

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 126/MP/2017  
(On Remand)**

**Coram:**

**Shri Jishnu Barua, Chairperson  
Shri Ramesh Babu V, Member  
Shri Harish Dudani, Member  
Shri Ravinder Singh Dhillon, Member**

**Date of Order: 28.02.2026**

**In the matter of:**

Petition for declaration and direction as to the status of the 400 kV D/C Transmission Line from India Gandhi Super Thermal Power Station (Aravalli Power Station) to Daulatabad owned, operated and maintained by Haryana Vidyut Prasaran Nigam Limited (HVPNL).

**And in the matter of:**

1. Uttar Haryana Bijli Vitran Nigam Limited,  
C-6, Vidyut Sadan, Sector-6, Panchkula, Haryana
2. Dakshin Haryana Bijli Vitran Nigam Limited  
Vidyut Sadan, Vidyut Nagar, Hissar

(Both represented by Haryana Power Purchase Centre.  
A joint forum set up by Uttar Haryana Bijli Vitran Nigam  
and Dakshin Haryana Bijli Vitran Nigam  
Room No. UH 305, 2nd floor,  
Shakti Bhawan, Sector 6 Panchkula)

3. Haryana Vidyut Prasaran Nigam Limited,  
Shakti Bhawan, Sector-6, Panchkula.

**.....Petitioners**

**Versus**

1. **Power System Operation Corporation Limited,**  
B-9, First Floor, Qutab Industrial Area,  
Katwaria Sarai, New Delhi – 110 016
2. **Central Transmission Utility of India Limited,**  
“Saudamini” Plot No. 2, Sector-29, Gurgaon-122001, Haryana
3. **Aravalli Power Company Pvt Limited,**  
NTPC Bhawan, Scope Complex, 7,  
Institutional area, Lodhi Road, New Delhi 110003

**.....Respondents**



**Parties Present:** Shri M. G. Ramachandran, Sr. Advocate, Haryana Discoms  
Ms. Poorva Saigal, Advocate, Haryana Discoms  
Ms. Reeha Singh, Advocate, Haryana Discoms  
Shri Anand Ganesan, Advocate, APCPL  
Ms. Ritu Apurva, Advocate, APCPL  
Ms. Pragya Pushkar, Advocate, APCPL  
Shri Alok Shankar, Advocate, CTUIL  
Shri Siddharth Sharma, CTUIL  
Shri Lashit Sharma, CTUIL  
Shri Gajendra Sinh, NLDC

## ORDER

Uttar Haryana Bijli Vitran Nigam Limited, Dakshin Haryana Bijli Vitran Nigam Limited and Haryana Vidyut Prasaran Nigam Limited (hereinafter jointly referred to as “the Petitioners”) had filed the instant Petition No.126/MP/2017 seeking a declaration that the 400 kV D/C transmission line from Indira Gandhi Super Thermal Power Station (IGSTPS) to Daulatabad (hereinafter referred to as the “transmission line”) is outside the scope of the jurisdiction of the Power System Operation Corporation Limited (POSOCO) and Central Transmission Utility (CTUIL), as well as the Central Electricity Regulatory Commission (Sharing of inter-State transmission charges and losses) Regulations, 2010 (hereinafter referred to as “2010 Sharing Regulations”).

2. The Petitioners filed Petition No.126/MP/2017 to mainly declare that (a) the transmission line is outside the scope of POSOCO, CTUIL, and the 2010 Sharing Regulations, (b) to set aside the bills raised by CTUIL since July, 2011 and (c) to restrain POSOCO and CTUIL from recovering any charges in respect of the transmission line. The prayers made by the Petitioner are extracted hereunder.

*“(a) Declare that the 400 kV Transmission Line from Indira Gandhi Super Thermal Power Station (Aravali Power Station) to Daulatabad is outside the scope of the jurisdiction of the Respondent 1 and 2 as well as the Sharing of Transmission Charges and Losses provided under the Sharing Regulations, 2010;*

*(b) Set aside the bills raised by Respondent No. 2 since the month of July, 2011 to the extent the claim therein related to Sharing of inter-state transmission Charges and Losses for the 400 KV Transmission Line from Indira Gandhi Thermal Power Station to Daulatabad;*



*(c) Restrain Respondent no. 1 and 2 from recovering any charges from the Petitioners in regard to the 400 kV Transmission Line from Indira Gandhi Super Thermal Power Station (Aravali Power Station) to Daulatabad;*

*(d) Pass ad-interim ex-parte Orders in terms of prayers (a) to (c) above; and*

*(e) Pass any such further order or Orders as this Commission may deem just and proper in the circumstances of the case.”*

3. The Commission, vide order dated 4.5.2018 held that (a) the transmission line is an intra-State transmission line under Section 2(37) of the Electricity Act, 2003 (“Act”) and not to be included in the PoC mechanism and (b) that the Petitioners are exempted from payment of ISTS charges.

*“32. In the light of the above discussion, the prayers of the Petitioner are disposed of as under:*

*“(a) As regards the first prayer seeking declaration that 400 kV Transmission Line IGSPS-Daulatabad Transmission Lines should be outside the scope of the jurisdiction of the Respondent 1 and 2 as well as Sharing Regulations, it is directed that the subject transmission line being an intra-State Transmission Line shall not be subject to sharing of transmission charges and losses under the PoC mechanism. In the instant case, while RLDC shall continue to carry out scheduling of power from IGSPS, ISTS charges and losses shall not be applicable to schedules on State network of Haryana. Respondent Nos.1 & are directed not to include the LTA capacity corresponding to the share of Haryana in IGSPS which computing PoC charges and Losses.*

*(b) The Petitioner, in the Second prayer, has sought direction to set aside the bills raised by CTU since the month of July, 2011 to the extent the claim related to ISTS Charges and Losses for the 400 KV IGSPS-Daulatabad Transmission Line. In our view, POSOCO and CTU were raising the bills on the basis of the premise that the subject transmission line is connected to ISGS and therefore, Haryana is a deemed LTA holder corresponding to its share in IGSPS. After considering the hardship faced by Haryana and in the light of the decision of the Commission in Petition No.20/MP/2017, relief is being granted to the Petitioners exempting them from payment of ISTS charges and losses. In our view, the decision shall operate prospectively.*

*(c) In the third prayer, the Petitioners have sought directions to restrain Respondent Nos. 1 and 2 from recovering any charges from the Petitioners in regard to the 400 kV IGSPS-Daulatabad Transmission Line. In the light of our decision with regard to first prayer exempting the Petitioner to pay the transmission charges and losses qua 400 kV IGSPS-Daulatabad Transmission Line, no further direction is required to be issued with regard to third prayer.”*

4. However, the Commission, taking into consideration earlier orders of the Commission on a similar issue, held that the relief granted would be applicable prospectively from the date of issue of the order and not from July 2011 as prayed by the Petitioner. The relevant portion of the Commission’s order dated 4.5.2018 is as follows:



*“In the light of the above, law can be laid down by the Commission through its decisions in the litigations brought before it. In the present case as also in the previous cases quoted in this order, the Commission has laid down the principles for allocation of transmission charges and losses under the PoC mechanism in case of STU lines used exclusively to evacuate power from ISGS by a State for which there was no clarity in the Sharing Regulations. The Commission is of the view that relief in the present case should also be granted prospectively keeping in view the fact that the bills were raised by POSOCO as per the prevailing regulatory regime and the Commission by way of interpretation of various provisions of the regulations has exempted the Petitioners from payment of PoC charges and losses in this order in the light of the decisions in the earlier cases, pending amendment of Sharing Regulations as directed in Petition No.211/MP/2011. We direct that the relief granted in this order shall be applicable prospectively from date of issue of this order. Therefore, we are not inclined to set aside the bills raised on the Petitioners since July 2011 in respect of 400 KV IGSTPS-Daulatabad Transmission Line as prayed for by the Petitioners.”*

5. Aggrieved with the Commission’s direction in the order dated 4.5.2018 that the order would be applicable prospectively from the date of issue of the order, the Petitioners filed Appeal No. 240 of 2018 before the APTEL. APTEL, vide order dated 4.2.2020, remanded the matter to the Commission to consider whether the benefit granted to the Petitioners in the order dated 4.5.2018 could be granted with retrospective effect after hearing the parties in accordance with law. The relevant portion of the APTEL’s order is as follows:

*“Though the contention of the Appellant-Discom was appreciated, considering the hardship faced by Haryana especially in light of the earlier decision of CERC in Petition No. 20/MP/2017, it holds that the said decision would apply prospectively. But this opinion that the decision shall operate prospectively is not supported by any reasoning. In that view of the matter, we are of the opinion that the Appeal deserves to be remanded to CERC with regard to only the last sentence of prospective application of decision of CERC. Therefore, we direct CERC to look into the matter and hear both the parties in accordance with law whether such benefit could be granted with retrospective effect. Both the parties are at liberty to argue before CERC on this aspect. The said exercise shall be completed within three months from the date of copy of this order.”*

6. In compliance with the APTEL’s remand order dated 4.2.2020, the matter was heard, and the Commission vide order dated 30.7.2022 held that there is no reason to allow the Petitioner’s request for quashing of the bills raised by the Respondents retrospectively considering that the same were issued under the then prevailing regulatory regime and accordingly disposed of the Petition. The relevant portion of the Commission’s order dated 30.7.2022 is as follows:

*“31. In light of the above, we do not find any reason to allow the Petitioner’s request for quashing of the bills raised by the Respondents retrospectively considering that the same were issued under the then prevailing regulatory regime.”*

7. Aggrieved with the Commission's order dated 30.7.2022, the Petitioners filed Appeal No. 383 of 2022 before APTEL. APTEL, vide order dated 2.2.2024, held that the Commission erred in not considering the Haryana Discoms' claim for the period from 3.6.2014 to 4.5.2018 in its orders. Therefore, APTEL set aside the Commission's order dated 30.7.2022 and again remanded the matter to the Commission to ascertain whether the Haryana Discoms had passed on the financial liability imposed on them through bills raised by POSOCO/ CTUIL from 3.6.2014 till 4.5.2018 and if they have not passed on the liability to the customers, then quantify the dues and direct refund of the same to the Haryana Discoms. In case the Haryana Discoms are found to have passed on the financial burden to their customers, then the Commission should identify the customers to whom the financial burden was passed on by the Haryana Discoms and ensure that the POSOCO/CTUIL pay the amounts recovered from the Haryana Discoms during the period 3.6.2014 to 4.5.2018 to those customers. The relevant portions of the order dated 2.2.2024 are as follows:

*“35. The remand order of this Tribunal required the CERC to hear both the parties in accordance with law, and examine whether such benefit (ie exempting the appellant from payment of ISTS charges and losses) could be granted with retrospective effect (ie from July 2011 instead of from 04.05.2018). The said order required the CERC to assign reasons for applying the relief, granted by it in its earlier order dated 04.05.2018, prospectively; and the parties to Appeal No. 240 of 2018 were permitted to put-forth their submissions before the CERC only on this issue. The limited liberty granted to both the parties, by the remand order, was only to argue before the CERC on this aspect of prospective application, and nothing more. Consequently, it is only such of those contentions which were urged by the parties before the CERC consequent to the remand, confined to the prospective application and operation of the order dated 04.05.2018, which can be examined in the present appeal and none else.”*

*“B. Analysis:*

*.....*

*167. As observed earlier in this order, the order of the CERC dated 04.05.2018 was not passed in the exercise of its regulatory powers, but was an adjudicatory order. Consequently, the provisions of the Limitation Act would apply to such proceedings. Even if the provisions of the Limitation Act are applied, the subject petition was initially filed by the appellant before the CERC on 02.06.2017, and claims falling within three years prior thereto (which would be the period for which a suit could have been filed), ie. from 03.06.2014, would undoubtedly fall within limitation, and not be barred under the law of limitation. It is only the appellant's claim for the period from July 2011 to 02.06.2014 which can be said to be barred by limitation. The CERC has erred in not considering the appellant's claim, for refund of the amounts illegally collected from them by Respondents 2*

and 3, for the period from 03.06.2014 till 04.05.2018, when the earlier order was passed by the CERC.”

**“XV. CONCLUSION:**

*175. We consider it appropriate, in such circumstances, to set aside the impugned order passed by the CERC, and to remand the matter again to the CERC to enable it to ascertain whether the Appellant had passed on the financial liability imposed on it, in terms of the bills raised by POSOCO/CTUIL on them from 03.06.2014 till 04.05.2018. In case the CERC finds that they have not passed on the liability, representing the amount paid by them in terms of the bills raised, it should have the dues quantified, and then direct refund thereof to the appellants. In case the appellants are found to have passed on the financial burden to their customers, the CERC shall then undertake the exercise of identifying the customers to whom the financial burden was passed on by the appellant, and ensure that the Respondents pay the amounts, illegally collected by them from the appellant during the period 03.06.2014 to 04.05.2018, to such customers. The appeal stands disposed of accordingly.”*

8. The Petitioners preferred Review Petition No. 03 of 2024 seeking review of the APTEL’s order dated 2.2.2024 on the grounds that (i) the direction to the Commission to identify the consumers of the Petitioners, during the time period from 2014 to 2018, is an unfeasible exercise; and (ii) their claim regarding carrying cost, applicable on the amount of PoC charges directed to be refunded by CTUIL and POSOCO, has not been considered. The APTEL, vide its order dated 18.11.2024, allowed the review petition. The relevant portion of APTEL’s order dated 18.11.2024 in Review Petition No. 3 of 2024 is as follows:

**“B. ANALYSIS:**

*As has been held by this Tribunal, in the order under review, the Respondents herein acted illegally in raising invoices and collecting Inter-state Transmission Charges, from the Review Petitioners, with respect to, what has been held by the CERC, in its order dated 04.05.2018, to be an Intra-State Transmission Line. Having acted illegally, in imposing and collecting such interstate transmission charges, the Respondents cannot now be heard to contend that, while the Petitioners may be entitled for refund of the principal amount, they are not entitled for restitution by payment of interest/carrying cost, consequent on their being deprived of these amounts from the date on which they had made payment, in terms of the invoices raised on them by CTUIL, till the said amount is refunded to them.*

**CONCLUSION:**

*For reasons afore-mentioned, the Order under review shall stand modified, and the concluding part of the order passed in Appeal No. 383 of 2023 dated 02.02.2024 shall stand substituted as under:-*

*“We consider it appropriate, in such circumstances, to set aside the impugned order passed by the CERC and remand the matter again to the CERC to quantify the amount to be refunded to the Review Petitioners (Appellants), in terms of the bills raised by POSOCO/CTUIL on them from 03.06.2014 till 04.05.2018. After quantifying the principal amount to be refunded to the Appellants (Review Petitioners), the CERC shall pass*

*appropriate orders directing the Respondents to make payment of the said amount within a specified time frame. The CERC shall, simultaneously, undertake the exercise of determining whether the Appellants (Review Petitioners) should be paid simple/compound interest, as a measure of restitution on account of the illegal act of the Respondents in raising invoices on them, and on the principle of actus curiae neminem gravabit; the rate of interest to which the Petitioners shall be entitled to, on the amount to be refunded, from the date on which they had made payment in terms of the invoices raised earlier till the date of refund; and, in case compound interest is granted, to determine whether such compound interest should be based on monthly/quarterly/half yearly/yearly rests. The entire exercise, culminating in appropriate directions being issued to the Respondents to pay both the principal amount of refund and interest thereon, shall be completed with utmost expedition preferably within four months from the date of receipt of a copy of this order.*

*The amounts received by the Review Petitioners (Appellants), both towards the principal amount of refund, and interest thereon, as determined by the CERC, shall be duly adjusted in the next tariff determination exercise, undertaken by the Haryana Electricity Regulatory Commission, after receipt, by the Review Petitioners (Appellants), of the afore-said amounts”*

9. APTEL, vide order dated 18.11.2024 in Review Petition No. 3 of 2024, directed the Commission to quantify the amount to be refunded to the Petitioners, in terms of the bills raised by POSOCO/ CTUIL to the Petitioners from 3.6.2014 to 4.5.2018 and to determine whether the Petitioners should be paid simple or compound interest and also to direct POSOCO/ CTUIL to refund the same to the Petitioners. Further, directed the Petitioners to adjust the principal amount of refund and interest received from POSOCO/ CTUIL in the next tariff determination exercise undertaken by the Haryana Electricity Regulatory Commission.

10. Accordingly, in terms of the APTEL's orders dated 2.2.2024 and 18.11.2024, the matter is taken up by the Commission.

**Remand Proceedings before the Commission:**

11. The Petitioners vide affidavit dated 10.1.2025 have submitted that they have computed the principal amount of transmission charges collected by CTUIL from 3.6.2014 to 4.5.2018, which has to be refunded to the Petitioners in terms of the APTEL's directions, to be ₹967.64 crore. The Petitioners have also computed the applicable interest on the principal amount for the period from June 2014 to 18.11.2024 on the following basis:

- (a) at 18% Late Payment Surcharge basis up to 18.11.2024 in accordance with Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 as amended from time to time – both on compounding/simple interest basis;
- (b) at 15% in accordance with what was claimed by HPPC in the additional affidavit dated 9.6.2020– both on compounding/simple interest basis.

The Petitioners have further submitted that HPPC had claimed PoC charges from consumers during the period from 3.6.2014 to 4.5.2018, and the same is now liable to be refunded to the body of consumers along with the late payment surcharge.

12. The Commission, after hearing the parties on 13.1.2025, directed (a) POSOCO/ NLDC, and CTUIL to file their response to the Petitioner's claims made in the affidavit dated 10.1.2025, (b) POSOCO/ NLDC to submit the transmission charges and losses payable by the Petitioners for drawal of its share of power from IGTPS for the period from 3.6.2014 till 4.5.2018, and (c) CTUIL to submit the details of the invoices raised and payment received from the Petitioner along with dates during the period 3.6.2014 till 4.5.2018.

13. In response, Grid India/ NLDC vide affidavit dated 28.1.2025 has submitted the details of the transmission charge rate along with Long Term Access data applicable to the Petitioners for drawal of its share of power from IGSTPS for the period from 3.6.2014 to 4.5.2018. Grid-India/ NLDC has also submitted that, while calculating regional transmission loss and zonal loss slabs, the transmission line was not treated as an ISTS. Hence, the transmission line loss of the said line was not pooled at ISTS. However, while preparing the drawal schedule for Haryana for drawing its share from India Gandhi Super Thermal Power Station- IGSTPS (Aravalli Power Station), the applicable ISTS zonal loss was applied.

14. As per the Commission's direction in RoP of 13.1.2025, the CTUIL has submitted the details of the invoices raised and payments received from the Petitioners for the period 3.6.2014 to 4.5.2018 vide affidavit dated 6.2.2025.

15. The Commission, after hearing the parties on 7.5.2025, observed that the calculation of the transmission charges refundable to the Petitioners for the period from 3.6.2014 to 3.5.2018, on account of drawal of its share of power from IGSTPS through the transmission line, will take some time. Therefore, as an interim measure, the Petitioners were permitted to recover 50% of the principal amount calculated by them, which works out to ₹483.50 crore (i.e. ₹967 crore/2) in six equal monthly instalments from the charges collected under Regulations 11 and 12 of the 2020 Sharing Regulations. Further, CTUIL was directed to adjust the charges collected under Regulations 11 and 12 of the 2020 Sharing Regulations, taking into account the monthly charges to be refunded to the Petitioners. The Commission also directed Grid India/NLDC to submit, on affidavit, within two months, the revised rates, including the POC rate, HVDC rate or Reliability rate, as applicable. for the period from 3.6.2014 till 3.5.2018 for Haryana, after excluding the LTA quantum corresponding to Haryana's share in IGSTPS.

16. In response to the Commission's direction in RoP of 7.5.2025, Grid-India/ NLDC made the following submissions vide affidavit dated 11.7.2025:

(a) Grid-India/ NLDC has calculated the revised transmission charges for Haryana for the period 3.6.2014 to 3.5.2018, and the summary of the revised and previously applicable slab rates is as follows:

Application Period	Revised Slab Rate (₹/MW/Month)	Old Slab Rate (₹/MW/Month)
<b>2014-15</b>		
Q1	1,15,441	1,14,425
Q2	1,18,189	1,17,165
Q3	1,19,073	1,18,067
Q4	1,23,199	1,22,173
<b>2015-16</b>		

Application Period	Revised Slab Rate (₹/MW/Month)	Old Slab Rate (₹/MW/Month)
April, 2015	1,23,199	1,22,173
May 2015-June 2015	3,48,460	3,42,281
Q2	3,41,952	3,34,741
Q3	3,14,656	2,80,657
January 2016-February 2016	3,14,656	2,80,657
March 2016	3,91,771	3,53,209
<b>2016-17</b>		
Q1	3,71,214	3,64,645
Q2	3,98,690	3,91,617
Q3	3,93,694	3,58,823
Q4	3,62,599	3,25,335
<b>2017-18</b>		
Q1	3,89,780	3,85,589
Q2	4,47,413	4,32,754
Q3	3,72,415	3,67,776
Q4	3,72,998	3,69,274

(b) As per the Commission's order dated 10.10.2019 in respect of Point of Connection (PoC) rates for the period from April 2018 to June 2018, the applicable rates for Haryana for Q1 of FY 2018–19 have already been notified after excluding the LTA quantum pertaining to IGSTPS. Therefore, no further revision is required for this period.

(c) For the period May 2015 - June 2015, in Q1 of FY 2015–16, a revision had been carried out earlier on 3.2.2016 to correct an error in the calculation of PoC slab rates. The error pertained to the installed capacity of NTECL Vallur STPS. While undertaking the current exercise for the period May 2015-June 2015, NLDC was unable to trace the final revised file due to a major system reconfiguration. However, NLDC could find the file with the last but one revision. The variation in the slab rate for Haryana in the last revision and the last but one revision is -0.11%. The same is as follows:

Application Period	Slab Rate (₹/MW/Month)	Difference
May 2015-June 2015	3,05,438	-0.11%

Application Period	Slab Rate (₹/MW/Month)	Difference
May 2015-June 2015 (Revised on 3.2.2016)	3,05,789	

Grid India/ NLDC has further submitted that, in view of the negligible difference in results and the unavailability of the last revision files for the aforementioned period, the slab rate for Haryana has now been revised using the penultimate revision files.

17. In the hearing on 7.8.2025, the CTUIL submitted that it has already started giving credit to the Petitioners against the principal amount to be refunded in terms of the direction of the Commission on 7.5.2025. CTUIL has also agreed to jointly verify the computations of the total principal amount to be refunded based on the revised slab rates indicated by NLDC. The Commission permitted the parties to jointly undertake the verification and reconciliation of the total transmission charges to be refunded to the Petitioner for the period from 3.6.2014 to 3.5.2018, based on the revised slab rates worked out by the NLDC and to file the outcome of the aforesaid exercise within a week thereafter.

18. On 16.9.2025, Petitioners submitted that the parties were in the process of verification and reconciliation of the total transmission charges to be refunded to the Petitioner for the period from 3.6.2014 to 3.5.2018, and accordingly sought four weeks' time, which was allowed.

19. As per the Commission's directions in the RoP of hearing dated 7.8.2025, the Petitioners have made the following submissions, vide affidavit dated 16.10.2025:

- (a) An amount of ₹691.34 crore has been reconciled between parties up to 31.3.2018. HPPC vide its e-mails dated 26.9.2025 and 8.10.2025 requested CTUIL to include the amounts pertaining to April 2018 in the total amount to be refunded to HPPC. However, CTUIL vide e-mail dated 8.10.2025, has intimated HPPC that the amounts for April, 2018 are not admissible to HPPC. CTUIL's contention is contrary

to the judgment of the APTEL dated 2.2.2024, as read with the Judgment dated 8.11.2024, which specifically stipulates that HPPC is entitled to the recovery/ adjustment for the period up to May 2018. Therefore, HPPC is entitled to an adjustment of the amounts in April 2018, totalling to the extent of ₹711.44 crore (subject to the slab rate as authenticated by NLDC). The amounts for May 2018 already stand adjusted.

(b) As on date, CTUIL has released four instalments amounting to a total sum of ₹322.32 crore to HPPC.

(c) HPPC has computed the applicable interest on the principal amount of ₹711.44 crore from June 2014 to 30.9.2025 (as calculated by HPPC) on the following basis:

(i) at 18% Late Payment Surcharge basis up to 30.9.2025 in accordance with 2014 Tariff Regulations– both on compounding/ simple interest basis;

(ii) at 15% up to 30.9.2025, in accordance with the claim of HPPC in the additional affidavit dated 9.6.2020 – both on compounding/ simple interest basis.

(d) HPPC is entitled to 18% in terms of the 2014 Tariff Regulations.

(e) For the period between 3.6.2014 till 4.5.2018, HPPC had claimed the PoC charges from its body of consumers and the same is now liable to be refunded to the body of consumers along with the applicable interest/carrying cost, in terms of the directions of APTEL as well as Regulation 66 as amended by of the 3<sup>rd</sup> Amendment dated 12.4.2023 to the Haryana Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff for Generation, Transmission, Wheeling and Distribution & Retail Supply under Multi Year Tariff Framework) Regulations, 2019.

20. During the hearing on 10.11.2025, the Petitioners reiterated the submissions made in the affidavit dated 16.10.2025 and submitted that, as per APTEL's direction, the

Petitioners are entitled to an adjustment of the amount for April 2018 also. CTUIL sought two weeks' time to examine the Petitioners contention, which was allowed by the Commission. The Commission further, as an interim measure, permitted the Petitioners to recover an additional amount of ₹207.84 crore (i.e. ₹691.34 crore – ₹483.50 crore), over and above the balance instalment(s) in four equal monthly instalments, from the charges collected under Regulations 11 and 12 of the 2020 Sharing Regulations. CTUIL was directed to adjust the charges collected under Regulations 11 and 12 of the 2020 Sharing Regulations, taking into account the monthly charges to be refunded to the Petitioners.

### **Analysis and Decision**

21. We have considered the submissions of the parties. As per the APTEL's judgements, the scope of the remand is limited to the quantification of the amount to be refunded to the Petitioners, taking into consideration the amount recovered by the CTUIL from the Petitioners during 3.6.2014 till 4.5.2018 and to determine whether the Petitioners should be allowed simple or compound interest.

### **Amount to be refunded to the Petitioners**

22. The Commission vide RoP of 7.5.2025 directed Grid India/ NLDC to submit the revised rates, including POC rate, HVDC rate or Reliability rate, as applicable, for the period from 3.6.2014 till 4.5.2018 for Haryana, after excluding the LTA quantum corresponding to the share of Haryana in IGSTPS. Further, the Commission also allowed the Petitioners to recover an amount of ₹483.50 crore in six equal monthly instalments from the charges collected under Regulations 11 and 12 of the 2020 Sharing Regulations, and CTUIL was directed to adjust the charges collected under Regulations 11 and 12 of the 2020 Sharing Regulations, considering the monthly charges to be refunded to the Petitioners.

23. In terms of our directions, NLDC has submitted the revised slab rates vide affidavit dated 11.7.2025. Accordingly, the Commission directed the Petitioners and CTUIL to jointly undertake the verification and reconciliation of the transmission charges to be refunded to the Petitioner, based on the revised slab rates worked out by the NLDC and file the outcome of the aforesaid exercise.

24. As per the Commission's directions, the Petitioners and CTUIL have reconciled the amount of transmission charges that is required to be refunded to the Petitioners and have submitted that an amount of ₹691.34 crore, that is recovered from the Petitioners during the period June 2014 to March 2018 by CTUIL, has to be refunded to the Petitioners. As the Commission vide RoP 7.5.2025 has already permitted the recovery of ₹483.50 crore by the Petitioners, the Commission vide RoP dated 10.11.2025 allowed the Petitioners to recover the balance amount of ₹207.84 crore (i.e. ₹691.34 crore – ₹483.50 crore) in four equal monthly instalments.

25. The Petitioners have contended that as per APTEL's order dated 18.11.2024, the Petitioners are entitled to an adjustment of the amount for the month of April, 2018, and accordingly, the principal amount to be refunded to the Petitioners works out to ₹711.44 crore. The Petitioners have submitted that CTUIL does not agree to the refund of the amount pertaining to April, 2018. In this regard, we have perused the CTUIL's e-mail dated 8.10.2025 to the Petitioners, which states as follows:

*"It is already clarified that, NLDC has published the revised PoC slab rates till March 2018 only. Further, NLDC clarified that, in accordance with CERC order dated 10.10.2019, PoC slab rates revised after excluding the LTA quantum of IGTPS, accordingly, adjustment has been done by CTUIL, hence, no refund is to be given to HPPC for April 2018 to May 2018. The affidavit submitted by NLDC is enclosed for your reference."*

As per the above email, CTUIL has stated that no refund is applicable to the Petitioners for April 2018, as the PoC slab rates were already revised in accordance with the Commission's order dated 10.10.2019.

26. Grid-India/ NLDC has also submitted that in accordance with the Commission's order dated 10.10.2019 regarding the determination of Point of Connection (PoC) rates and transmission losses for the period from April 2018 to June 2018, the applicable rates for Haryana for the first quarter of 2018-19 have already been notified after excluding the LTA quantum pertaining to IGSTPS. Therefore, no further rate revisions are required for April, 2018.

27. The Petitioner has furnished the details of bills raised on the Petitioner for the entire period, including April 2018, to show that the principal amount recoverable by the Petitioners is ₹711.44 crore. An extract of the same is quoted hereunder:

*“Calculations with reduced LTA and Revised slab rates as submitted in the affidavit in petition no. 126/MP/2017*

Month	Total LTA Quantum of Haryana (MW)	LTA Quantum from APCPL (MW)	Revised LTA Quantum of Haryana (MW)	Revised POC Rate (Rs/M W/month)	HVDC Charges Rate (Rs/M W/ Month)	Reliability Support Charges (Rs/M W/Month)	Total gross charges to be billed	Total gross charges already billed	Differential charges to be refunded to Haryana	Adjustment of STOA Credit	Net amount to be refunded to HPPC
	A	B	C= A-B	D	E	F	G= C*(D+E+F)	H	J=H-G+I	K	L=J+K
Feb-18	3243.41	656.62	2586.79	303946	42581	26471	964867684	1171943857	207076173	-15667386	191408788
Mar-18	3243.41	656.62	2586.79	303946	42581	26471	964867684	1171943857	207076173	-16885589	190190585
Apr-18	3243.41	656.62	2586.79	287754	26946	23015	873597955	1095209745	221611790	-20710351	200901439
May-18	3243.41	656.62	2586.79	287754	26946	23015	873597955	873597955	0	0	0
<b>Total</b>							<b>36859279144</b>	<b>44429453903</b>	<b>8209184842</b>	<b>-1074118071</b>	<b>7114356420</b>

28. The above table shows that the Petitioners were billed for LTA quantum, including the deemed LTA quantum of the APCPL share in Haryana for April 2018. CTUIL has not disputed that Haryana has been billed for the LTA quantum of APCPL share for April 2018 and has referred to the NLDC submission regarding the revision of PoC rates. It is observed that NLDC has only confirmed that the PoC rates were revised in terms of the Commission's order dated 10.10.2019; NLDC has not stated anything about the quantum of LTA billed by CTUIL.

29. As per the APTEL's directions, the Petitioner is entitled to a refund of the charges billed towards Haryana's withdrawal LTA from IGTPS, including April 2018, which is claimed by the Petitioner. We note that Petitioners and CTUIL have reconciled the principal amount of transmission charges to be refunded to the Petitioners as ₹691.34 crore for the period from June, 2014 to March, 2018. The amount pertaining to April 2018 is not included in the said reconciled amount. We are not convinced of the reason for not allowing the amount pertaining to April, 2018. We are of the view that the Petitioner is entitled to a refund of the amount pertaining to April, 2018 as well as per the APTEL's orders. Accordingly, the Petitioners are entitled to a refund of the principal amount of ₹711.44 crore, as claimed by them, including the amount realised from the Petitioners for April 2018. We have already allowed the Petitioners to recover ₹691.34 crore (₹483.5 crore in six equal monthly instalments, vide RoP of the hearing dated 7.5.2025 and the balance of ₹207.84 crore in four equal monthly instalments, vide RoP of the hearing dated 10.11.2025. Therefore, we allow the Petitioner to recover further amount of ₹20.10 crore pertaining to April, 2018 (i.e. ₹711.44 crore- ₹691.34 crore) in one installment, over and above the balance instalment(s), if any, in terms of RoP of the hearings dated 7.5.2025 and 10.11.2025, from the charges collected under Regulations 11 and 12 of the 2020 Sharing Regulations.

**Whether the Petitioners should be allowed simple or compound interest?**

30. APTEL vide its order dated 18.11.2024 also directed the Commission to determine, after hearing the parties, whether the Petitioners are entitled to a simple or compound interest, (b) if they are entitled to a simple interest, then the rate at which simple interest should be granted needs to be decided, (c) if they are entitled to a compound interest, the rate at which they should be granted such compound interest needs to be mentioned, and (d) whether such compound interest should be based on monthly/quarterly/half early/yearly rests. The relevant portion of the APTEL's order dated 18.11.2024 is as follows:

*“While the Petitioners are undoubtedly entitled for interest/ carrying cost on the principal amount liable to be refunded to them by CTUIL, the rate of interest, and whether it should be simple or compound, are matters to be considered by the CERC in accordance with law.*

*As parties on either side are required to be heard in this regard, we deem it appropriate to direct CERC; after it determines the principal amount liable to be refunded by the Respondents to the Review Petitioners, in terms of our earlier order in Appeal No. 383 of 2023 dated 02.02.2024, to then determine the rate of interest to which the Review Petitioners shall be entitled to, on the amount liable to be refunded, from the date on which these amounts were recovered from them earlier till the date of payment. The CERC shall give (a) both parties a reasonable opportunity of being heard before determining whether the Petitioners are entitled for simple or compound interest, (b) if they are entitled for simple interest, then the rate at which simple interest should be granted, (c) if they are entitled for compound interest, the rate at which they should be granted such compound interest, and (d) whether such compound interest should be based on monthly/quarterly/half early/yearly rests.”*

31. The Petitioners have submitted the details of the interest calculated on the principal amount from June 2014 to 18.11.2024 on the following basis:

- a. at 18% Late Payment Surcharge basis up to 18.11.2024 in accordance with the 2014 Tariff Regulations, as amended from time to time - both on compounding and simple interest basis;
- b. at 15% in accordance with what was claimed by HPPC in the additional affidavit dated 9.6.2020 - both on compounding and simple interest basis.

32. It is observed that the bills for the period from July 2011 onwards were raised on the Petitioners as per the prevailing regulatory regime. It is only in the order dated 4.5.2018 in the instant petition and in the subsequent APTEL orders that the Petitioners have been exempted from payment of PoC charges for the specified LTA quantum. Therefore, the directions to refund to the Petitioners have arisen on account of orders issued by the Commission and the Tribunal and not due to any default or deliberate withholding of payment by the billing agency or any other beneficiary. CTUIL, as the Nodal agency, is entitled to recover the Yearly transmission charges (YTC) for ISTS licensees, ensuring that YTC is recovered fully in terms of the notified PoC rates and there is no over-billing to any DIC. Any interest payable to the Petitioners that is to be repaid would have to be levied on other DICs, directly or indirectly. Interest on refundable amounts is allowed only in the instant matter, as directed by APTEL. The PoC rates have been revised several times due

to various orders, whereby no interest is settled on over-recovery or under-recovery. In the instant matter, in the light of the APTEL order, we are of the view that allowance of simple interest as provided for in the Tariff Regulations serves the purpose of compensation, without resulting in over-recovery or undue financial burden on the beneficiaries/ other DICs.

33. Moreover, as per Regulation 8(13) of the 2014 Tariff Regulations, any amount of under-recover or over-recovery has to be recovered or refunded along with simple interest at the rate equal to the bank rate as on the 1<sup>st</sup> April of the concerned year. The said Regulation 8(13) of the 2014 Tariff Regulations provides as follows:

*“8. Truing up*

*(13) The amount under-recovered or over-recovered, along with simple interest at the rate equal to the bank rate as on 1st April of the respective year, shall be recovered or refunded by the generating company or the transmission licensee, as the case may be, in six equal monthly instalments starting within three months from the date of the tariff order issued by the Commission.”*

Further, Regulation 3(5) of the 2014 Tariff Regulations defines the ‘Bank Rate’ as follows:

*“(5) “Bank Rate” means the base rate of interest as specified by the State Bank of India from time to time or any replacement thereof for the time being in effect plus 350 basis points;”*

34. Accordingly, we allow simple interest on the amount to be refunded to the Petitioners at the bank rate on 1<sup>st</sup> April of the respective year as provided in Regulation 8(13) of the 2014 Tariff Regulations, which shall be calculated and paid to the Petitioners in the following manner:

(a) The interest accrued shall be calculated on the amount refunded against each invoice raised during the period 3.6.2014 to 4.5.2018, from the date on which Petitioners had made payment in terms of the invoices raised till the date of refund.

(b) CTUIL shall calculate the total interest accrued in terms of (a) above, within a period of one month of refund of the last instalment. Total interest accrued shall be

payable to the Petitioners in six equal monthly instalments from the charges collected under Regulations 11 and 12 of the 2020 Sharing Regulations.

35. Further, as directed by APTEL, the principal amount of refund and the interest received by the Petitioners, as allowed in this order, shall be duly adjusted by the Petitioners in the next tariff determination exercise undertaken by the Haryana Electricity Regulatory Commission.

36. The Petition No. 126/MP/2017 is therefore disposed of in terms of the above. With this, the directions of APTEL in Appeal No. 383 of 2022, dated 2.2.2024, and Review Petition No. 3 of 2024, dated 18.11.2024, stand implemented.

**Sd/  
(Ravinder Singh Dhillon)  
Member**

**Sd/  
(Harish Dudani)  
Member**

**Sd/  
(Ramesh Babu V.)  
Member**

**Sd/  
(Jishnu Barua)  
Chairperson**