

Before
UTTARAKHAND ELECTRICITY REGULATORY COMMISSION
Misc. Application No. 03 of 2022

In the matter of:

Petition under Section 86(1)(c), (e), (f) and (k) read with Section 30 of the Electricity Act 2003 and Regulations 41(1) of UERC (Tariff and Other Terms for Supply of Electricity from Renewable Energy Sources and non-fossil fuel based Co-generating Stations) Regulations, 2018 seeking permission of the Commission to connect the Petitioner's Suringad (5 MW) small hydro plant from 33/11 Darati S/s of UPCL.

In the matter of:

Managing Director, UJVN Limited "UJJWAL", Maharani Bag, GMS Road, Dehradun

..... Petitioner

AND

In the matter of:

1. Managing Director, Uttarakhand Power Corporation Ltd. (UPCL)
2. Managing Director, Power Transmission Corporation of Uttarakhand Ltd. (PTCUL)
3. M/s Himalaya Hydro Private Limited.

.... Respondents

CORAM

Shri D.P. Gairola, Member (Law)-Chairman (I/C)

Shri M. K. Jain, Member (Technical)

Date of Hearing: March 11, 2022

Date of Order: March 23, 2022

ORDER

The Order relates to the Petition filed by UJVN Ltd. (hereinafter referred to as "the Petitioner") under Section 86(1) (c), (e) (f) and (k) read with Section 30 of The Electricity Act, 2003 and Regulations 41(1) of UERC (Tariff and Other Terms for Supply of Electricity from Renewable Energy Sources and non-fossil fuel based Co-generating Stations) Regulations, 2018 seeking permission of the Commission to connect the Petitioner's Suringad (5 MW) small hydro plant from 33/11 Darati S/s of Uttarakhand Power Corporation Ltd. (hereinafter referred to as "the Respondent No. 1" or "Distribution Licensee" or "UPCL").

1. Background

- 1.1 The Petitioner, UJVN Ltd., is a company incorporated under the provisions of the Companies Act, 1956, having its registered office at UJJWAL, Maharani Bagh, GMS Road, Dehradun.
- 1.2 The Petitioner had completed construction of 5 MW Suringad Small Hydro Project in Pithoragarh District in April 2021. The Petitioner has been requesting UPCL for granting connectivity to its project for evacuation of power through the 33/11 kV Darati S/s of UPCL, however, the said project of the Petitioner has not been granted connectivity by UPCL till date due to which the project could not be commissioned.
- 1.3 However, UPCL has been stating that due to existing evacuation constraints, it is not possible for it to provide connectivity at the 33/11 kV Darati S/s., as the said S/s evacuates power of two SHP's namely Motighat and Tanga, 5 MW each of M/s Himalaya Hydro Power Ltd. (herein after referred to as "Respondent No. 3")
- 1.4 Earlier, the issue with respect to evacuation of power was brought before the Commission by Respondent No. 3, wherein the Commission vide Order dated 30.06.2021 had held that:

"7.4 In the view of the above discussion it is evident that Petitioner has a valid PPA with UPCL for 35 years life of Motighat and Tanga SHP duly approved by the Commission and UPCL has given TFR application vide letter dated 10.05.2005 to evacuate power at 33/11 kV Darati Sub-station and UPCL is struggling to evacuate the 10 MW of power from Petitioner's aforesaid SHPs and in this manner there is no capacity at the said Darati Sub-station to evacuate power more than it is already agreed to from Petitioner's SHP. There is no provision in the Act and Regulations to give temporary connectivity as submitted on behalf of UJVN Ltd. during the final hearing before the Commission. Further, it will not be out of place to mention that UPCL in its letter dated 04.03.2021 by Executive Engineer, Dharchula has categorically stated that it is not technically feasible to evacuate power from Suringad SHP at Darati Sub-station and till date no technical feasibility report has been given by UPCL to connect Suringad SHP at 33/11 kV Darati Sub-station. In light of this, the Commission is of the view that in the prevailing circumstances it is not feasible to allow connectivity to any other SHP viz-a-

viz UJVN Ltd.'s Suringad SHP to 33/11 kV Darati Sub-station and the existing 33 kV network besides the Petitioner's SHPs.

7.5 Hence, the petition filed by the Petitioner succeeds and consequently allowed. Further, the Commission directs: (i) Respondent No. 1 not to connect any other SHP to the 33/11 kV Darati Sub-station and/or existing 33 kV network till 220 kV Baram S/s alongwith associated lines is ready for evacuation. (ii) PTCUL shall submit, under affidavit, a compressed project execution schedule/programme considering completion time not later than December 2021, in the form of Pert-CPM Chart with respect to completion of 220 kV Baram Sub-station and its associated line before the Commission within 15 days of the issuance of this Order. PTCUL shall submit on regular basis monthly progress report of 220 kV Baram Substation and its associated 220 kV line by 7th of the following month positively to the Commission.

- 1.5 The Petitioner has now approached the Commission vide the instant Petition requesting the Commission to allow connectivity and evacuation of power from Petitioner's 5MW Suringad SHP from 33/11 kV Darati Sub-station of UPCL.
- 1.6 Accordingly, the Commission decided to fix a hearing for admissibility on 08.02.2022 in the matter and had also made M/s Himalaya Hydro Power Ltd. & PTCUL as other Respondents in the matter and vide letters dated 25.01.2022 communicated the same to the parties directing the Respondents to submit the comments/reply on the Petition. However, the said date of hearing was re-scheduled to 22.02.2022 and finally the hearing was held on 11.03.2022.
- 1.7 Subsequently, the Commission received replies from PTCUL, UPCL, M/s Himalaya Hydro Power Ltd. vide letters dated 05.02.2022, 25.02.2022 and 11.03.2022, respectively and an additional submission was later filed by the Petitioner vide letter dated 04.03.2022.
- 1.8 On the scheduled date of hearing i.e. 11.03.2022 the Commission heard the parties in detail, who have re-iterated their earlier submissions before the Commission.

2 Petitioner's submission's

- 2.1 The Petitioner has made following submissions:

- 2.1.1 That the request for PPA for Suringad SHP is pending with UPCL due to the connectivity issue since October 2020. UJVNL has been continuously pursuing

UPCL for connectivity of Suringad from 33 kV Darati substation of UPCL since November, 2017.

- 2.1.2 The matter of connectivity for Suringad SHP was discussed before the Inter Corporation Coordination Committee of all three power utilities of Uttarakhand i.e. UPCL, PTCUL and UJVNL on dated 18.06.2021. As per the direction of Coordination Committee, UPCL vide its Office Memorandum dated 28.08.2021 had constituted a committee, which included officers of UPCL, PTCUL and UJVNL, to provide proposal of alternative arrangement for evacuation of Power from Suringad SHP till the completion of 220 kV Baram Sub Station by PTCUL.
- 2.1.3 The aforesaid Committee vide its Report proposed for “Seraghat-Darati-Munsiyari-Nachni-Thal-Raiagar-Gangolihat-Awlaghat-Pithoragarh” 33 kV line as an alternative arrangement in place of “Seraghat-Darati-Munsiyari-Nachani-Thal-Didihat-Kanalichhina-madmanley-Pithoragarh” 33 kV line. The Load flow Study for proposed arrangement was done by PTCUL. The Load Flow Study Report has concluded that the Power from Motighat SHP (5MW), Tanga SHP (5MW) & Suringad SHP (5 MW) may be evacuated in normal conditions from aforementioned proposed alternative arrangement.
- 2.1.4 On the basis of aforesaid Load Flow Study and the Report of aforesaid Committee, UPCL vide its letter dated 27.09.2021 has given its conditional consent for providing temporary connectivity for evacuation of power from Suringad SHP from the alternative arrangement proposed by the Committee subject to the approval of the Commission.
- 2.1.5 In recent past, after pronouncement of the aforesaid order dated 30-06-2021 new finding have been made jointly by UPCL, PTCUL and UJVNL regarding the 33 kV route and evacuation of power from Suringad SHP. Now UPCL vide its letter dated 27.09.2021 on the basis of Load Flow Study report and the report of a committee comprising the Officers of UPCL, PTCUL and UJVNL chaired by Chief Engineer, UPCL Rudrapur Zone, has agreed to provide connectivity to Suringad SHP through an alternate route i.e. Seraghat-Darati-Munsiyari-Nachani-Thal-Raiagar-Gangolihat-Awalaghat-Pithoragarh 33 kV line which shall be able to evacuate power from all three SHP’s Motighat, Tanga and Suringad altogether. Moreover, UPCL is ready to provide connectivity to Suringad SHP

from this alternate route till 220 kV Baram is commissioned with the riders of UJVN Ltd. bearing deemed generation, if any, arising on account of any interruption caused to the SHPs of M/s Himalaya Hydro Private Limited due to operation of Suringad SHP and providing indemnity bond by UJVN Ltd. UJVNL is ready to accept these riders for connectivity till April 2022 in view of the submission made by PTCUL before the Hon'ble Commission that the 220 kV Baram and associated lines would be commissioned by April 2022. In light of aforesaid new developments, now the evacuation of power from all three SHP Motighat, Tanga & Suringad is feasible, therefore, the petitioner prays the Hon'ble Commission to allow connectivity to Suringad SHP.

2.1.6 It is submitted that grave prejudice would be caused to the petitioner if connectivity and evacuation of power from 33/11 kV Darati substation is not allowed to the SHPs of the petitioner. 5 MW Suringad SHP is completed since April 2021 and due to connectivity issue the project could not be commissioned thus causing loss to the Petitioner by way of non-realization of revenue from sale of electricity and increasing IDC burden on loan amount. As Petitioner is a State Govt. Undertaking, non-connectivity to Suringad SHP is causing a huge loss to the public investment already incurred (approx. Rs 50 Cr.) by UJVN Ltd.

3 Submission by Respondent No. 1 (UPCL)

- 3.1 UPCL at the very outset has submitted that it does not have any objection if Suringad project of the Petitioner is allowed connectivity to the 33/11 kV Darati S/s subject to the condition that have already been accepted by the Petitioner.
- 3.2 **With regard to delay in commissioning of Suringad SHP, UPCL has submitted that the Petitioner was well aware that due to existing evacuation constraints, it was not possible to provide connectivity at Darati S/s and the Commission was made aware of the situation.**
- 3.3 **Further, UPCL has submitted that the contention of the Petitioner that the PPA is pending with UPCL does not hold merits as the Petitioner himself has admitted that the connectivity/evacuation arrangement from the plant is yet not confirmed,** moreover, the claim that issuance of connectivity is pending at the end of UPCL is also not justified as the Commission in the 7th Co-ordination Forum meeting dated 12.12.2019 had ordered to maintain the *status quo*.

3.4 Further, on the issue of connectivity, UPCL has submitted that it has given conditional consent subject to the approval of the Commission with a view that Suringad SHP may get connected for evacuation and their generation shall not get bottled up and at the same time the already connected generators shall not be adversely affected and in case of any unavoidable situation Petitioner shall restrict its generation and allow the passage to M/s Himalaya Hydro Power Ltd. generators. The Respondent further has sought an indemnity from the Petitioner in case of any loss of generation of M/s Himalaya Hydro Power Ltd. or any other loss consequent to the connection of Suringad at Darati S/s.

3.5 In continuation to the above, UPCL has submitted that the indemnity sought from the Petitioner shall mandatorily be continued throughout the period of providing the alternate connectivity to the Petitioner i.e. till the permanent connectivity is granted upon commissioning of 220 kV Baram S/s.

3.6 With regard to Regulation 41(1) of RE Regulations, 2018, UPCL submitted that:

“... connectivity is sought and granted as per the applicable regulations, however it should be sought before the start of the project and not when the plant is nearing completion. Further it is to inform that respondent has always tried to provide connectivity to all the generators but in the present matter there was technical difficulty and Hon'ble UERC itself has ordered to maintain status quo, however in order to safeguard the loss of generation the respondent has given full co-operation to the petitioner and explored the possibilities of evacuation and therefore upon analyzing the matter again has submitted its conditional consent through an alternative route.”

4 Submission by Respondent No. 2, (PTCUL)

4.1 PTCUL has submitted that it does not have any concern with the proposed alternate route agreed for the proposed evacuation or the conditional arrangement for the grid connectivity for Suringad SHP of UJVN Ltd. and that the matter of connectivity is between UJVN Ltd. and UPCL.

5 Submission by Respondent No. 3 (M/s Himalaya Hydro Power Ltd.)

5.1 Respondent No. 3 has submitted that despite clear direction of the Commission issued vide order dated 30.06.2021 the Petitioner has filed the instant Petition seeking

connectivity of Suringad SHP with Darati S/s even though the 220/33kV Baram S/s along with its associated 220 kV line is yet to be commissioned.

- 5.2 Further Respondent No. 3 has submitted that the present Petition is a review Petition in the garb of a substantive Petition. That if the Petitioner is aggrieved by Order passed by the Commission, he may file an appeal before the Hon'ble APTEL.
- 5.3 The Respondent No. 3 has submitted that the instant Petition is barred by the principal of *res judicata* as the issues raised in the instant Petition have already been adjudicated upon by this Commission.
- 5.4 Further the Respondent No. 3 submitted that the Tentative Load Flow Study, relied upon by the Petitioner, is only a computer simulation with bogus and fabricated data, and in complete contradiction to the actual data recorded in the MRI Meter Reading Reports of the Respondent No. 3 SHPs. Accordingly, the Tentative Load Flow Study and the allegedly alternative route deserve to be rejected.
- 5.5 Referring to the capacity of Darati S/s, the Respondent No. 3 has submitted that as on date the said S/s has been unable to continuously evacuate the full installed capacity of 10 MW + 10% overload from the Answering Respondent's two SHPs because of network constraints in UPCL's 33 kV transmission system, abnormally high bus voltages exceeding 36 kV and frequent grid failures. The same is also evident from the monthly MRI Meter Reading Reports.
- 5.6 The Respondent No. 3 submitted a summary of hours of high voltage and grid failures as shown in the Table below:

S. No	Month	Abnormal High Voltage Hours	Grid Failure Hours
1	June, 2021	77.00	114.25
2	August, 2021	130.50	103.25
3	September, 2021	438.00	62.25
4	October, 2021	326.00	74.50
5	November, 2021	468.00	77.00
6	December, 2021	236.00	21.00
	Total	1,675.50	452.25

- 5.7 Further, Respondent No. 3 submitted that it is important to mention that under the PPAs, executed between the Petitioner and UPCL, obligation of paying deemed generation to the Respondent is that of UPCL. Article 6.4 of the PPA provides that Respondent can claim deemed generation and UPCL will be liable for the same as per applicable provisions of UERC (Tariff and Other Terms for Supply of Electricity from

Non-conventional and Renewable Energy Sources) Regulations, 2012 as amended from time to time.

- 5.8 With regard to the argument on deemed generation claims, the Respondent No. 3 has submitted that it has earlier filed the Petition before the Commission for deemed generation which was referred to the arbitrator by the Commission. the arbitrator gave an award in favour of Respondent No. 3 and the said order was challenged by UPCL before the Hon'ble High Court, thereby making its intention clear that it does not wish to compensate Respondent No. 3 for the loss suffered by it in terms of deemed generation.

6 Commission Observations, View & Decision

- 6.1 The Commission during the hearing heard the parties in detail on the question of admissibility of the Petition. All the parties vehemently argued on each side. The arguments/ submissions of the parties have been examined by this Commission and it is opined that, for delving into the question of admissibility of the Petition, following questions need to be answered:

- (1) Is the issue in the instant matter different from the issue dealt with by this Commission vide its Order dated 30.06.2021?
- (2) Has the Petitioner submitted any new facts which proves technical feasibility in allowing evacuation to Suringad SHP without compromising system stability and evacuation of the power from projects of Respondent No. 3?
- (3) Is the instant Petition a review Petition in the garb of a substantive Petition as contented by Respondent No. 3? if not, can the Commission otherwise revisit its order?

- 6.2 For answering the 1st question, it is imperative to examine the Order dated 30.06.2021 of this Commission, wherein the Commission had acknowledged the apprehension of Respondent No. 3, with regard to the Petitioner wanting connectivity of Suringad SHP at 33/11 kV Darati S/s. The Commission vide its said Order had observed the impracticality of the proposition of connecting Suringad SHP to Darati S/s, relevant extract from the said Order of the Commission is reproduced as under:

“... it is observed that 33/11 kV Darati Sub-station has been facing difficulties in evacuating power from the already connected SHPs of Petitioner. In the 7th Co-ordination Forum Meeting (Supra) the issues pertaining to evacuation of power from the

33/11 kV Darati Sub-station were highlighted by the Petitioner, moreover, on examining the internal correspondences of UPCL it is observed that the said Sub-station of UPCL and the existing 33 kV network cannot take further load. Hence, the Commission is of the view that even though UPCL is obligated to provide connectivity to the SHPs under the prevailing scheme of law, the same cannot be fulfilled by jeopardizing the stability of the existing system due to lack of capacity in the existing 33 kV system of UPCL in the said area."

Based on the above observations, the Commission decided that in the prevailing circumstances it is not feasible to allow connectivity to any other SHP vis-a-vis UJVNL Ltd.'s Suringad SHP at 33/11 kV Darati Sub-station, besides the SHP's of Respondent No. 3.

Coming to the instant matter, the issue herein is not so different and is rather same as can be easily identified by reading the prayer of the Petitioner in the Petition, which reads as:

"Allow connectivity and evacuation of power from Petitioner's 5MW Suringad SHP from 33/11 kV Darati Sub-station of UPCL"

From the above, it is clear that the issue in the previous matter and in the instant Petition boils down to grant of connectivity to the Suringad SHP of the Petitioner, thus, making cause of action similar in both matters.

6.3 With regard to the second question i.e. has the Petitioner submitted any new facts that proves technical feasibility in allowing evacuation to Suringad SHP, the Petitioner has submitted that:

"...after pronouncement of the aforesaid order dated 30-06-2021 new finding have been made jointly by UPCL, PTCUL and UJVNL regarding the 33 kV route and evacuation of power from Suringad SHP. Now UPCL vide its letter no 3338/नि०(परिचालन) उपाकालि/ह-6 dated 27.09.2021 on the basis of Load Flow Study report and the report of a committee comprising the Officers of UPCL, PTCUL and UJVNL chaired by Chief Engineer, UPCL Rudrapur Zone, has agreed to provide connectivity to Suringad SHP through an alternate route i.e. Seraghat-Darati-Munsiyari-Nachani-Thal-Raigar-Gangolihat-Awalaghat-Pithoragarh 33 kV line which shall be able to evacuate power from all three SHP's Motighat, Tanga and Suringad altogether. Moreover, UPCL is ready to provide connectivity to Suringad SHP from this alternate route till 220 kV

Baram is commissioned with the riders of bearing deemed generation, if any, arising on account of any interruption caused to the SHPs of M/s Himalaya Hydro Private Limited due to operation of Suringad SHP and providing indemnity bond. UJVNL is ready to accept these riders for connectivity till April 2022 in view of the submission made by PTCUL before the Hon'ble Commission (Para 7.3 of aforementioned Order dated 30.06.2021) that the 220 kV Baram and associated lines would be commissioned by April 2022. In light of aforesaid new developments, now the evacuation of power from all three SHP Motighat, Tanga & Suringad is feasible, therefore, the petitioner prays the Hon'ble Commission to allow connectivity to Suringad SHP."

In this regard, it is imperative to quote the submission of Respondent No. 3 which reads as:

"... UPCL submitted load data for the proposed Seragat- Darati- Munsiyari- Nachini- Thal- Raiagar- Gangolihat- Awlaghat- Pithoragarh 33 kV line at 21:00 Hours and 24:00 Hours on 04.09.2021, when the said line was actually operating and evacuating power from the Answering Respondent's SHPs. It is also an admitted fact that the alleged proposed line has been operational since FY 2017-18 and has frequently and regularly been used by UPCL to evacuate power from the Answering Respondent's SHPs. The said line is thus, nothing new and cannot be termed as an alternative line. In fact, this transmission line was used by UPCL to evacuate power from the Answering Respondent's SHPs from about 4 PM on 04.09.2021 as evidenced by the log sheets of UPCL's the 33/11 kV Thal sub-station."

From the above, it is clear that the claimed alternate route i.e. Seragat- Darati- Munsiyari- Nachini- Thal- Raiagar- Gangolihat- Awlaghat- Pithoragarh 33 kV line is not a new route and was existent and in use when the Commission passed its Order dated 30.06.2021 in the matter. Therefore, the contention of the Petitioner that the said new route shall facilitate the evacuation of power from Suringad SHP does not hold good.

Further, UJVN Ltd. has stated that with the construction of 33 kV Seragat-Baram and Baram-Jauljibi line power generation from Motighat, Tanga and Suringad can be locally utilized in the area through the formation of ring main system in the area. The Petitioner further stated that before flash floods in June 2013 small and mini hydro power projects of total capacity 13.7 MW, all in Dharchula valley, were evacuated through 33 kV Tawaghat-Dharchula-Jauljibi-Didihat-Kanalichhina-Pithoragarh line.

As soon as the 33kV Seraghat-Baram-Baram Jauljibi line become operational and included to the existing 33 kV network of the area, to form ring main system, the entire power of all the SHPs including Suringad SHP would be reliably evacuated through this network even without 220 kV Baram S/s.

With regard to the above contention of the Petitioner, the Commission is of the view that in the prevailing circumstances the existing 33 kV system i.e. Darati-Munsiyari- Nachni- Thal- Didhihat- Kanalichina- Madmanely- Pithoragath, experiences high voltages which leads to curtailment of generation from Motighat and Tanga SHPs of Respondent No. 3. Further, the construction of new 33 kV Seraghat-Baram and Baram-Jauljibi line shall also not facilitate the evacuation from the said 03 SHPs till 220 kV Baram S/s is commissioned as this 33 kV line shall ultimately be connected to 33 kV S/s Didihat which forms a part of Darati-Munsiyari- Nachni- Thal- Didhihat- Kanalichina- Madmanely- Pithoragath, 33 kV line which already experiences high voltages and presently fails to evacuate power from Motighat and Tanga SHPs of Respondent No. 3.

- 6.4 On the third question, whether the instant Petition is a review Petition in the garb of a substantive Petition and if not, can the Commission revisit its Orders, it is important to understand that the Commission being a quasi-judicial body is bound by the procedures of the law of land and does not digress from the established legal procedures. The Commission revisits its Order only when a review is filed on the same, however, such review has to qualify the test of essentials of review provided in Section 114 and Order 47 of Civil procedure Code.

As from the above, it is established that there is no new route as contested by the Petitioner, and hence, the circumstances in the instant matter are same as during the time when the previous Order was issued by the Commission, hence, it appears true that the Petitioner is cleverly wanting the Commission to change its view, taken in its earlier Order, by displaying deception of new routes. Since the matter is same, the cause of action is same and the issue therein is also same, which is already settled by this Commission vide aforesaid Order dated 30.06.2021, there is no legal or technical justification to relook into the matter now. If the Petitioner was dissatisfied with the aforesaid order, it could have approached the Commission under the provisions for review. However, review too has limited scope which is probably why the Petitioner,

knowing the fate of its case, did not file a review Petition. It is evident that the Petitioner is desperate to connect its plant at the Darati S/s without considering/caring for the technical constraint and the nuances of available legal remedies/procedures.

6.5 Besides above, the Commission has made following observations:

- (i) The Commission is in agreement with the submission of Respondent No. 3 whereby, it has submitted that as on date the said S/s has been unable to continuously evacuate the full installed capacity of 10 MW + 10% overload from the Respondent's two SHPs because of network constraints in UPCL's 33 kV transmission system namely abnormally high bus voltages exceeding 36 kV and frequent grid failures. In such circumstances accepting Petitioner's request will only lead to instability in the system.
- (ii) It is surprising that UJVN Ltd. is proposing to indemnify Respondent No. 3 for the deemed generation claims in case of any deviation. It is observed that as per the prevailing RE Regulations, only a distribution licensee is obligated to pay the deemed generation claims, the Regulations does not provide any provision with regard to payment of deemed generation claims by the generator to another generator. Hence, such a proposal cannot be allowed.
- (iii) UPCL in its submission has admitted evacuation constraints existing in the Darati S/s and has submitted that, *"... the Petitioner is well aware that due to existing evacuation constraints it was not possible for the respondent to provide connectivity at Darati sub-station, the issue was even placed before the Hon'ble Commission and all relevant developments thereafter have been under the knowledge of Hon'ble Commission..."*. It is surprising that knowing all the challenges/constraints of the network, and itself admitting to it as can be seen from the above, UPCL seems very wary of its own stance in the matter.
- (iv) Not just UPCL, PTCUL too seems to shelve itself from taking any responsibility in the matter, the same can be observed from the load flow report dated 28.08.2021, wherein, it is provided that:

"1. PTCUL carryout load Flow Study as per Transmission System Network requirement as modeled with lumped load at 33 kV level using Mi-Power Software. 33 kV Downstream network modeling is not required for Transmission System

Planning Studies. 33 kV downstream network studies are not carried by STU and also not in the domain of STU. However, as special case tentative study has been carried out as per direction of combined committee of UPCL, UJVNL & PTCUL MoM dated 13.09.2021.

2. *Tentative Loading of 33 kV lines and Tentative Bus Voltage in various Exhibits for above cases are tentative with certain assumptions required as per modeling of 33 kV system for load flow and for particular case 33 kV network as provided by UPCL & UNVNL. Actual loading of 33 kV & Bus Voltages of 33 kV Downstream may be different as per prevailing loading and Generation condition.*
3. *UPCL may carry out system study at 33 kV level as per the system requirement of downstream 33 kV network as 33 kV downstream network is in domain of DISCOM i.e. UPCL."*

From the above it is clear that PTCUL itself stating in the Report that studies is based on tentative loading and assumptions and categorically says that the 33 kV network studies are not in the domain of STU.

- (v) From the submissions of UPCL and PTCUL it is clear that as Respondents, they have failed to give unequivocal assurance that with the allowance of connectivity to Suringad SHP, evacuation of the SHPs of the Respondent No. 3, shall not be affected and entire power from all the 03 SHPs will be evacuated smoothly without jeopardizing the existing 33 kV network and that there will be no loss of generation to either parties due to capacity constraints and over voltage conditions in the area.
- 6.6 In light of the above, the Commission does not find any good reason to allow the Petition and hence, has decided to reject the same on admissibility.

Ordered Accordingly

**(M. K. Jain) Member
(Technical)**

**(D.P. Gairola)
Member (Law)-Chairman-(I/c)**