

**BEFORE THE TAMIL NADU ELECTRICITY REGULATORY COMMISSION,
CHENNAI**



Filing No :
Case No : M.P. No. 30 of 2021.

In the matter of : Petition under TNERC (Grid connectivity and Intra-State Open Access) Regulations, 2014, for determination of additional surcharge payable by open access consumers availing power under open access

Tamil Nadu Generation and Distribution Corporation Ltd.
(TANGEDCO)
NPKRR Maaligai
144, Anna Salai,
Chennai – 600 002

..... Petitioner

Petition filed by the Petitioner

(Petition filed under section 42(4) of Electricity Act 2003. Read with Regulation 24(1) of the TNERC Grid Connectivity and Intra State Open Access Regulations 2014)

The Petitioner named above respectfully states as under:


1 Overview of TANGEDCO

1.1 Tamil Nadu Electricity Board (TNEB) came into existence on 1st July 1957 under the repealed Act of Electricity (Supply) Act 1948 and has been in the business of generation, transmission and distribution of electricity in the state of Tamil Nadu.

1.2 The enactment of the Electricity Act, 2003 has opened up the power sector for competition in all spheres of activities. TANGEDCO as the State Generation and Distribution Utility is entrusted with the duty of generating power and distribution of the same to the end consumers through its generating stations and vast distribution network.

1.3 Contracted capacity of TANGEDCO as on 31.03.2021

Sl. No.	Generation Category	Installed capacity (in MW)
1	Hydro	2321.90
2	Thermal	4320.00
3	Gas	516.08
4	Central Generating Stations - Share	6558.00
5	Independent Power Project	514.42
6	Long Term Open Access	2830.00
7	Medium Term Open Access	550.00
8	Captive Power Projects	18.00
	Total	17628.40


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144, ANNA SALAI, CHENNAI

9	Non Conventional Energy	
I	Wind	2147.37
II	Solar	3450.34
III	Co-Generation	265.00
IV	Bio mass	35.00
	Total	5897.71
	Grand Total	23526.11

1.4 With regard to demand and supply position, the maximum power demand of the State is 16,151 MW during the year. Average daily consumption of the State is about 369.94 MU. Maximum demand met was 16,845.5 MW (10-04-2021) and maximum consumption per day was 372.702 MU (09-04-2021).

2 Legal framework:

2.1 The relevant Provisions of Electricity Act 2003, Policies of Government of India and Regulations on Open Access Notified by Hon'ble TNERC are detailed below.

2.2 The section 40 of Electricity Act describes the duties of Transmission Licensee related to open access

"to provide non-discriminatory open access to its transmission system for use by-
(i) any licensee or generating company on payment of the transmission charges ;
or

(ii) any consumer as and when such open access is provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the State Commission: Provided that such surcharge shall be utilised for the purpose of meeting the requirement of current level cross-subsidy:

Provided further that such surcharge and cross subsidies shall be progressively reduced in the manner as may be specified by the State Commission:

Provided also that the manner of payment and utilisation of the surcharge shall be specified by the State Commission.

2.3 Section 42 (2) of the Electricity Act 2003 provides following provisions wherein the powers have been given to State Commissions for specifying cross subsidy and surcharge.

"The State Commission shall introduce open access in such phases and subject to such conditions, (including the cross subsidies, and other operational constraints) as may be specified within one year of the appointed date by it and in specifying the extent of open access in successive phases and in determining the charges for wheeling, it shall have due regard to all relevant factors including such cross subsidies, and other operational constraints:

B. P. Rajeswar
Chief Financial Controller/
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Provided that such open access shall be allowed on payment of a surcharge in addition to the charges for wheeling as may be determined by the State Commission:

Provided further that such surcharge shall be utilised to meet the requirements of current level of cross subsidy within the area of supply of the distribution licensee:

Provided also that such surcharge and cross subsidies shall be progressively reduced in the manner as may be specified by the State Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use:"

- 2.4 Further, Section 42 (4) of the Act provides following provisions related to 'Additional Surcharge'.


"Where the State Commission permits a consumer or class of consumers to receive supply of electricity from a person other than the distribution licensee of his area of supply, such consumer shall be liable to pay an additional surcharge on the charges of wheeling, as may be specified by the State Commission, to meet the fixed cost of such distribution licensee arising out of his obligation to supply."

- 2.5 Section 8.5 of the National Tariff Policy provides following provisions that deal with calculation of cross subsidy surcharge and applicability of additional surcharge to be paid by open access consumers.

"National Electricity Policy lays down that the amount of cross-subsidy surcharge and the additional surcharge to be levied from consumers who are permitted open access should not be so onerous that it eliminates competition which is intended to be fostered in generation and supply of power directly to the consumers through open access."

"8.5.4 The additional surcharge for obligation to supply as per section 42(4) of the Act should become applicable only if it is conclusively demonstrated that the obligation of a licensee, in terms of existing power purchase commitments, has been and continues to be stranded, or there is an unavoidable obligation and incidence to bear fixed costs consequent to such a contract. The fixed costs related to network assets would be recovered through wheeling charges."

- 2.6 It is respectfully submitted that, the clause 8.5.6 also stipulates that in case of outages of generator supplying to a consumer on open access, standby


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arrangements should be provided by the licensee on the payment of tariff for temporary connection to that consumer category as specified by the Appropriate Commission. Provided that such charges shall not be more than 125 percent of the normal tariff of that category.

- 2.7 It is respectfully submitted that, the Regulation 24 of TNERC(Grid connectivity and Intra-State Open Access) Regulations, 2014, provides following provisions, which deal with 'Additional Surcharge'

"24. *Additional Surcharge.* –

(1) An open access customer, receiving supply of electricity from a person other than the distribution licensee of his area of supply, shall pay to the distribution licensee an additional surcharge on the charges of wheeling, in addition to wheeling charges and cross-subsidy surcharge, to meet out the fixed cost of such distribution licensee arising out of his obligation to supply as provided under subsection (4) of section 42 of the Act.

(2) This additional surcharge shall become applicable only if the obligation of the licensee in terms of power purchase commitments has been and continues to be stranded or there is an unavoidable obligation and incidence to bear fixed costs consequent to such a contract. However, the fixed costs related to network assets would be recovered through wheeling charges.

(3) The distribution licensee shall submit to the Commission on six monthly basis, a detailed calculation statement of fixed cost which the licensee is incurring towards his obligation to supply. The Commission shall scrutinize the statement of calculation of fixed cost submitted by the distribution licensee and obtain objections, if any, and determine the amount of additional surcharge:

Provided that any additional surcharge so determined by the Commission shall be applicable only to the new open access customers.

(4) Additional surcharge determined on per unit basis shall be payable, on monthly basis, by the open access customers based on the actual energy drawn during the month through open access:

Provided that such additional surcharges shall not be levied in case distribution access is provided to a person who has established a captive generation plant for carrying the electricity from such plant to the destination of his own use.

3.0 Background of Petition

- 3.1 It is submitted that this petition is filed based on the directions issued in the order of previous petition vide case M.P.No.18 of 2020, order dated 15.04.2021 in which the Hon'ble TNERC has directed TANEDCO as follows:


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"8.23. Directions to the Tamil Nadu Generation and Distribution Corporation Limited:

TANGEDCO is directed to file the petition, to determine the applicability of the Additional Surcharge, on six monthly basis as directed under Regulation 24(3) of the TNERC Grid Connectivity and Intra State Open Access Regulations. Therefore, even there is no stranded capacity, TANGEDCO shall have to file the necessary details as considered in this petition periodically.

TANGEDCO shall obtain the 15 minutes block wise data in respect of the Capacity available, Power scheduled by the TANGEDCO, Power scheduled by the Open Access consumers (for both Non-Renewable energy & Renewable energy), so as to file the details at the time of filing the petition for Additional surcharge.

TANGEDCO shall strive to maintain the optimum availability of power, so as to avoid the payment of fixed charges on the stranded availability."

- 3.2 The additional surcharge for the period from 01.10.2021 to 31.03.2022 based on data for the period from 01.10.2020 to 31.03.2021 is now filed before the Hon'ble Commission for determination of Additional Surcharge payable by the open access consumers.

4.0 Additional Surcharge for the period from 01.10.21-31.03.22

- 4.1 The Additional Surcharge for the period from October 2021 to March 2022 is to be determined based on the details from October 2020 to March 2021. The additional surcharge is worked out based on the calculations approved earlier in M.P.No.18 of 2020 as follows:

Calculation of Additional Surcharge based on data for the period of October 2020 to March 2021				
S.No.	Description	Nomenclature	Value	Unit
1	Contracted Capacity	A	23526.11	MW
2	Maximum Availability	B	20174.96	MW
3	Minimum Availability	C	9622.39	MW
4	Average Availability	D	11620.80	MW
5	Maximum Scheduled	E	18433.44	MW
6	Minimum Scheduled	F	4989.16	MW
7	Average Scheduled	G	10293.24	MW
8	Capacity not availed (Max)	H	6813.24	MW
9	Capacity not availed (Min)	I	0.00	MW
10	Capacity not availed (Avg.)	J	2578.52	MW
11	OA Allowed (Max)	K	1636.84	MW
12	OA Allowed (Min)	L	138.41	MW
13	OA Allowed (Avg.)	M	588.20	MW


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14	Capacity stranded due to OA	N	556.14	MW
15	Total Fixed Charge (PPA)	O	9036.21	Rs in Crore
16	Fixed charges per MW available	$P=O/D$	0.78	Rs in Crore
17	Fixed charges of stranded capacity	$Q=P*N$	432.45	Rs in Crore
18	Transmission Charges paid	R	2405.65	Rs in Crore
19	Energy Scheduled	S	44960.00	MU
20	Transmission Charges per kWh	$T=R/S*10$	0.54	Rs./kWh
21	Distribution Charges (As approved in Tariff Order)	U	0.21	Rs./kWh
22	Total T & D Charges per kWh	$V=T+U$	0.75	Rs./kWh
23	Energy Consumed by OA Consumer from Discoms	W	2821.17	MU
24	T & D charges payable to Discoms by OA consumers	$X= W*V/10$	210.34	Rs in Crore
25	Demand Charges Recovered by Discoms from OA	Y	423.08	Rs in Crore
26	Demand Charges to be adjusted	$Z=Y-X$	212.74	Rs in Crore
27	Net stranded charges recoverable	$AA=Q-Z$	219.71	Rs in Crore
28	OA scheduled energy	AB	2570.00	MU
29	Additional surcharge AC	$AC=AA/AB*10$	0.85	Rs./kWh

The details of Power purchase fixed cost, availability and energy adjusted details are submitted as annexure in the typed set.

5.0 Prayer

In view of the above, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

- 5.1 Admit the above petition for determination of additional surcharge payable by all open access consumers for the period from 01.10.2021 to 31.03.2022.
- 5.2 Hold that the obligation of the state distribution licensees in terms of power purchase agreements has been and continues to be stranded and there is an unavoidable obligation and incidence to bear fixed costs consequent to such agreements.
- 5.3 Determine the additional surcharge of **Rs.0.85** per unit payable by open access consumers on scheduled quantum of power purchase through open access.
- 5.4 Consider the information submitted by TANGEDCO for determining the amount of additional surcharge.


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- 5.5 Pass such other further orders as this Hon'ble Commission may deem just and proper in the circumstances of the case.
- 5.6 To permit to make further submissions, addition and alteration to this Petition as may be necessary from time to time.


PETITIONER

Chief Financial Controller/
Regulatory Cell
TANGEDCO
144, ANNA SALAI, CHENNAI-2

Court fees Details

Rs: 10,000/-

TRAN. of -vi

Pd/62/0/20593337

dt. 04.08.2021.

**BEFORE THE HON'BLE TAMIL NADU ELECTRICITY REGULATORY
COMMISSION, CHENNAI**

Filing No :

Case No : M.P.No. of 2021

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Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO),
N.P.K.R.R Malaigai,
144, Anna Salai,
Chennai -2.

..... Petitioner

Versus

NIL

..... Respondent

Affidavit verifying the petition

I, B.RAJESWARI, D/o R.BALASUBRAMANIAN, aged about 46 years, serving as the Chief Financial Controller, Regulatory Cell, Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) having office at No. 144, Anna Salai, Chennai-600002, do hereby solemnly affirm and sincerely state as follows:

1. I am the Chief Financial Controller, Regulatory Cell of the petitioner herein, as such I am well acquainted with the facts of the case and authorized to file the present petition.
2. I solemnly affirm on this the ...^{11/15}... day of August, 2021 that the contents of the above petition are true to my knowledge and I believe that no part of it is false and no material has been concealed there from.

B. Rajeswari
Petitioner

**Chief Financial Controller/
Regulatory Cell
TANGEDCO
144, ANNA SALAI, CHENNAI - 600002**

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..... Petitioner

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Dated at Chennai on this the ... day of August, 2021


Petitioner

**Chief Financial Controller/
Regulatory Cell
TANGEDCO
144, ANNA SALAI**

ANNEXURE - I

①

Calculation of Additional Surcharge based on data for the period October 2020 to March 2021				
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28	OA scheduled energy	AB	2570.00	MU
29	Additional surcharge AC	$AC=AA/AB*10$	0.85	Rs./kWh

Annexure-II

Details of Energy Availed and Scheduled

S.No.	Description	Oct 2020 (MW)	Nov 2020 (MW)	Dec 2020 (MW)	Jan 2021 (MW)	Feb 2021 (MW)	Mar 2021 (MW)	Total
1	Energy Consumed by OA Consumer from Discoms	378.4778	383.7348	456.296	471.5405	476.7636	654.36	2821.17
2	Energy Scheduled (MU)	8411	7212	7433	7777	7840	8857.00	47530.00
3	OA Scheduled Energy	355	381	470	476	459	429	2570.00

Annexure-III

Average of 6 months' 15 mins block energy details

S.No.	Description	Total Availability from Conventional (in MW)	Total Schedule from Conventional (in MW)	Capacity Not availed from Conventional (in MW)	Total Availability from RE power (in MW)	Total Schedule from RE power (in MW)	Capacity not availed from RE power (in MW)	Total Capacity not availed (in MW)	OA Allowed i(in MW)	Min of backing down or OA allowed
1	Max in MW	13,971	12,229	6,813	6,204	6,204	-	6,813	1,637	1,215
2	Min in MW	9,622	4,989	-	-	-	-	-	138	-
3	Avg in MW	11,621	9,042	2,579	1,251	1,251	-	2,579	588	556
4	Mwhr	50,759,663	39,496,683	11,262,980	5,464,177	5,464,177	-	-	2,569,277	-
5	MU	50,760	39,497	11,263	5,464	5,464	-	-	2,569	-

G. NATESAN & Co.,
Chartered Accountants



Head Office :
7/1, Fourth Street,
Abiramapuram,
Chennai - 600 018.

CERTIFICATE

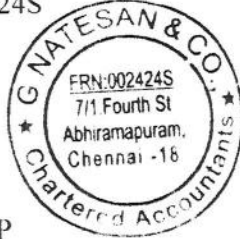
We G.Natesan & Co, Chartered Accountants, have verified relevant records of M/s.TAMILNADU GENERATION AND DISTRIBUTION CORPORATION LIMITED (hereinafter referred to as "the Company") maintained at their Head Office located at NPKRR Maaligai (TNEB Office), 144, Anna Salai, Chennai - 600002 and have obtained all the relevant information and explanations that were considered necessary for the purpose of this certificate.

Based on the verification and based on the information and explanations obtained, we hereby certify that the Fixed Cost of Rs.11,441.87 Crores for the period October'20 to March'21 has been incurred by TANGEDCO. The relevant workings are annexed and certified.

For G.Natesan and Co

Chartered Accountants

Firm Regn.002424S



Ranganathan K P

Membership No. 239498

Partner

Date : 28/07/2021

Place : Chennai

UDIN: 21239498AAAAAY6791

Ph : 2499 5430, 2499 1385, 94430 70401, 94431 28378

email : jkmuralica@gmail.com

Branches : Kumbakonam, Tanjore, Trichy, Kochi, Bangalore, Hyderabad, Chennai.

Annexure-I

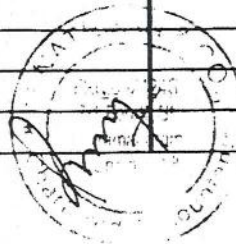
HT - DETAILS OF IEX AND TP AVAILED CONSUMERS

Month & Year	No. of consumers	Units Adjusted (in MU)				Demand Charges collected (Rs. in Crs.)
		Gross Consumption	IEX	Third Party (thermal wind solar biomass)	Balance units consumed	
1	2	3	4	5	6=3-4-5	7
Oct-20	583	714.38	255.10	80.80	378.48	57.08
Nov-20	631	744.10	315.35	45.02	383.73	64.33
Dec-20	697	901.05	394.35	50.40	456.30	69.67
Jan-21	791	920.42	383.52	65.36	471.54	74.75
Feb-21	884	919.54	357.78	84.99	476.76	77.61
Mar-21	910	1061.14	307.91	98.87	654.36	79.64
Total		5260.62	2014.01	425.44	2821.17	423.08



Annexure-IV

FIXED CHARGES – 2020-21 (October-20 to March-21)			
Sl. No.	Particulars	Quantum (MU)	Fixed Cost (Rs.Cr.)
1	Own Generating Stations		
	TTPS	1635.290	653.43
	MTPS-I	1716.320	493.06
	NCTPS-I	1208.703	672.71
	MTPS-II	569.373	415.44
	NCTPS-II	1702.101	626.91
	Thiruma Kottai GTPS	71.638	107.51
	Kuttalam-GTPS	197.593	125.12
	Basin Bridge-GTPS	0.000	185.75
	Valuthur-GTPS	347.290	198.34
	Erode-HPS	460.650	321.54
	KadamParai-HPS	399.740	124.50
	Kundah-HPS	1122.250	289.95
	Tirunelveli-HPS	807.916	185.87
	Sub Total	10238.864	4400.15
2	CGS		
	Neyveli Lignite Corpn Ltd. TS-II	1010.959	90.18
	Neyveli Lignite Corpn Ltd. Expn.TS-I	517.381	68.51
	Neyveli Lignite Corpn Ltd. Expn.TS-II	501.364	131.44
	NLC/NNTPP	1079.437	196.64
	NTPC/SR	1468.059	127.66
	NTPC/SR STAGE -III	439.591	38.72
	NTPC/KUDIGI	489.367	211.63
	NTPC/TALCHER	1596.574	131.71
	NTPC/ER	155.342	17.43
	NTPC/SIMHADRI ST-2	377.150	120.73
	NTECL/VALLUR	2659.181	671.70
	NTPL	1031.684	243.24
	Kudankulam Nuclear Power Corpn.	3552.952	0.00
	NPC/MAPS	445.943	0.00
	NPC/KAIGA	791.724	0.00
	Sub Total	16116.707	2049.58
3	IPP		
	Pillaiperumalnallur	1.747	86.95
	TAQA (STCMS)	366.651	98.62
	PIONEER Power co. (Penna)	146.018	14.60
	Sub Total	514.416	200.17
4	Renewable		
	Windmill	688.403	0.00
	Co-generation	159.205	26.29
	Biomass	2.017	0.30



	Captive generation	8.846	0.00
	Solar	3051.125	0.00
	UI Power	2.126	0.00
	Sub Total	3911.723	26.59
5	Traders-MTOA		
	PTC India Ltd.	588.242	0.00
	Sub Total	588.242	0.00
6	Traders-LTOA		
	Jindal Case1 Bidding	1616.946	422.07
	Opg Pvt Ltd	133.977	42.53
	Coastal Energen Pvt. Ltd.	1040.253	417.21
	PTC India Ltd.	367.909	112.38
	Dhariwal Infrastructure Ltd.	348.338	69.10
	DB Power Ltd.	836.989	182.65
	IL&FS Tamil Nadu Power	1291.300	496.66
	Bharath Aluminium	628.537	113.87
	KSK Mahanadi Power	1733.348	364.34
	GMR Energy Trading Ltd.	597.557	138.92
	Nvvn Solar	12.312	0.00
	Sub Total	8607.466	2359.73
7	Traders -STOA		
	NVVN	397.445	0.00
	PTC India Ltd.	446.175	0.00
	Sub Total	843.620	0.00
	POC/STOA	0.000	0.00
	POC/MTOA	0.000	0.00
	POC/LTOA	0.000	0.00
8	Power Exchanges	3666.716	0.00
	Sub Total	3666.716	0.00
	Total Power Purchase Cost	44487.754	9036.21
	Total		
9	PGCIL/SR	0.000	1130.29
	POSOCO	0.000	2.21
	Transmission charges for 01.10.2020 to 31.03.2021	0.000	1129.42
	STOA Charges	0.000	143.73
10	Total Fixed Cost	0.000	2405.65
	Grand Total 1+2	44487.754	11441.87

Note: Details furnished to Own Generation Station to be verified with the monthly



Annexure-V

Fixed Cost of TANGEDCO

S.No.	Name of the Plant	Depreciation	Interest on loan capital	Interest on Working Capital	Return on Equity	A/C 74+75+76 Operation and Maintenance Expenses	A/C 79 Other Debits	A/C 83-65 Prior period credits/ charges	Extra Ordinary Charges	A/C 62 Cr Other Income	A/C -61 Cr. Non-Tariff Income	Total Fixed Cost
1	TTPS	98.85	355.33	51.8	25.19	144.16	0.57	0.00		22.40	0.08	653.43
2	MTPS	58.43	213.03	45.79	15.73	159.13	0.00	27.64		26.69	0.00	493.06
3	NCTPS-I	115.03	378.73	41.88	31.21	107.40	0.11	0.23		1.88	0.00	672.71
4	MTPS-II	125.18	183.04	30.78	30.99	51.29	0.00	19.74		25.58	0.00	415.44
5	NCTPS-II	212.61	219.4	49.21	57.36	90.77	0.00	0.19		2.63	0.00	626.91
6	ThirumalkottaiGTPS	23.6	86.62	4.89	6.2	-14.09	-0.03	0.00		-0.32	0.00	107.51
7	Kuttalam-GTPS	22.81	74.17	4.98	6.34	16.51	0.00	0.44		0.12	0.01	125.12
8	Basin Bridge-GTPS	1.3	150.69	6.37	20.37	7.05	0.00	-0.01		0.02	0.00	185.75
9	Valuthur-GTPS	40.91	119.57	10.91	12.18	14.90	0.00	0.00		0.11	0.02	198.34
10	Erode-HPS	88.29	173.45	10.18	27.88	22.23	0.00	-0.40		0.08	0.01	321.54
11	Kadamparai-HPS	19.62	76.75	3.59	6.33	19.39	0.00	0.13		1.30	0.00	124.50
12	Kundah-HPS	57.48	177.76	8.38	15.39	31.58	0.09	-0.03		0.69	0.00	289.95
13	Tirunelveli-HPS	29.72	114.84	5.38	8.57	28.18	0.00	-0.03		0.80	0.00	185.87
	TOTAL	893.83	2323.38	274.14	263.74	678.51	0.74	47.90	0.00	81.98	0.12	4400.15



Tamil Nadu Transmission Corporation Limited
(Subsidiary of TNEB Ltd.)

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O/o Chief Engineer/Grid Operation,
Chennai - 2

U.O. to Chief Financial Controller / Regulatory Cell / TANGEDCO:

U.O.No. CE/GO/SE/LD&GO/EE/G/AEE2G/F. Addl.Sur/D. 53/21, Dt. 26.05.2021

Sub: Regulatory Cell - M.P.No.18 of 2020 - Petition for determination of Additional Surcharge for open access consumers - Certain details requested - Reg.

Ref: U.O. No. CFC/Reg.cell/FC/DFC/RC/F.Addl.Sur./D.No.136/21 dt. 11.05.21

The details requested vide U.O. cited above for determination of Additional Surcharge for open access consumers are enclosed in the prescribed format alongwith the block wise data from October 2020 to March 2021.

Further, it is stated that the details regarding energy consumed by OA consumer from TANGEDCO and the OA quantum from the RE sources may be obtained from respective wing of TANGEDCO.

Sd xxx (25/05/21)
Chief Engineer/Grid Operation