

Appellate Tribunal for Electricity
(Appellate Jurisdiction)

R.P No.20 of 2015
IN
APPEAL NOS. 75 & 76 of 2014

Dated: 17th Feb, 2016

Present: HON'BLE MR. JUSTICE SURENDRA KUMAR, JUDICIAL MEMBER
HON'BLE MR. T MUNIKRISHNAIAH, TECHNICAL MEMBER

In the Matter of:

**Punjab State Power Corporation Limited.,
Shed No.F-4, Shakti Vihar
Patiala-147 001**

... Appellant/Review Petitioner

Versus

- 1) Nabha Power Limited
1484, First Floor,
Sector 40B, Chandigarh**
- 2) Talwandi Sabo Power Limited
Village Banawala, Mansa
Talwandi Sabo Road,
District Mansa,
Punjab-151 302**
- 3) Punjab State Electricity Regulatory Commission
SCO 220-221, Sector 34-A,
Chandigarhy-160 022**

... Respondent(s)

Counsel for the Appellant(s) : Mr. Anand K Ganesan
Ms. Swapna Seshadri
Er. Baljit Singh, PSPCL

Counsel for the Respondent(s): Mr. Tajender K Joshi
Mr. R S Joshi
Mr. Sakesh Kumar
Ms. Charu Singh for R-1
Mr. Sanjay Sen, Sr Adv
Ms. Shikha Ohri for R-2
Mr. Sakesh Kumar
Mr. Hemant Singh
Mr. Tabrez Malwat for R-3

ORDER

PER HON'BLE MR. T MUNIKRISHNAIAH, TECHNICAL MEMBER

1. The present Petition has been filed u/s 120(2)(f) of the Electricity Act, 2003 by the Appellant/Petitioner seeking clarification/review of the judgment of this Tribunal dated 10.4.2015 in Appeals No.75 and 76 of 2014 with regard to Peak Load Exemption Charges for the start-up of power drawn by the Respondents Nabha Power Limited and Talwandi Sabo Power Limited.
2. This Tribunal in the judgment dated 10.4.2015, upheld the decision of the State Commission with regard to various charges to be paid by the Generator for the electricity drawn with respect to start-up power as per the tariff applicable for the large industrial consumers such as energy charges, demand charges, power factor surcharge/incentive, Voltage surcharge/rebate etc as provided in scheduled tariff till a

separate Tariff is determined by the State Commission for start-up power.

3. In the present Review Petition, the Appellant/Petitioner requested or prayed for the clarification regarding payment of peak load exemption charges as applicable for the large industrial consumers has to be applicable to the Respondents also as per the Tariff Order. We have decided this issue in our judgment considering the decision of the State Commission in the Impugned Order dated 8.1.2014. The relevant part of the State Commission's Impugned Order is quoted as below:

“As per Article 11.9 of the Power Purchase Agreement signed between the parties, the Seller (Petitioner) shall be liable to pay for the power and energy consumed for start-up of the project and commissioning to the Distribution Licensee at the then prevalent rates payable by such industrial consumers. The interpretation of the Counsel for the Petitioner that ‘such’ means such ‘generating company’ is not sustainable since ‘such’ is followed by words ‘industrial consumers’. Thus, in view of the agreement between the parties, settling of the consumption towards start-up power in energy terms against the power which will be exported to the Grid post synchronization, cannot be permitted and the Petitioner is liable to pay various charges such as energy charges, demand charges, power factor surcharge/incentive, voltage surcharge/rebate etc., as provided in Schedule of tariff for Large Industrial Power Supply (General) (SI of Schedules of tariff) till a separate schedule for Start-up power is approved by the Commission. However, Peak Load Hours Restrictions, Peak Load Hours Exemption Charges or Penalty for violation of Peak Load Hours restrictions are not to be made applicable to the Petitioner company since start-up power is essentially required by every generating station and its

should be treated at par with essential services as far as applicability of peak load hour restrictions or PLEC are concerned”.

4. This Tribunal in the judgment dated 10.4.2015 upheld the above decision of the State Commission. Accordingly, we decided that the start-up power is essentially required by the generating stations and it should be treated at par with essential services as far as the applicability of the peak hours load restrictions are concerned.
5. In our opinion, therefore, there are no errors apparent on the face of the record as alleged in the Review Petition.
6. In view of the above, the **Review Petition No.20 of 2015 of the Appellant is hereby dismissed.**
7. Pronounced in the open court on this **17th day of February, 2016.**

**(T Munikrishnaiah)
Technical Member**

**(Justice Surendra Kumar)
Judicial Member**

Dated, the 17th February, 2016.



REPORTABLE / ~~NON-REPORTABLE~~