

TANGEDCO

**144, Anna Salai,
Chennai – 600 002.**

Memo.No.CFC/REV/FC/REV/ AS.3/D.392/2017, dt.01.12.2017.

**Sub:- Elecy- Open Access Charges –All generators in accordance
with Order.No.1,2,3 dated.11.08.2017-
Instructions Issued - Reg.**

- Ref: 1. Memo.No. CFC/ REV/ FC/ REV/ DFC/ AS.3/ REV/
D.NO.311/16, dated.15.12.2016.**
- 2. Lr.No.CE/GO/SE/OA&CO/EEABT/AEE 1/F CPP/D.881/17
dated.18.08.2017**
- 3. Circular Memo.No.1238 CFC/TR/ FC/ R&P/ EE/TF/
F.ARR2017-18/2017 DATED.23.08.2017.**
- 4. Circular.Memo.No.CFC/REV/DFC/REV/AS.3/D.No.374/17,
dated.24.08.2017.**
- 5. TASMA's representation through E mail dated.01.09.2017.**
- 6. TASMA's letter dated.29.09.2017.**
- 7. IWPA's letter dated.06.10.2017.**
- 8. SIMA's letter dated.06.10.2017.**
- 9. TECA's letter dated.06.10.2017.**

In the letter dated.01.09.2017, TASMA has stated that “ the Hon'ble High Court has ordered to collect from both Non REC and REC windmills, Scheduling and System Operation Charges only at the rate of Rs.300/Day irrespective of the capacity from 01.04.2016 onwards. Based on the orders of the Hon'ble High Court, the TANGEDCO HQ vide their communications dated 20.10.2016 and 15.12.2016 have categorically ordered as how SOS charges have to be collected at the rate of Rs.300 / Day from 01.04.2016 onwards. However, without minding the same, the Audit Party has raised objections to collect SOS charges at Rs.800/Day from 01.04.2016 up to the date of the Court Order on its own and has accordingly, issued Audit notes without actually knowing the legal position involved in the matter. Hence, we request the Superintending Engineer/DFC to appraise the Audit Party properly about the legal position of collecting the SOS charges from 01.04.2016 at the rate of Rs.300/Day only. If any attempt is made to include the amount in the CC bill

for August 2017 based on the Audit Note, TASMA will take up the matter under contempt jurisdiction before the High Court of Judicature at Madras for not complying with its orders. Please do not drive us to such an extent”.

2. Further, TASMA, IWPA, SIMA and TECA have requested to issue the billing instructions in line with the versions of the Comprehensive Tariff Order on Wind Energy dated.31.03.2016 and also the Tariff order dated.11.08.2017, pending issuance of the final order in writ petitions filed by the above associations in connection with collection of Scheduling and System Operation charges for REC wind mills and Non- REC wind mills vide W.P.Nos.36775 of 2016, 39521 of 2016, 39720 of 2016, 39721 of 2016 etc.

3. In this connection, all the Superintending Engineer of Distribution circles are hereby informed as follows:

3.1. All the Superintending Engineers/EDCs have been informed to collect the Scheduling and System Operation charges from 01.04.2016 at the rate of Rs.800 per day/Rs.2000 per day from each non- REC WEG and REC WEG machine respectively. It was also instructed to collect the Scheduling System Operation charges from the month 01.04.2016 to 31.08.2016 in 2 installments by way of issuing separate communication to the WEG generators/HT consumers. Further, it is instructed to include the above Scheduling and System Operation charges for the month of 09/2016 in the regular C.C bill itself.

3.2. In continuation to the above, the IWPA,TASMA, SIMA and others have filed Writ Petitions vide W.P.No.35657 of 2016, 36775 of 2016, 37604 of 2016 and W.P.No.36599 of 2016, etc and obtained interim order dated.16.10.2016 to pay the said charges at Rs.300/per day irrespective of the capacity of WEGs, pending disposal of the writ petition.

3.3. Hence, all the Superintending Engineers/EDCs were informed to collect the Scheduling and System Operation charges from of 01.04.2016 at the rate of Rs.300/per day to the WEGs under preferential tariff. It is relevant to mention that in para 2 of the said interim order, the demand of SOC charges at Rs.600/WEG/day has been referred and granted order to collect the same at Rs.300/day. The reference of Rs.600/WEG/day in the interim order is closely relevant to the WEGs under preferential tariff, therefore the interim order

was instructed to be applied to the petitioners those having WEGs under preferential tariff.

3.4. Pursuant to the above, TASMA and IWPA have filed another W.P.No.39521 of 2016 and W.P.No.39688 of 2016 respectively and obtained interim order on 10.11.2016 and 11.11.2016 respectively, the relevant portion which held as follows:

“

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2. In view of the earlier order passed by this Court in W.P.No.36775 of 2016, there shall be a direction, in this writ petition as well, to the petitioner to pay @ Rs.300/- per day, irrespective of the capacity of REC WEGs towards Scheduling and System Operating charges, pending disposal of the writ petition.”

3.5. Based on the above order, all the Superintending Engineers of distribution circles were informed to collect the Scheduling and System Operation charges from the month of 11/2016 at the rate of Rs.300/per day from each WEG machine under REC scheme and also that this interim relief is applicable/restricted only to the REC WEG generators and respective HT consumers those who are members of Tamil Nadu Spinning Mills Association and Indian Wind Power Association.

3.6. In continuation to the above, TASMA and IWPA have filed clarification petition in W.P.No.39521 of 2016 and W.P.No.39521 of 2016 respectively. The Hon'ble High Court of Madras passed an order on 29.11.2016, the relevant portion which held as follows:

This matter has been listed “ for clarification “.

Without prejudice to the rights of parties, as per the earlier order dated.10.11.2016, the members of the petitioner shall not seek refund of the Scheduling and System Operating charges which have been already paid with respect to REC WEGs.

Further, it is made clear that pending disposal of the writ petition, the Scheduling and System Operating charges shall not be charged from the petitioner except as per the interim order.

3.7. At this juncture all the Superintending Engineers of EDCs have been informed that as per the order issued by Hon'ble High Court on 29.11.2016 on a clarification petition filed by TASMA and IWPA it is ordered not to seek refund in case if consumers have already paid at Rs.2000 as SOS charges for REC windmills. Similarly, the TANGEDCO also should not demand more than Rs.300 as SOS charges hereafter for REC windmills from 01.04.2016 to 31.10.2016. From 01.11.2016, it should be at the rate of Rs.300/Day as like Non REC windmills. Through the clarification order, the High Court has reiterated the consumers not to claim refund of charges if paid at Rs.2000 and also prohibited the TANGEDCO to claim at Rs.2000 if not paid already. Each party should leave their right till the disposal of the matter. The above procedure may also adopted for Non- REC WEGs also vide reference.

3.8. At this juncture, it is stated that for Non- REC windmills, the SOC charges should have been collected @ Rs.300 per day for each machine from 01.04.2016 to 10.08.2017. In respect of REC windmills, the SOC charges should have been collected @ Rs.2000 per day for each REC WEG from 01.04.2016 to 31.10.2016 (up to the order of the Hon'ble High Court in the WPs filed by Associations) and from 01.11.2016 to 10.08.2017, the SOC should be collected @ Rs.300 per day from each REC WEG. If the REC machines have not paid @ Rs.2000/Day, no fresh demands need to be raised for the period from 01.04.2016 to 31.10.2016. Similarly, if already Rs.2000 has been collected per day for the REC WEG, no refunds are required as per the Court Order.

3.9. In this connection, it is stated that when the SOC were found collected excessively over and the above rates as mentioned above as per the orders of Hon'ble High Court, the same may be refunded without prejudice to the rights of TANGEDCO in writ petitions by way of adjustment in the ensuing CC bills for Non REC machines. The above adjustment may be made only in respect of the members of the writ petitioners' Associations and individual writ petitioners, those who have obtained similar orders from the High Court in the matter. Further, it is stated that considering the above facts, the Audit objection raised by the Audit Party to collect back the refunded SOS charges for the Non REC machines paid already at Rs.800/Day from 01.04.2016 up to the date of the Court Order, is not in order as per the Hon'ble High Court. Hence, the audit may be addressed to withdraw in the light of the Hon'ble High Court order.

3.10. Further, it is stated that the Hon'ble State Electricity Regulatory Commission in its Orders No.1,2,3 dated.11.08.2017 has approved Transmission charges, wheeling charges and SLDC charges in respect of conventional power to be charged from 11.08.2017. The so determined Scheduling Charges and System Operating Charges shall be payable by the Open Access Customers, i.e., the Applicant who applies for Open Access for the requisite capacity. The Scheduling Charges are applicable for LTOA, MTOA and STOA consumers. Further, the System Operation Charges in terms of Rs. per MW per day and Rs. Per MW per hour shall be subject to a ceiling of Rs.500 per day.

3.11 The Scheduling and System Operation Charges shall be payable at concessional rates on procurement of power from Renewable Energy sources in view of the Order.No.2 of 2017 dated.28.03.2017, Order No.3 of 2016, 4 of 2016 and 5 of 2016 dated.31.03.2016. Apart from these charges, Solar Power Generators, Wind Energy Generators, Biomass Generators and the Bagasse based Generators shall have to bear the actual line losses in kind as specified in the relevant orders of the Commission and as amended from time to time. The Scheduling charges shall be collected per Wind Farm HT.Service connection. The statement of charges applicable for various generators as per the tariff order is enclosed herewith.

3.12. Hence, all the Superintending Engineers of Distribution Circles are hereby informed to follow the above instructions scrupulously.

[By Order of CMD]

Encl: 1 sheet

Sd/-01.12.2017.
Chief Financial Controller/Revenue
TANGEDCO

To

All the Superintending Engineers of Distribution Circle.

Copy to

All the Chief Engineers/Distribution Region.

The Chief Internal Audit Officer/BOAB/Chennai.

The Chief Engineer/IT/Chennai. [For suitable action in HT software]

The Chief Engineer/Commercial/Chennai.

The Chief Engineer/NCES/Chennai.

The EA to Chairman's Office.

The Deputy Chief Internal Audit Officers/Distribution Regions.

The Deputy Manager/SMSTC/Chennai.

The Chief Engineer/PPP/Chennai.

The Chief Engineer/Operation/Chennai.

Description		Charges as per the Tariff Order No.1,2 & 3, dated.11.08.2017 with effect from 11.08.2017.				
		Conventional power	Solar	Wind	Biomass	Bagasse based co-gen.
(1)		(2)	(3)	(4)	(5)	(6)
Applicable TNERC orders		Tariff Order No.1,2 & 3, dated.11.08.2017 with effect from 11.08.2017.	Tariff order on Solar Power Order No.2 of 2016	Tariff order on Wind Power Order No.3 of 2016	Tariff order on Biomass based power plants Order No.5 of 2016	Tariff order on Bagasse based power plant Order No.4 of 2016
Applicable percentage of charges		100%	30%	40%	50%	60%
Transmission charges payable by the Long Term Open Access customers		Rs.3037.30 per MW per Day	Rs.911.19 per MW per Day	Rs.1214.92 per MW per Day	Rs.1518.65 per MW per Day	Rs.1822.38 per MW per Day
Transmission charges payable by Intra- State Short Term Open Access Customer and Inter State Open Access customer using Intra – State Transmission network.		Rs.126.55 per MW per Hour	Rs.37.965 per MW per Hour	Rs.50.62 per MW per Hour	Rs.63.275 per MW per Hour	Rs.75.93 per MW per Hour
Wheeling charges		Re.0.2105 per unit	Re.0.06315 per unit	Re.0.0842 per unit	Re.0.10525 per unit	Re.0.1263 per unit
Scheduling Charges		Rs.160 per day	Rs.48 per day	Rs.64 per day	Rs.80 per day	Rs.96 per day
System Operation Charges	LTOA and MTOA	Rs.33.74 per MW per day	Rs.10.122 per MW per day	Rs.13.496 per MW per day	Rs.16.87 per MW per day	Rs.20.244 per MW per day
	STOA	Rs.1.41 per MW per Hour	Re.0.423 per MW per Hour	Re.0.564 per MW per Hour	Re.0.705 per MW per Hour	Re.0.846 per MW per Hour

