Dispatch Centre for various months during the outage period between 2015 to 2019.

AND

In the matter of: Talwandi Sabo Power Limited, Mansa Talwandi Sabo Road,  
Village Banawala, District Mansa, Punjab- 151302.

.....Petitioner

Versus

1. Punjab State Load Dispatch Centre, through its Chief Engineer, SLDC Building near 220 KV Grid Station, PSTCL Ablowal, Patiala- 147001, Punjab.
2. Punjab State Power Corporation Ltd., through its Chief Engineer (PP &R). D-3 Shed, Shakti Vihar, PSPCL, Patiala 147001, Punjab.
3. Punjab State Transmission Corporation Ltd., through its Chief Engineer, The Mall, PSEB Head office, Patiala Punjab-147001.
4. Commercial and Metering Committee, through its Chief Engineer PSLDC, SLDC Building near 220 KV Grid Station, PSTCL, Ablowal, Patiala-147001, Punjab.

.....Respondents

Present: Sh. Viswajeet Khanna, Chairperson  
Sh. Paramjeet Singh, Member

Petitioner: Sh. Amit Kapur, Advocate

PSPCL: Ms. Poorva Saigal, Advocate  
Ms. Harmohan Kaur, CE/ARR&TR

PSTCL & SLDC: Ms. Kritika Khanna, Advocate

## ORDER

1. M/s Talwandi Sabo Power Limited (**TSPL**) has filed the present Petition challenging the findings returned by Commercial and Metering Committee (**CMC**) in the Minutes of its 20<sup>th</sup> and 21<sup>st</sup> meeting held on 19.05.2020 and 24.06.2020 with respect to the issue of TSPL's Declared Capacity (**DC**) in the Monthly State Energy Account (**SEA**) prepared by Punjab State Load Dispatch Centre (**PSLDC**) for various periods between 2015 to 2019. After hearing the Petitioner on 30.11.2022, the petition was admitted vide the Commission's Order dated 02.12.2022 with directions to Respondents to file their respective reply(s) to the petition and to the Petitioner to file its rejoinder, if any, to the same. The Respondents STU/PSTCL, PSLDC and PSPCL filed their respective replies to the Petition on 15.03.2023, 17.03.2023 and 21.03.2023.
2. In the hearing held on 22.03.2023, the Ld. Counsel for the Petitioner sought time to file its rejoinder to the reply filed by the respondents. The same was allowed vide interim Order dated 28.03.2023 with direction that it be filed within two weeks with a copy to the respondents. However, instead of filing its rejoinder to the replies submitted by the Respondents, the Petitioner filed an IA No. 07 of 2023 seeking reference of the present petition/dispute to arbitration in terms of Article 17.3.2 of the PPA dated 01.09.2008 read with Regulation 20 of the PSERC (Conduct of Business) Regulations 2005 and Section 86 (1) (f) & 158 of the Electricity Act 2003.

After considering the submission of the parties and hearing arguments thereon, the Commission vide detailed Order dated 18.08.2023 disallowed the IA with direction to the Petitioner to file its rejoinder as per the interim order dated 28.03.2023 within two weeks with a copy to the respondents.

3. In the meanwhile, the Petitioner vide its letter dated 10.08.2023, filled an Affidavit for amending the prayers in the petition as under:

- “a) Quash and set-aside the findings returned by Commercial and Metering Committee in its 20th and 21st Minutes of Meetings dated 19.05.2020 and 24.06.2020 with respect to revision of TSPL’s Declared Capacity in the SEA prepared by SLDC for the months during the outage period i.e., 09.12.2015, 10.12.2015, 30.11.2016, 01.12.2016, 02.12.2016, 08.12.2016, 09.12.2016, 07.11.2017, 08.11.2017, 09.11.2017, 12.11.2017, 13.11.2017, 25.12.2018, 26.12.2018 and 03.01.2019.*
- b) Declare that tripping of 400 kV Transmission Lines during the outage period was not on account of any reasons attributable to TSPL.*
- c) Direct PSPCL to consider and accept the actual DC/Deemed Availability declared by TSPL for its Project during the outage period i.e., 09.12.2015, 10.12.2015, 30.11.2016, 01.12.2016, 02.12.2016, 08.12.2016, 09.12.2016, 07.11.2017, 08.11.2017, 09.11.2017, 12.11.2017, 13.11.2017, 25.12.2018, 26.12.2018 and 03.01.2019.*
- d) Direct/declare that the SEA for the months during the outage period shall be revised in terms of the actual DC as declared by TSPL for its Project.*
- e) Direct PSPCL to pay Capacity Charges for the months during the outage period in terms of the actual DC/Deemed Availability declared by TSPL for its Project including Late Payment Surcharge from the date of billing till the date of actual payment by PSPCL.*
- f) Direct PSPCL to pay the Capacity Charges wrongly deducted by PSPCL from the monthly bills raised by TSPL for the outage period along with Carrying Cost and Late Payment Surcharge as per the PPA.*

g) Direct PSPCL to pay the entire legal cost incurred by TSPL; and

h) Pass any such further order as this Commission may deem necessary in the interest of justice.”

4. On 29.09.2023, TSPL filed its rejoinder to the replies filed by the Respondents and PSLDC filed its reply to the rejoinder filed by TSPL on 03.11.2023. Thereafter, final arguments were heard on 15.11.2023. After hearing the parties the Order was reserved and the parties were allowed to file written submissions, if any, within two weeks. TSPL, PSLDC and PSPCL filed their respective written submissions on 04.12.2023, 04.12.2023 and 07.12.2023, reiterating their earlier submissions made in writing and during oral arguments before the Commission. Each of the major issue raised in the Petition along with the submissions made thereon by the parties is examined below in detail by the Commission in its analysis/observations and decision.

#### 5. **Analysis/observations and Decision of the Commission**

The Commission has carefully gone through the submissions, documents adduced on record and arguments thereon made by the parties. At the outset, issue of *Res-Judicata* was raised by the respondents with the contention that the case for the reliefs sought stands dealt with and dismissed in Petition No. 30 of 2021 filed earlier by TSPL. However, the same was contested by the Petitioner with the plea that herein it is challenging the findings of the CMC, given vide Minutes of its 20<sup>th</sup> and 21<sup>st</sup> Meetings held on 19.05.2020 and 24.06.2020 respectively, which were neither referred to nor deliberated upon by the Commission in Petition No. 30 of 2021, therefore, the same cannot be said to be barred by the principle of *Res-Judicata*. The Commission refers to its Order in Petition No. 30 of 2021 which reads as under:

*“Thus it follows that as per (State Grid Code) Regulations, 2013, the Commercial and Metering Committee (CMC) is the designated authority to deliberate upon and decide the issue relating to the monthly energy account and settlement prepared by SLDC and in case any objection is raised, the same is to be deliberated upon in the CMC and finalized as per its decision. In the instant case, the matter has already been considered by the CMC and as per the copies of minutes of meetings of the CMC placed on record by the respondents, the CMC, in its 20th and 21st meetings held on 19.05.2020 and 24.06.2020 respectively, has clearly disallowed the claims made by the petitioner. The petitioner has not referred to or assailed the findings and decisions of the designated authority i.e. the CMC. Since the matter already stands deliberated upon and decided by the CMC whose findings and decision have not been challenged; the Commission holds that no case is made out by the petitioner at this juncture hence the petition is held to be not maintainable and is dismissed in liminie.”*

As is evident, the earlier Petition No. 30 of 2021 filed by TSPL was dismissed in *liminie* as findings of the CMC were neither referred to nor assailed therein. As such, the prayers of the Petitioner w.r.t. the impugned findings by the CMC cannot be considered to be barred by the principle of *Res-Judicata*. Therefore, the Commission proceeds to analyse and decide the prayers made in the instant petition as under:

- 5.1 The prayers to “Quash and set-aside the findings returned by Commercial and Metering Committee in its 20th and 21st Minutes of Meetings dated 19.05.2020 and 24.06.2020 with respect to revision of TSPL’s Declared Capacity in the SEA prepared by SLDC for the months during the outage period i.e., 09.12.2015, 10.12.2015, 30.11.2016, 01.12.2016, 02.12.2016, 08.12.2016, 09.12.2016, 07.11.2017, 08.11.2017, 09.11.2017, 12.11.2017, 13.11.2017, 25.12.2018, 26.12.2018 and 03.01.2019”**

**and “Declare that tripping of 400 kV Transmission Lines during the outage period was not on account of any reasons attributable to TSPL”:**

The Petitioner has submitted that, in terms of the Punjab Grid Code Regulations, any dispute with respect to the SEA prepared by PSLDC has to be first adjudicated by the CMC. Accordingly, on 29.01.2019, TSPL had first approached the CMC raising objections on the SEAs prepared by PSLDC for the impugned outage periods. However, the CMC has decided the impugned issue in a mechanical manner, without application of mind and not supported by any cogent data/proof. The data and evidence placed on record by TSPL with respect to the cause of tripping of the 400 kV Transmission Lines has not even been mentioned or discussed in the said minutes.

On the contrary, the respondents while submitting that the CMC has decided the present case after deliberating in detail and considering all aspects including various reports, has also pointed out that only the issue of revision of TSPL’s SEAs pertaining to 09.12.2015, 30.11.2016, 01.12.2016, 08.12.2016, 07.11.2017, 12.11.2017, 25.12.2018 and 03.01.2019 was the subject matter of adjudication in the said 20<sup>th</sup> and 21<sup>st</sup> CMC Meetings. Therefore, TSPL cannot now raise any other issue/instance which has now also got barred by limitation. In its rejoinder to the respondents reply, the Petitioner has submitted that the dates mentioned in the 20<sup>th</sup> and the 21<sup>st</sup> CMC Meetings referred to the trippings and not the period of outages.

The Commission refers to the impugned minutes of meetings, the issue raised therein is the *“TSPL’s objections for revision of Declared Capacity and State Energy accounts for the period of blackout/Unit*

*Tripping(s) due to tripping of 400KV Lines for the various dates due to Transmission line trippings on dated 09.12.2015, 30.11.2016, 01.12.2016, 08.12.2016, 07.11.2017, 12,11,2017, 25.12.2018 & 03.01.2019. The Commission also refers to the State Grid Code Regulations which specify as under:*

***“2.7.6 Commercial & Metering Committee (CMC)***

*.....*

*The committee shall perform the following functions.*

*.....*

*(i) Deliberate and decide the issues relating to the monthly energy account and settlement prepared by SLDC;*

*.....*

*14.1.6 Monthly State Energy accounts for Punjab shall be prepared by SLDC by 7<sup>th</sup> of every month and shall be conveyed to all concerned for raising bills. Such energy accounts shall be subject to inspection/ verification/checking and raising any objection within 15 days of date of issue. If no objection is raised, energy accounts shall be finalized. In case, any objection is raised, same shall be deliberated in Commercial and Metering Committee and finalized as per their decision. Supplementary bills/credit note shall be raised accordingly.”*

In view of the above stipulation and as submitted by the Petitioner in its submissions that any dispute with respect to the SEA prepared by PSLDC has to be first adjudicated by the CMC and the prayer herein is to quash/ set-aside the findings returned by the CMC on same vide its minutes of the 20<sup>th</sup> and 21<sup>st</sup> Meeting, the Commission proceeds to examines the same as under:

**5.1.1 Dated: 09.12.2015**

**a) Petitioner’s submission:**

The Petitioner, while accepting that 'auto-reclosure' was not functional at TSPL's end, has pleaded that CMC has erroneously held that the outage of TSPL's unit on 09.12.2015 was primarily due to non-working of the auto-reclosures without taking into consideration the PSTCL's reports/letters dated 30.11.2017 and 30.08.2018 indicating that the lines had tripped due to fog (i.e. reason not attributable to TSPL) and that enabling of auto-reclosure cannot prevent the trippings. It was submitted that the lines had tripped due to high voltages prevailing in the grid, affecting the operational availability of TSPL's Plant. It was further claimed that even when the auto-reclosures were made functional during November-December 2016, the 400 kV transmission line had tripped on 30.11.2016, 01.12.2016, 02.12.2016, 08.12.2016 & 09.12.2016 resulting in station blackout. It was also pleaded that the Protection relay setting including auto-reclosure was put in place in consultation/ approval of SLDC and it had never raised any concerns about TSPL's auto-reclosures not working.

**b) Respondents submission:**

On the contrary, the Respondent's contention is that it is an admitted position that the auto-reclosures were not working at TSPL's end, functioning of which is crucial to ensure the stability of the power system. Therefore, the CMC has correctly held that the outage of TSPL's plant was mainly due to non-working of auto-reclosures at the 400 kV evacuation lines of TSPL. TSPL's plea that even when auto-reclosure was functional the lines had tripped and therefore non-working of the same has no role to play is misplaced. TSPL is selectively reading PSTCL's reports to aver that non-functioning of auto-reclosures cannot be the reason for



the impugned outage. Further, on the Petitioner's plea of high voltages causing the line trippings, it was submitted that TSPL over a period of time has been found to be absorbing less MVARs during high voltage conditions as noted by NRPC also in various Operation Co-ordination Sub-Committee (OCC) meetings.

**c) Commission's Analysis;**

The Commission refers to the CMC's Minutes/decision as under:

**"19<sup>th</sup> Meeting:**

*P&M, in his reply, has claimed that Outage of TSPL plant is mainly due to non-working of auto- reclosure at all 400 KV evacuation lines of M/s TSPL as if same had been working, units could be saved from total outage.*

*TSPL agreed that auto-reclosure was not working at their end. TSPL requested CMC to direct concerned offices to provide the data for dated 09.12.2015 containing fault recording details/ disturbance recording data for examining the case at their end.*

*TSPL also submitted that the high voltages prevailing in the grid have resulted in trippings and the responsibility for controlling voltage within the stipulated range lies with SLDC. Dy. CE/SLDC (operations) countered the submission of TSPL by mentioning that the responsibility lies with all users of the grid (including TSPL), SLDC is responsible for monitoring the voltage and passing requisite instructions to the users for compliance at their end. DY.CE/ SLDC (Operations) also submitted that TSPL has repeatedly being found of absorbing less MVARs during high voltage conditions, which has also been acknowledged by Northern Regional Power Committee (NRPC) during various Operation Co-ordination Committee (OCC) meetings held from time to time. TSPL reiterated that the main reason for trippings in high voltage in the grid, which has also been acknowledged in various OCC meetings."*

**“20<sup>th</sup> Meeting**

*CMC noted that P&M, in its reply, had claimed that Outage of TSPL plant is mainly due to non-working of auto-reclosure at all 400 KV evacuation lines of M/s TSPL and if same had been working, units could be saved from total outage and TSPL has also agreed that auto-reclosure was not working at their end.*

***As such, CMC decided that the claim of M/s TSPL for revision of DC during the outage period on dated 09.12.2015 is not allowable.”***

As is evident, the Minutes indicate that CMC has considered the Petitioner’s submissions (including about the prevalence of high voltage) as well as that by the STU/PSTCL and SLDC. Further, the Commission observes that:

- (i) The Petitioner is not disputing and has accepted that auto-reclosures were not working at their end.
- (ii) There is nothing on record to substantiate the Petitioner’s plea that its Protection relay setting with auto-reclosures in non-functional mode was kept in consultation with/approval of the SLDC.
- (iii) The Commission refers to PSTCL’s reports, referred to by the Petitioner, as under:
  - PSTCL’s report dated 30.11.2017, while describing the event as the ‘Fog related Tripping’, has concluded the report with the following observation:
 

*“TSPL would not have faced total outage if A/R feature had been working at their end as per IEGC/CEA regulations & NRPC guidelines”*
  - PSTCL’s report dated 30.08.2018, while observing under the Year 2016 Blackout event investigation report that

*“alone enabling of A/R can’t prevent blackout”* has made following observation under the 09.12.2015 Blackout event investigation report:

*“However, Auto reclose feature is the crucial function for the transient stability of the power system. Ref Clause 8 of B.1 of 4<sup>th</sup> Protection Sub-Committee Meeting of NRPC held on 15.01.2008.”*

In view of above, the Commission agrees with the Respondent’s contention that, functioning of Auto-reclose is crucial to ensure the stability of the power system. Its function is to re-close/restore the circuit/line and prevents the outage of the plant in case of transient fault trippings. The Commission notes that the Minutes of NRPC’s OCC 154<sup>th</sup> meeting held on 18.12.2018 has also observed that, *“Many tripping cannot be avoided due to non-availability operation of auto-reclosure schemes in NR”*. Thus, the Petitioner’s plea that the CMC has erred in considering that enabling of auto-reclosure cannot prevent the trippings is not maintainable.

**5.1.2 Dated: 30.11.2016, 01.12.2016, 08.12.2016, 07.11.2017 and 12.11.2017**

**a) Petitioner’s Submission:**

The Petitioner’s plea is that CMC has erroneously held that TSPL’s Plant has been absorbing less MVAR and injecting leading MVARs into the grid. It was submitted that the CMC has not taken into consideration PSTCL’s investigation reports dated 27.12.2017 and 25.09.2018 indicating that the lines got tripped due to fog (i.e. reasons not attributable to TSPL) and the Minutes of NRPC’s OCC 154<sup>th</sup> meeting held on 18.12.2018 evidencing that TSPL’s Units were absorbing MVAR above 420kV and generating MVAR below

420kV. PSLDC has never raised any concern with respect to less absorption of MVAR by TSPL's Plant. Also, PSTCL/SLDC has considered the Generator Capability Curve with load angle  $\delta=90^\circ$  submitted earlier by it on 02.01.2017 and not the revised Curve with load angle  $\delta=70^\circ$  submitted on 21.03.2020 as suggested by the Generator OEM for its safe/stable operation. In fact, the Voltage of a transmission line does not depend only upon MVAR absorption by the generating station, which is a small part of PSTCL's grid system. The high grid voltage was due to lightly loaded lines and in terms of Punjab Grid Code the primary responsibility of maintaining voltage is of SLDC and the State Entities and not the generating station. Most of the times the voltage remained above 425 kV (i.e., beyond the 5% permissible limits by CEA) as evident from the grid voltage data and the observations recorded in various Minutes of NRPC-OCC Meetings including the Minutes of 130<sup>th</sup> and 131<sup>st</sup> Meeting of the OCC of NRPC. It was also added that all such trippings occurred in the winter season/ dense foggy conditions due to the breakdown of porcelain insulators.

**b) Respondents Submission:**

On the contrary, the Respondents have contended that the Petitioner's plea that maintenance of the grid is the sole responsibility of PSTCL and SLDC is misconceived. The prevalence of higher grid voltages in lean/winter period is a common phenomenon and all the users are mandated to endeavor to control the same. TSPL being connected to the grid is also mandated to contribute in controlling the high voltage by absorbing MVARs. Rather, it is the first step to be taken by the

Generator to control the higher voltages. The OCC in the 127<sup>th</sup> meeting held on 23.09.2016, had given clear directions to the generators to take necessary action for optimum reactive power absorption. Further, the NRLDC in the 128<sup>th</sup> OCC Meeting held on 14.09.2016, stressed that during the high voltage condition all the avenues for reactive power control must be exhausted before opening of the transmission lines, as opening of the lines depletes the power system and affects reliability.

The Petitioner's plea regarding presence of fog during the season also does not come to its rescue since the tripping of transmission lines was caused due to higher voltages prevalent at TSPL's end indicating non-absorption/injection of MVARs by the Petitioner's plant. In fact, the transmission line insulators/strings cannot burst even in foggy condition when operating on nominal voltage, they only burst only when operating on higher system voltage which was due to the poor excitation control of the machines at TSPL end. Further, while submitting that during the light load condition generation voltage ought to be automatically controlled by the excitation system at generator's end, it has been contended that, during the impugned periods, TSPL's project was mostly operating at an over excited stage and injecting MVAR into the system instead of absorbing the leading MVARs. Such continuous injection of MVAR into the system contributed in still higher voltages and resulted in stress/bursting of the line insulators. Therefore, TSPL cannot wriggle out of its liability for the tripping of the transmission lines.

Reliance placed by TSPL on the 154<sup>th</sup> Meeting of OCC of NRPC held on 18.12.2018 is also misplaced. TSPL is only selectively

referring to a minute by disregarding the findings of OCC Meetings wherein it was brought out that TSPL's reactive absorption trend was not as per system requirement and it was generating reactive power even when the voltage was above 410 kV. The OCC had repeatedly raised concern at the continued high voltage conditions and had directed TSPL to absorb reactive power as per its capability curve. The Petitioner's plea that the CMC and PSTCL have misinterpreted the generator capability curve and MVAR absorption limits is also misplaced as the generator capability curves received from TSPL in 2017 had been used for analysis.

**c) Commission's Analysis:**

The Commission refers to the CMC's Minutes/Finding as under:

**“19<sup>th</sup> Meeting:**

*P&M, in his reply, has claimed that based on the analysis of MVAR injection from SCADA data of SLDC, it is observed that line tripping is mainly due to higher voltage prevalent at TSPL end i.e. due to less absorption of MVAR and injection of leading MVAR into Grid, which also causes disturbances in the Grid and financial loss to PSPCL/PSTCL. However, TSPL has claimed that tripping is due to MVAR injection by lightly loaded 400 KV transmission lines, as analysis by PSTCL has been done on wrong generator capability curves.*

*TSPL pointed out that besides tripping of the evacuation circuits, several other lines of PSTCL had also tripped due to high voltage in the grid that the tripping of evacuation circuits cannot be solely attributed to TSPL. TSPL also submitted that specific data pertaining to date & time of tripping may be provided to them, as the MVAR graphs enclosed in the conclusive report supplied by ASE/ Protection and OS, PSTCL, Ludhiana do not contains date*

and time. DY. CE/ SLDC (Operations) submitted that OEM charts available with M/s TSPL may be provided to SLDC.

CMC directed SLDC to provide MVAR data/ graphs of TSPL for the tripping date & time, based on which analysis of MVAR injection was done by P&M and directed TSPL to provide data pertaining to OEM charts/ capability curve for re-examining the case of SLDC/PSTCL.”

**“20<sup>th</sup> Meeting**

CMC noted that P&M, in his reply, has claimed that based on the analysis of MVAR injection from SCADA data of SLDC, it is observed that line tripping is mainly due to higher voltage prevalent at TSPL end i.e. due to less absorption of MVAR and injection of leading MVARS into Grid, which also causes disturbances in the Grid and financial loss to PSPCL/PSTCL. P&M had also pointed out that low MVAR absorption by TSPL has also been acknowledged by Northern Regional Power Committee (NRPC) during 141<sup>st</sup> meeting of Operation Co-ordination Sub-Committee held on dated 15.11.2017.

It was brought out by Addl.SE/ Energy Accounting, SLDC that TSPL has been claiming that the analysis by PSTCL has been done on wrong generator capability curves, whereas the generator capability curves received from M/s TSPL in 2017 have been used by PSTCL for analysis and TSPL has now supplied the changed generator capability curves, which are completely different than the capability curves submitted earlier.

CMC deliberated that M/s TSPL cannot change its generator capability curves at this later stage **and decided that claim of M/s TSPL for revision of DC is not allowable during the outage period on dated 30.11.2016, 01.12.2016, 08.12.2016, 07.11.2017, 12.11.2017.”**

As is evident, the Minutes indicates that CMC has considered the Petitioner’s submissions as well as that by the STU PSTCL and

SLDC supported with MVAR injection from SCADA data of SLDC as well as the NRPC's observations. Further, the Commission observes that:

- (i) Although the voltage regulation of a transmission line cannot be said to be a function of only MVAR absorption/generation by the associated generating station, but it indeed is the main contributor for the same. The State Grid Code mandates all users of the State Transmission System to make all possible efforts to ensure that the grid voltage always remains within the limits specified as reproduced below:

***“12.5 Voltage Management***

*12.5.1 Users using the State Transmission System shall make all possible efforts to ensure that the grid voltage always remains within the limits specified...”*

Accordingly, NRPC in various OCC's meetings has been requesting all users/system operators to make all possible efforts so as to ensure that the grid voltage always remains within the limits specified. While suggesting cleaning/replacement of insulators by the utilities it has been impressing upon the generators to take appropriate measures to absorb MVARs as per system requirements.

- (ii) PSTCL' reports dated 27.12.2017 and 25.09.2018, referred to by the Petitioner, while classifying the events as 'Fog related Tripping' had concluded the reports as under :

**(a) Report dated 27.12.2017 pertaining to the blackouts on 30.11.2016, 01.12.2016 and 08.12.2016:**



*“It was observed that 400 kV transmission lines associated with TSPL in Punjab were continuously operating on High voltage than the nominal in winter season of 2016. From the data provided by SLDC, it was analyzed that Machines at TSPL were mostly operating in overexcited mode and injecting the leading MVAR’s into the system instead of absorbing them in lightly loaded conditions during subject cited time periods.*

*This continuous Injection of MVAR into system resulted into High voltage on the Transmission Lines and this over conditions resulted in stress on porcelain disc insulators of 400 kV transmission lines. Apart from this, since dielectric strength of the air around the insulators decreased in foggy conditions and this ultimately resulted into flash over of the over stressed insulator strings. Hence this resulted in tripping of transmission lines showing ground faults.*

*As per the annexures attached at A-1 to A-8 it is clear that instead of absorbing the leading VARS as per the capability curve, TSPL generators were either absorbing very less MVARs or inject leading MVARs into system and this finally resulted in over voltage condition and hence tripping of 400 kV transmission lines due to disc flashovers in foggy condition. Hence TSPL is fully responsible for causing not only huge financial losses to PSTCL & PSPCL but also causing major disturbance in grid network of state of Punjab.”*

**(b) Report dated 25.09.2018 pertaining to 07.11.2017 and 12.11.2017:**

*“It is observed that 400 kV transmission lines associated with TSPL in Punjab are continuously operating on High voltage than the nominal in winter season. From the data provided by SLDC, it was analyzed that Machines at TSPL were mostly operating overexcited and injecting the*

*MVAR into the system instead of absorbing the leading VARS on lightly loaded conditions during subject cited time periods.*

*It is also mentioned in the Agenda of 141<sup>st</sup> meeting of OCC of NRPC that TSPL is not absorbing the leading MVAR as per the capability curves of the machine.*

*This continuous Injection of MVAR into system resulted into High voltage on the Transmission Lines and this over conditions resulted in stress on porcelain disc insulators of 400 kV transmission lines. Apart from this, since dielectric strength of the air around the insulators decreased in foggy conditions and ultimately resulted into flash over on the over stressed insulator strings, hence resulted in tripping of Transmission Line showing ground faults.*

*As per the annexures attached at A-1 to A-5 it is clear that instead of absorbing the leading VARS as per the capability curve, TSPL generators either absorb very less MVARs or inject leading MVARs into system, which result in over voltage condition and tripping of 400 kV transmission lines. Hence TSPL is responsible for causing not only huge financial losses to PSTCL & PSPCL.”*

As is evident, the above reports cited by the Petitioner, while describing the events as a Fog related Trippings, have primarily concluded that the SLDC data analysis indicated that TSPL generators either absorbed very less MVARs or injected leading MVARs into the system and contributed towards over voltage conditions resulting in stress on porcelain disc insulators of 400 kV transmission lines which coupled with decreased dielectric strength of the air around the insulators in foggy conditions ultimately resulted into flash over on the over stressed insulator

strings resulting in tripping of the Transmission Lines showing ground faults.

(iii) The OCC of NRPC in its 154<sup>th</sup> meeting dated 18.12.2018, quoted/relied upon by the Petitioner, while observing that “From the plots for Talwandi Sabo station it seemed that units are absorbing MVAR above 420kV” has also observed that it is “generating MVAR below 420kV”. Further, the Commission also refers to the following minutes of OCC Meetings referred to in the proceedings:

(a) Minutes of 129<sup>th</sup> OCC meeting held on 16<sup>th</sup> and 18<sup>th</sup> Nov., 2016, has a reference of generation of reactive power by TSPL reading as under:

*“Reactive power absorption by major generators and SCADA plots of MVAR Vs Voltage were presented. ...*

*From the data, it was also observed that some generators e.g., Talwandi Saboo,... in Punjab state control area...were generating reactive power wherein the voltage was above the 410kV.”*

(b) Minutes of 130<sup>th</sup> OCC Meeting held on 15<sup>th</sup> and 16<sup>th</sup> Dec., 2016 observed as under:

**“23.Observance of High Voltage in the Grid:**

*NRLDC representative presented Voltage duration curves of all 400kV nodes of NR for the month of Nov’16. Based on the above information following emerged:*

<b>S. NO</b>	<b>State control area</b>	<b>400kV buses Substations</b>	<b>400 kV buses at Generating stations</b>
1.	Punjab	400 kV ring voltage i.e. Dhuri, Nakodar, Muktsar, Makhu etc. are above 420kV for <b>the 60-70 % of time</b>	Talwandi ..... TPS, voltage are above than 420kV for <b>more than 80% of time.</b>

As is evident, it indicates the prevalence of voltage above 420kV for more than 80% of time at the Petitioner's station bus as compared to the 60-70 % of time at the 400 kV S/S, indicating the injection of MVARs at the Petitioner's end even when the voltage was above 420kV.

(c) The Minutes of 131<sup>st</sup> OCC Meeting held on 13<sup>th</sup> and 16<sup>th</sup> Jan., 2017 states as under:

*"22.10 Following were the observation based on SCADA data of 25<sup>th</sup> – 31<sup>st</sup> Dec 2016:*

- .....
- *Talwandi Saboo TPS, reactive absorption trend was not as per system requirement. Telemetry of Talwandi Saboo units MVAR also needs recheck."*

As evident from the above Minutes, TSPL's reactive absorption trend was routinely found not as per system requirement and generating reactive power even when the voltage was above the 410kV. Thus, the Petitioner's plea that the CMC has erroneously held that TSPL's Plant has been absorbing less MVAR and injecting leading MVARs into the grid is not sustainable.

(iv) With regard to the issue of Capability Curve, the Petitioner has accepted that it has submitted, earlier on 02.01.2017, the Generators Capability Curve with a load angle of 90°. However,

later vide its letter dated 21.03.2020 it sought to revise the same with a load angle of  $70^\circ$  with the plea that operating Generators at the load angle of  $90^\circ$  is not stable.

The Commission observes that MW and MVAR Capability curve of the generating units is a part of the 'Standard Planning Data' and 'Detailed Planning Data' mandated to be submitted to the STU as specified in APPENDIX A and B of the State Grid Code to plan/investigate the impact on the State Transmission System due to User development. Regulations 4.7.4 and 12.5.4 of the Grid Code also mandates that, "SGS (except CPPs) shall make available to SLDC the upto date capability curves for all Generating Units, indicating any restrictions, to allow accurate system studies and effective operation of the State Transmission System".

Thus, the Petitioner's plea that the respondents has erred in relying on the Capability Curve supplied by it on 02.01.2017 and not considering the Capability curves made available later on 21.03.2020 i.e. much after the period of impugned outages, is also not tenable.

### **5.1.3 Tripping Dated: 25.12.2018**

#### **a) Petitioner's Submission:**

Petitioner's plea is that Unit No. 3, 1 and 2 were manually tripped to protect the Power Plant from any damage due to tripping of 4 lines, 5<sup>th</sup> line and the last available line respectively leading to TSPL station blackout. It is submitted that PSTCL in its investigation reports dated 09.01.2019 and 20.03.2019 has clearly stated that on 25.12.2018 transmission lines tripped due to dense

fog and failure of disc insulators. Evidently, the aforesaid tripping had occurred for reasons not attributable to TSPL and its units were technically available and capable of generating power.

**b) Respondents Submission:**

The Respondents contention is that the MVAR graphs available clearly showed that TSPL's absorption of MVARs during the said day were lesser than the permissible MVARs as per its generator capability curve. It was reiterated that transmission line strings/insulators cannot burst even in foggy conditions when operated on nominal voltage. They burst only when operating on higher system voltages, which prevailed due to the poor excitation control of the machines at TSPL end. It was submitted that CMC had asked the representative of TSPL to provide the details of MVAR absorption and voltage corresponding to 25.12.2018 and asked SLDC to share the MVAR absorption data with PSTCL and seek their conclusive report/comments. However, M/s TSPL vide its e-mail dated 22.06.2020 intimated that MVAR absorption data of TSPL Plant is already available with SLDC through online SCADA data and nothing is pending at TSPL's end to be shared with SLDC. In the meanwhile, PSTCL vide letter dated 09.06.2020 submitted its comments concluding that:

*“non-absorption of power as per capability curve by TSPL resulted in overvoltage conditions and hence flashing of disc insulators and tripping of circuits. The more surprising element in analysis is outage of UNITS of TSPL when PSTCL circuits were available and were capable of transmission of power which was being generated at that instant.”*

In view of the above after much deliberations CMC rightfully concluded that revision of DC is not allowable to TSPL.

### c) Commission's Analysis:

The Commission refers to the CMC's Minutes/Finding as under:

#### **“20<sup>th</sup> Meeting**

*CMC noted that ASE/Protections & OS, PSTCL, Ludhiana in his conclusive report issued vide Endst. No. 552-554 dated 20.03.2019 has admitted that Transmission line failure is mainly due to failure of disc insulators due to dense fog in Punjab on dated 25.12.2018 and it has also been mentioned that selected washing of disc insulators was carried out by concerned P&M circle but all failed insulators were not covered in the scope of work of washing of insulator.*

*ASE/ Energy Accounting, SLDC submitted that ASE/ Protection & OS, PSTCL, Ludhiana in his memo no. 1688 dated 20.08.2019 has mentioned that ... Fault/ Disturbance Record have not been shared by M/s TSPL. ASE/ Energy Accounting, SLDC also apprised CMC that as per the MVAR graphs available with SLDC, M/s TSPL has absorbed MVARs lesser than the permissible MVARs as per its generator capability curve on dated 25.12.2018.*

*CMC asked representative of M/s TSPL to provide the details of MVAR absorption and voltage on dated 25.12.2018 and asked AE/ Energy Accounting, SLDC, to share the MVAR absorption data with P&M and seek their conclusive report/ comments, which shall be presented before CMC in the subsequent meeting for taking final decision regarding allowing/ disallowing DC to M/s TSPL on dated 25.12.2018.”*

#### **“21<sup>st</sup> Meeting**

As per the minutes of 20<sup>th</sup> Meeting of CMC, M/s TSPL was asked to provide the details of MVAR absorption and Voltage on 25.12.2018. Details have been sought from M/s TSPL and ASE/EA, SLDC was asked to share the

MVAR absorption data with P&M and to get conclusive reports/comments from P&M.

However, M/s TSPL vide its e-mail dated 22.06.2020 has intimated that MVAR absorption data of TSPL Plant is already available with SLDC through online SCADA data and nothing is pending at TSPL's end to be shared with SLDC.

Further, SLDC sought conclusive reports/comments of P&M organization, PSTCL on MVAR absorption data of M/s TSPL for dated 25.12.2018. In reply to the same, ASE/P&OS, PSTCL, Ludhiana vide its letter dated 1005 dated 09.06.2020 concluded as follows:-

*"The MVAR absorption showed sudden dip for Units #2 & #3 at 04:28 Hours, whereas values for Unit #1 remained unchanged. MVAR absorption of Unites #2 & #3 shows declining trend thereafter, thereby leading to rise in voltage level at local end and subsequently resulting in flashing of disc insulators and tripping of Nakodar –TSPL Circuit at around 4:44 Hours. TSPL–Muktsar Circuits 1 & 2, TSPL–PG Moga were already in open conditions. But it is quite surprising that Unit of TSPL got tripped as TSPL–Dhuri Circuits 1 & 2 were available for evacuation at that time and total combined MW generated of all three units was 1000 MW and PSTCL circuits are capable of carrying such high power ratings.*

*Similarly two circuits to Dhuri were transmitting around 680 MW of Power and after tripping of Dhuri – Rajpura Circuit-2 at 05:22 hrs UNIT-1 tripped, which shouldn't have happened as even single circuit with twin moose conductor configuration was capable of transferring 680 MW of Power.*

*As per data provided by SLDC, it is concluded that non-absorption of power as per capability curve by TSPL resulted in overvoltage conditions and hence flashing of disc insulators and tripping of circuits. The more surprising element in analysis is outage of UNITS of TSPL when PSTCL*



*circuits were available and were capable of transmission of power which was being generated at that instant.”*

***CMC deliberated and decided that revision of DC is not allowable to M/s TSPL.”***

As is evident, the Minutes indicate that CMC had considered the Petitioner's submissions as well as that by the STU PSTCL and SLDC. The Petitioner's plea is that it has tripped the units manually to protect the Power Plant from any damage. However, as is evident, the Petitioner's action to initiate the trippings seems to have been taken in haste (without seeking SLDC instructions) when the remaining line(s) were capable of evacuating the loads prevalent at that time, causing further disturbances in the system. The Commission also notes that PSTCL's report 09.06.2020 cited by the CMC attributes initiation of trippings to sudden dip in MVAR absorption by Units #2 & #3 at 04:28 Hours leading to rise in voltage level at the local end and subsequently resulting in flashing of disc insulators and the tripping. The Commission observes that, in terms of the State Grid Code, SLDC is responsible for coordinating the scheduling of a generating station within the State, real-time monitoring of the station's operation, injection schedule, switching instructions and checking that there is no gaming in its in its availability declaration. Thus, the generators are required to obtain its instructions before going on or off-grid.

#### **5.1.4 Dated: 03.01.2019**

##### **a) Petitioner's Submission:**

The Petitioner's plea is that due to failure/non-availability of four out of six 400 KV transmission lines, TSPL had manually tripped Unit-3 of the Project in order to avoid overloading of the remaining two 400 KV transmission lines. However, the CMC has incorrectly held that TSPL has failed to produce any document indicating that the decision regarding the manual tripping of unit on 03.01.2019 was taken after discussion with PSLDC, without considering:

- (i) TSPL's letter dated 29.02.2020 issued to Punjab SLDC regarding the tripping on 03.01.2019, submitting as under:

*"5. e) Regarding forced tripping of Unit no. 3 on 03.01.2019 and the report by ASE-P&OS (PSTCL) dated: 16.04.2019, it is submitted that:*

*Forced tripping of Unit 3 was done in order to avoid overloading of remaining 2 transmission lines to avoid station outage due to non-availability/failure of 4 out of 6 nos. of transmission lines. .... Unit no. 3 was tripped by TSPL in the interest of grid security/safe operation of the Plant."*

- (ii) PSLDC vide its email dated 03.01.2019 (at 15:07) communicated to TSPL that, "as 4 transmission lines are available to TSPL's generating station, please ensure to start Unit-3 at the earliest". Thus, it is evident that the decision regarding manual tripping of the Unit was taken in consultation with Punjab SLDC.
- (iii) Previously PSLDC vide its email dated 07.11.2017 had itself directed TSPL to box up any one unit to avoid tripping of all three units due to outage of 4 transmission lines.

## b) Respondents submission:

PSLDC has submitted that no direction was given for manual tripping on 03.01.2019. It was submitted that, during the said time, two lines were still operating and the total load of all the three units was only 1000 MW. Thus, the contention of TSPL of unavailability of evacuation system at the time of event is wrong as each of the line has a capacity to evacuate 680 MW. Further, the reliance as placed by TSPL on the email dated 03.01.2019 of PSLDC is misplaced. The said email issued at a later point of time merely asks TSPL to start Unit No. 3. Accordingly, the CMC in its findings has correctly recorded that TSPL, prior to manual tripping of Unit No. 3, had not discussed the issue with PSLDC.

## c) Commission's Analysis:

The Commission refers to the CMC's Minutes/Findings as under:

### “19<sup>th</sup> Meeting:

P&M, PSTCL, in his reply, has claimed that 2 no. Transmission lines (Dhuri CKt-1 & 2) were available at the time of event and were carrying load. As such, Unit tripping may be due to instability of generator of TSPL. As such, contention of TSPL for unavailability of evacuation at the time of event is wrong. TSPL needs to share the reason for tripping of their unit to PSTCL/ NRPC as matter is also under consideration by NRPC.

*TSPL pointed out that on the said date, the available 2 no. transmission lines were carrying / evacuating 924 MW generated by 3 no. units and in order to comply with (N-1) criteria, one no. generating unit was manually tripped, hence no DR ( Disturbance Record) is available.*

*TSPL requested CMC to direct PSTCL to provide line loading data of all evacuation lines of M/s TSPL.*

Accordingly, CMC directed PSTCL/SLDC to provide the details as above for examining the case by M/s TSPL. CMC also asked TSPL to submit its point-wise / date-wise observations/ objections/ comments on the issues, which have not been covered in earlier correspondence.

M/s TSPL also pointed out that in case of tripping of evacuation circuits/ lines, the data for other end of line is not made available to them by PSTCL. CE/SLDC intimated that the matter in this regard is required to be taken up by IPPs with P&M, PSTCL. CMC asked TSPL to give representation/request in this regard.”

### **“20<sup>th</sup> Meeting**

CMC noted that P&M, PSTCL, in his reply, has claimed that 2 no. Transmission lines (Dhuri Ckt-1&2) were available at the time of event and were carrying load. As such, Unit tripping may be due to instability of generator of TSPL and contention of TSPL for unavailability of evacuation at the time of event is wrong. It was also pointed out that the tripping of Unit No. 3 of M/s TSPL was also deliberated during the meeting of Protection Sub-Committee of NRPC held on 01.08.2019 & 02.08.2019 and taken very seriously by NRPC, as no one from TSPL was present to explain the same.

Representative of TSPL pointed out that on the said date, the available 2 no. transmission lines were not able to carry the energy generated by 3 no. units, due to which one no. generating unit was manually tripped by M/s TSPL.

CMC asked TSPL that whether the decision regarding manual tripping of unit was taken by TSPL after discussion with SLDC and if so, the requisite records for the same may be produced before CMC. However, TSPL failed to produce such record to CMC at the time.

**CMC deliberated and decided that revision of DC is not allowable to TSPL during the outage period on 03.01.2019.”**

As is evident, the impugned Minutes indicate that CMC had considered the Petitioner's submissions as well as that by the STU PSTCL and SLDC. The Commission observes that CMC has considered the submission made by parties that two Transmission lines were available at the time of event and were carrying/evacuating 924 MW generated by all the three units and also the Petitioner's plea that it resorted to manually trip one of its generating unit in order to comply with (N-1) criteria. The Commission notes that PSPCL's submission that each of the line has a capacity to evacuate 680 MW has not been disputed. Also, the Petitioner's plea that the decision regarding the manual tripping of unit on 03.01.2019 (at 06:15) was taken after discussion with PSLDC as evidenced from PSLDC email dated 03.01.2019 (at 15:07) is not sustainable, as SLDC's mail sent at a later time only indicates a direction to the Petitioner to start its Unit-3. It cannot be considered to be a direction given at an earlier time to shut down one of its units. Further, PSLDC's earlier email dated 07.11.2017 directing TSPL to box up any one unit to avoid tripping of all three units due to outage of 4 transmission lines cannot be cited as a precedent since such directions are issued by SLDC keeping in view the loading conditions prevalent at that moment.

**In view of the above, the Petitioner's plea that CMC has decided the impugned issue in a mechanical manner, without application of mind, not supported by any cogent data/proof and without considering data and evidence placed on record by TSPL cannot be sustained. The Commission finds no infirmity in the CMC's findings and accordingly the Petitioners prayers to quash/set-**

**aside the same and to declare that the said trippings/outages was not on account of any reason attributable to TSPL is not sustainable.**

**5.2 Prayer to direct/declare that the SEAs for the months during the impugned outage periods shall be revised in terms of the actual DC as declared by TSPL for its Project:**

The Petitioner's plea is that there was no fault on the part of its Plant and since the same was technically capable of generating power at full load, TSPL had declared 100% Availability for the outage periods. It was pleaded that in terms of the PPA, State Grid Code/IEGC 2010 and as held by the Hon'ble High Court of Punjab and Haryana vide its Judgment dated 04.07.2022 in CWP No.7519 of 2020 titled *Talwandi Sabo Power Limited vs. UoI & Ors.*, the declaration of DC/Availability of the Power Plant is the sole prerogative and statutory right of TSPL and PSLDC is obligated to consider and record the DC as declared by TSPL in the Monthly SEA. However, the CMC has failed to consider the same and that the PSLDC has taken upon itself the functions of the adjudicating authority (i.e. the Commission) by ignoring the Availability declared by the Petitioner.

On the contrary, SLDC has submitted that PSLDC is the statutory load dispatch center being a creature of the Electricity Act mandated to ensure integrated operation of the power system and is responsible for optimum scheduling and despatch of electricity within the State. The declaration of availability can be accepted only if the generator is actually in a position to generate and supply electricity to the extent and not otherwise. The decision of the Hon'ble High Court of Punjab and Haryana relied upon by the Petitioner, in fact, has held that PSLDC has to act as per the procedures and has nowhere suggested

that it was to merely act as a post office and necessarily consider the capacity as declared by TSPL without verifying or applying prudence check to the same. PSLDC is duty bound under the Act and the State Grid Code to verify the capacity declared available by the generators. Further, as per the provisions of the State Grid Code Regulations, the CMC has been designated to deliberate and decide the issues relating to the SEAs prepared by SLDC, in case any objection is raised thereon. In the present case, the matter has been decided by the CMC after deliberating in detail and considering all aspects including the reports placed before the CMC.

The Commission refers to the Hon'ble Pb. & Haryana High Court Judgement dated 04.07.2022 (in CWP Nos. 7519 of 2020 and 7715 of 2020 filed by TSPL and NPL respectively) cited by the parties, wherein it has been observed as under:

*“[78]. ...Under Regulations 11.3.10, 11.3.12 and 11.3.13 of the Punjab Grid Code and Article 8.3 of the Power Purchase Agreements, the petitioners are duty bound to correctly declare their availability/declared capacity every day corresponding to their capabilities to generate electricity. PSLDC in turn is duty bound to consider the declared capacity and prepare the SEA accordingly. PSLDC cannot deviate from its statutory obligations in this regard.”*

Further, the Commission also refers to the Regulation 11.2.4 of the State Grid Code, which specifies that:

*“11.3.4 The State Load Despatch Centre is responsible for coordinating the scheduling of a generating station within the State, real-time monitoring of the station's operation, checking that there is no gaming (gaming is an intentional mis-declaration of a parameter related to commercial mechanism in vogue, in order to make an undue commercial gain) in its availability declaration, or in any other way revision of availability declaration....”*

Thus, it is evident that the PSLDC's duty is to consider the declared capacity and prepare the monthly SEAs, under the State Grid Code Regulations and the PPA. It is linked to the generators' obligation to declare the same correctly, as also observed by the Hon'ble High Court. Also, in terms of the State Grid Code, SLDC is mandated to check that there is no gaming in the availability declaration by the Generators. Therefore, the Petitioner's plea that the PSLDC cannot question the DC declared by it and has taken upon itself the functions of the Commission is not tenable. PSLDC is mandated by Regulations to do real time monitoring and ensure that there is no gaming. That it can only ensure through prudence checks and by not only on face value the DC the generator chooses to declare. Moreover, as discussed and held in the preceding paras, no infirmity could be found in the CMC's decision/findings on the issue of impugned SEAs prepared by the PSLDC.

**In view of the above, the Petitioner's prayer to direct/declare that the SEAs for the months during the impugned outage periods shall be revised in terms of the DC as declared by TSPL is not sustainable.**

**5.3 Prayers to direct PSPCL to accept the DC/Deemed Availability as declared by TSPL and pay Capacity Charges (including deductions made) for the outage periods along with Carrying Cost and Late Payment Surcharge as per the PPA:**

The Petitioner's plea is that, in terms of the PPA, it is the responsibility of PSPCL to provide Interconnection and Transmission Facilities (which includes three double circuit 400 kV transmission lines) for evacuation of power from TSPL's Project beyond the Delivery Point as upheld in the Arbitral Award dated 18.09.2017. Therefore, TSPL's



obligation to generate and supply power to PSPCL is interdependent and linked to PSPCL's obligation to provide reliable and optimum Transmission Facility for evacuation of power from the Power Plant. Thus, the constraints, if any, in the transmission system beyond the Delivery Point affecting evacuation of power cannot be attributable to TSPL. Hence, in such a situation, when PSPCL fails to perform its obligation, TSPL is entitled for payment of Capacity Charges for the Deemed Availability of its Power Plant as held in various judgments. It was also submitted that it is a settled position of law that a person ought not to be penalized for the fault of another.

On the contrary, PSPCL's contention is that 3 double circuit lines already exist for evacuation of power of the Petitioner's plant as per terms of the PPA. The reliance placed by TSPL on various case judgements arising out of completely different issues has no relevance to the facts of the present case. Moreover, the impugned outages were on account of omissions and commissions of the Petitioner as has been held by the designated authority i.e. the CMC. Further, in terms of the PPA, PSPCL is bound to pay the monthly bills only as per the Availability and Energy indicated in the SEAs issued by the PSLDC.

The Commission refers to the Arbitral Award referred to by the Petitioner pertaining to the dispute w.r.t. the delay in Commissioning of the plant. The relevant extract of which reads as under:

*"290. In the Tribunal's opinion, as per Article 4.2(a), PSPCL has assumed obligation to procure Interconnection and Transmission Facilities (comprising of three double circuit 400 kV transmission lines) by the Scheduled Connection Date."*

The Commission notes that the Petitioner in its submissions has itself accepted that the power is being evacuated from its plant through six

transmission lines. Further, the Commission also refers to the PPA, which reads as under:

*“11.2.2 Each Monthly Bill and Provisional Bill shall include:*

*i. Availability and energy account for the relevant Month as per SEA for Monthly Bill....”*

Thus, there is no error apparent in payment of Capacity Charges to the Petitioner as per the SEAs prepared by the PSLDC and upheld by the CMC. Moreover, as held in the preceding paras, the Petitioner could not demonstrate any infirmity in the findings of the CMC and has failed to prove to the contrary that the impugned outages/constraints were not a result of its own omissions and commissions. Therefore, the Commission agrees with the Respondents that the case judgments cited by the Petitioner have no relevance to the facts of the present case as PSPCL cannot be faulted on account of any of its obligations in the matter under consideration. PSLDC has also acted as per its statutory obligations and mandate as has the CMC, as per its regulatory directions.

**In view of the above, the Petitioner’s prayers to direct PSPCL to accept the DC/Availability as declared by TSPL and pay deemed Capacity Charges (including deductions made) for the outage periods along with Carrying Cost and Late Payment Surcharge is not upheld and hence the petition is dismissed.**

Sd/-

(Paramjeet Singh)  
Member

Sd/-

(Viswajeet Khanna)  
Chairperson

Chandigarh

Dated: 19.01.2024