

**BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY
COMMISSION SHIMLA**

Petition No: 28 of 2019
Arguments Heard on: 27.10.2022
Decided on: 28.11.2022

In the matter of:

**Approval of the Aggregate Revenue Requirement (ARR) for FY 20 and the
Multi Year Tariff of the Fourth MYT Order for the Control Period (FY20-
24) under sections 62, 64 and 86 of the Electricity Act, 2003**

AND

The HP State Electricity Board Ltd. through its,
Chief Engineer (Commercial),
Vidyut Bhawan, Shimla-171004

AND

The HP State Load Dispatch Centre through its,
Chief Engineer (SLDC),
Totu, Shimla-1710011

AND

M/s Malana Power Company Limited through its,
Managing Director,
Bhilwara Towers, A-12, Sector-I,
Noida-201301

CORAM

**DEVENDRA KUMAR SHARMA
CHAIRMAN**

**YASHWANT SINGH CHOGAL
MEMBER (Law)**

**SHASHI KANT JOSHI
MEMBER**

Present:

Sh. Kamlesh Saklani, Authorised Representative for the HPSEBL
Sh. Surinder Saklani, Ld. Counsel for the HPSLDC.
Ms. Shalini Thakur, Ld. Counsel for the MPCL.

ORDER

The Commission, vide its MYT Order dated 29-06-2019 in Petition No. 28 of 2019 filed by Himachal Pradesh State Electricity Board Limited (hereinafter to be referred as HPSEBL for short), determined the wheeling charges for FY 2020 (01-07-2019 to 31-05-2020). Aggrieved by the said order, the Malana Power Company Limited (hereinafter to be referred as MPCL for Short) preferred an appeal before the Hon'ble Appellate Tribunal for Electricity bearing Appeal No. 104 of 2020. The Hon'ble Appellate Tribunal for Electricity vide order dated 18.08.2022 allowing the Appeal has set aside the order dated 29.06.2019 passed by the Commission to the extent of its applicability for the Appellant/Petitioner in respect of wheeling charges and has remitted the matter involving of the issue of determination of wheeling charges voltage wise for fresh decision for determining separate wheeling charges for voltage levels 66 kV and above. Paras 41 to 44 of the Order dated 18.08.2022 passed by the Hon'ble Appellate Tribunal for Electricity (APTEL) in Appeal No. 104 of 2020 are reproduced as under:

“41. For the foregoing reasons as stated above, the captioned Appeal No. 104 of 2020 is allowed, the Impugned Order dated 29.06.2019 (“Impugned Order”) passed by Himachal Pradesh Electricity Regulatory Commission (hereinafter referred to as the “HPERC” or “State Commission”) in Tariff Petition No.28 of 2019 for the Control Period 2019-20 to 2023-24 is hereby set aside to the extent of its applicability for the Appellant in respect of wheeling charges.

42. We remit the matter, involving the issue of determination of wheeling charges voltage wise, to the State Commission for a fresh decision for determining separate wheeling charges for voltage levels 66 kV and above.

43. *Needless to add that the wheeling charges as applicable under the Agreement-1999 shall continue to be levied on the Appellant till such time the State Commission determine voltage wise wheeling charges subject to adjustment to the differential in the applicable tariff for the period in question, to be determined and recovered.*

44. *The issue having persisted for long, we would expect the State Commission to pass the fresh order in terms of above directions expeditiously, not later than three months from the date of this judgment. The Commission shall also ensure that the order it passes pursuant to our directions is scrupulously complied with expeditiously and in a time-bound manner and for this purpose shall have recourse to all enabling powers available to it under the law. The appeal is disposed of in above terms.”*

2. Upon receipt of the aforesaid Order of the Hon’ble APTEL on 22.08.2022, notice was issued to the HPSEBL, Himachal Pradesh State Load Dispatch Centre (HPSLDC for short) and MPCL.

3. The HPSEBL upon appearance on 30-08-2022 was directed to submit the voltage wise cost data in the light of the Hon’ble APTEL order regarding determination of separate voltage wise wheeling charges for voltage levels of 66 kV and above as directed by the Hon’ble APTEL. Said response was filed on 20-09-2022 that:-

“the voltage wise wheeling charges have already been determined by Hon’ble HPERC in various orders for 66 kV and below voltage levels. However, in the absence of separate wheeling charges for 66 kV and above, HPSEBL proposes to determine the wheeling charges for each of the voltage level 66 kV, 132 kV and 220 kV as per following methodology:

- i. HPSEBL has followed the same methodology of Hon’ble HPERC to notify the wheeling charges for each year. However, the deviations in methodology have been elaborated below.*

- ii. *The Annual Revenue Requirement (ARR) have already been determined for the respective year by HPERC and the same have been segregated into wheeling ARR and Retail Supply ARR in the same proportion approved by Hon'ble HPERC.*
- iii. *To arrive at the cost of wheeling at the various voltage levels, the total Wheeling ARR for FY 2022-23 at various voltage levels has been apportioned to different voltage levels (i.e., EHT, HT and LT) in Tariff Order dated 29.3.2022 in the following ratio:*

	EHT (> 66kV)	HT (33 kV)	HT (>=11 kV &<33 KV)	LT (<11 kV)
<i>Allocation Ratio</i>	17%	21%	29%	33%

The above allocation ratio is arrived by Hon'ble HPERC based on certain assumption and varies for each year.

- iv. *To arrive at the cost of wheeling at 66 kV and above voltage levels, the wheeling ARR have been further apportioned to different voltage levels in proportion to the distribution cost as per Table-9 of CRISIL's report on "Study on Voltage-wise Cost of Supply" submitted to HPSEBL(Copy Enclosed as Annexure-A), as follows:*

	EHT (220 kV)	EHT (132 kV)	EHT (66 kV)	Total
Distribution Cost (in Rs. Cr.)	68.52	91.27	55.19	214.98
% Proportion	26%	42%	32%	100%
Allocation Ratio for FY 2022-23 (in %)	4.4%	7.2%	5.4%	17%

- v. *The same methodology is applicable to determine the allocation ratio of wheeling ARR and the corresponding wheeling tariffs for the period prior to FY 2022-23.*

That accordingly, the wheeling tariffs applicable for 66 kV, 132 kV and 220 kV to open access consumers have been arrived as per methodology adopted by Hon'ble HPERC as follows:

Long term/ Medium term wheeling tariff (in Rs./MW/month)

	<i>EHT (220 kV)</i>	<i>EHT (132 kV)</i>	<i>EHT (66 kV)</i>
<i>FY 2019-20</i>	27,052	74,998	1,18,879
<i>FY 2020-21</i>	28,526	79,637	1,27,653
<i>FY 2021-22</i>	24,258	67,755	1,08,461
<i>FY 2022-23</i>	23,970	66,856	1,06,710

Short term wheeling tariff (in paise/ unit)

	<i>EHT (220 kV)</i>	<i>EHT (132 kV)</i>	<i>EHT (66 kV)</i>
<i>FY 2019-20</i>	6	18	28
<i>FY 2020-21</i>	7	19	30
<i>FY 2021-22</i>	6	16	25
<i>FY 2022-23</i>	6	16	25

Calculation Sheet for the above are enclosed as Annexure-B to Annexure-E.”

4. It is mentioned that the information as provided with regard to the cost of assets at each voltage level was as per the study conducted by M/s Credit Rating Information Services of India Limited (CRISIL). The HPSEBL has accordingly worked out the wheeling charges based upon the cost study of M/s CRISIL.

5. After going through the information submitted by HPSEBL, it was found that the data was inadequate and would not have served the purpose, the HPSEBL was again directed to submit the actual voltage wise cost data vide Order dated 24.09.2022 well before 15.10.2022.

6. Thereafter, the HPSEBL has submitted the following data on 15-10-2022:-

“That, it is observed that the Commission in order dated 29.03.2022 had considered the following parameters to arrive at the Wheeling charges of 22 paise per unit for voltage levels of 66 kV and above for FY 23 in case short term open access consumers:

i. For allocation of Wheeling Cost

	<i>EHT (> 66kV)</i>	<i>HT (33 kV)</i>	<i>HT (>=11 kV &<33 KV)</i>	<i>LT (<11 kV)</i>
<i>Allocation Ratio</i>	17%	21%	29%	33%

ii. For computation Estimated Energy flow

	EHT (> 66kV)	HT (33 kV)	HT (>=11 kV &<33 KV)	LT (<11 kV)
<i>Allocation Ratio</i>	21.50%	13.50%	28.00%	37.00%
<i>Voltage wise Sales (MUs)</i>	2,107.00	1,320.00	2,744.00	3,628.00

- iii. Load factor of 60% and 55% as approved by the Commission has been considered for Consumer and generator respectively
- iv. The Petitioner has followed, the same methodology as considered by the Commission for arriving at the voltage wise wheeling charges under different scenarios as discussed below:

Scenario 1: Allocation of Wheeling Cost and Estimated Energy flow in proportion to GFA put to use under 66kV, 132 kV and 220 kV.

1. The year-wise book value of GFA details at 66 kV, 132 kV and 220 kV voltage levels are as follows:

(Rs. Lacs.)		
220 kV System	132 kV System	66 kV System
33,367.15	72,893.27	30,098.07
24%	53%	22%

Therefore, the voltage wise wheeling cost ratio of 17% and Estimated Energy flow ratio of 21.50% at 66 kV and above as approved by the Commission are prorated into the ratio of 24%, 53% and 22% for at 66 kV, 132 kV and 220 kV respectively.

Voltage levels	GFA Detail	GFA Ratio	Approved Wheeling cost ratio 66 kV and above	Re-allocated Ratio of Wheeling Cost at respective voltages	Approved Estimated energy flow ratio 66 kV and above	Re-allocated Ratio of Estimated energy flow at respective voltages
66 kV	33,367.15	24.47%	17%	4.16%	21.50%	5.26%
132 kV	72,893.27	53.46%		9.09%		11.49%
220 kV	30,098.07	22.07%		3.75%		4.75%
	136,358.49	100.00%		17.00%		21.50%

2. Based on above re-allocated ratio, the voltage wise wheeling charges computed at different voltage levels are as follows:

• **Short Term Open Access Consumers (in paise/ unit)**

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
A	Total Wheeling ARR (Rs. Cr.)	1,974.20					
B	Cost apportioned (%)	4.16%	9.09%	3.75%	21.00%	29.00%	33.00%
C	Cost apportioned (Rs. Cr.)	82.13	179.41	74.08	414.58	572.52	651.48
D	Cost allocation brought forward from the next higher voltage block) (Rs. Cr.)		76.23	203.28	247.33	444.45	547.48
E	Total Allocation (Rs. Cr.)	82.13	255.64	277.36	661.91	1,016.97	1,198.97
F	Estimated Energy (MUs)	1,093.75	2,899.36	1,218.61	3,297.31	3,111.13	3,628.00
G	Total Energy Flow (MUs)	15,248.16	14,154.41	11,255.05	10,036.44	6,739.13	3,628.00
H	Wheeling Charges	5.39	18.06	24.64	65.95	150.90	330.48

• **Medium and Long Term Open Access Consumers (in Rs./MW/month)**

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
A	Total Wheeling ARR (Rs. Cr.)	1974.20					
B	Cost apportioned (%)	4.16%	9.09%	3.75%	21.00%	29.00%	33.00%
C	Cost apportioned (Rs. Cr.)	82.13	179.41	74.08	414.58	572.52	651.48
D	Cost allocation brought forward from the next higher voltage block) (Rs. Cr.)		76.15	201.97	245.25	435.99	540.25
E	Total	82.13	255.55	276.05	659.83	1,008.51	1,191.74

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV & <33kV)	LT (<11 kV)
	Allocation (Rs. Cr.)						
F	Estimated Load (MW)	218.09	582.30	244.88	661.54	598.27	690.26
G	Total Demand Flow (MW)	2,995.35	2,777.25	2,194.95	1,950.07	1,288.53	690.26
H	Wheeling Charges	22,847.97	76,680.89	104,805.64	281,970.60	652,235.61	1,438,757.51

Scenario 2: Allocation of Wheeling Cost in proportion to GFA put to use under 66kV, 132 kV and 220 kV (similar to Scenario 1) and considering voltage wise estimated energy flow for FY 2022-23 based on the average of actual voltage wise energy sales of FY 19, FY 20, FY 21 and FY 22.

1. That the voltage wise energy flow for FY 2022-23 considered is as follows:

- **Voltage wise Consumer Sales (MU)**

	Total	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV & <33kV)	LT (<11 kV)
FY 2022-23	9,799.00	504.02	948.55	610.22	1,343.56	2,715.73	3,676.92
	100%	5.14%	9.68%	6.23%	13.71%	27.71%	37.52%

- **Voltage wise Consumer Demand (MW)**

	Total	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV & <33kV)	LT (<11 kV)
FY 2022-23	1,759.85	90.59	171.26	110.02	241.39	487.61	658.99
	100%	5.15%	9.73%	6.25%	13.72%	27.71%	37.45%

- **Details of capacity of generators at different voltage levels (Generator Injection in MW)**

	Total	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV & <33kV)	LT (<11 kV)
FY 2022-23 (Approved)	1,131.00	120.00	368.00	156.40	410.40	67.10	9.10

- **Voltage wise Generator Energy Flow (Mus)**

	Total	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
<i>FY 2022-23</i>	5,405.31	578.16	1,773.02	753.54	1,977.31	323.29	

2. That based on above re-allocated ratio, the voltage wise wheeling charges computed at different voltage levels are as follows:

• **Short Term Open Access Consumers (in paise/ unit)**

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
A	Total Wheeling ARR (Rs. Cr.)	1,974.20					
B	Cost apportioned (%)	4.16%	9.09%	3.75%	21.00%	29.00%	33.00%
C	Cost apportioned (Rs. Cr.)	82.13	179.41	74.08	414.58	572.52	651.48
D	Cost allocation brought forward from the next higher voltage block) (Rs. Cr.)		76.30	206.58	247.21	443.78	552.81
E	Total Allocation (Rs. Cr.)	82.13	255.71	280.66	661.80	1,016.30	1,204.29
F	Estimated Energy (MUs)	1,082.18	2,721.57	1,363.76	3,320.87	3,082.86	3,676.92
G	Total Energy Flow (MUs)	15,248.16	14,165.98	11,444.41	10,080.65	6,759.78	3,676.92
H	Wheeling Charges	5.39	18.05	24.52	65.65	150.34	327.53

• **Medium and Long Term Open Access Consumers (in Rs./MW/month)**

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
A	Total Wheeling ARR (Rs. Cr.)	1974.20					
B	Cost apportioned (%)	4.16%	9.09%	3.75%	21.00%	29.00%	33.00%
C	Cost apportioned (Rs. Cr.)	82.13	179.41	74.08	414.58	572.52	651.48
D	Cost allocation brought forward from the next higher voltage block) (Rs. Cr.)		76.21	205.17	245.14	435.37	545.54
E	Total Allocation (Rs. Cr.)	82.13	255.61	279.25	659.73	1,007.89	1,197.02
F	Estimated Load (MW)	215.89	548.47	272.50	666.02	592.89	699.57

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
G	Total Demand Flow (MW)	2,995.35	2,779.45	2,230.98	1,958.48	1,292.46	699.57
H	Wheeling Charges	22,847.97	76,638.26	104,308.84	280,712.92	649,852.69	1,425,910.54

Summary:

1. Wheeling Tariff for FY 2022-23

That the Voltage wise wheeling charges approved by the Commission and re-computed under above two scenarios are as follows:

• **Short Term Open Access Consumers (in paise/ unit)**

	220 kV	132 kV	66 kV	33 kV	22 kV	11 kV
Approved			22.01	63.32	148.27	327.84
Scenario-1	5.39	18.06	24.64	65.95	150.90	330.48
Scenario-2	5.39	18.05	24.52	65.65	150.34	327.53

• **Medium and Long Term Open Access Consumers (in Rs./MW/month)**

	220 kV	132 kV	66 kV	33 kV	22 kV	11 kV
Approved			93,370.74	270,535.70	640,800.71	1,427,322.61
Scenario-1	22,847.97	76,680.89	104,805.64	281,970.60	652,235.61	1,438,757.51
Scenario-2	22,847.97	76,638.26	104,308.84	280,712.92	649,852.69	1,425,910.54

2. Wheeling Tariff for FY 2021-22

• **Scenario-1**

○ **Short Term Open Access Consumers (in paise/ unit)**

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
A	Total Wheeling ARR (Rs. Cr.)	1,834.98					
B	Cost apportioned (%)	4.43%	9.69%	3.88%	21.00%	29.00%	32.00%
C	Cost apportioned (Rs. Cr.)	81.38	177.78	71.13	385.35	532.14	587.19
D	Cost allocation brought forward from the next		75.37	199.64	244.18	418.80	517.21

<i>Sl.</i>	<i>Description</i>	<i>220 kV</i>	<i>132 kV</i>	<i>66 kV</i>	<i>HT (33kV)</i>	<i>HT (>=11 kV &<33kV)</i>	<i>LT (<11 kV)</i>
	<i>higher voltage block) (Rs. Cr.)</i>						
<i>E</i>	<i>Total Allocation (Rs. Cr.)</i>	81.38	253.15	270.78	629.52	950.95	1,104.40
<i>F</i>	<i>Estimated Energy (MUs)</i>	1,095.33	2,902.81	1,063.93	3,269.31	2,963.67	3,534.00
<i>G</i>	<i>Total Energy Flow (MUs)</i>	14,829.05	13,733.72	10,830.91	9,766.98	6,497.67	3,534.00
<i>H</i>	<i>Wheeling Charges</i>	5.49	18.43	25.00	64.45	146.35	312.51

• **Medium and Long Term Open Access Consumers (in Rs./MW/month)**

<i>Sl.</i>	<i>Description</i>	<i>220 kV</i>	<i>132 kV</i>	<i>66 kV</i>	<i>HT (33kV)</i>	<i>HT (>=11 kV &<33kV)</i>	<i>LT (<11 kV)</i>
<i>A</i>	<i>Total Wheeling ARR (Rs. Cr.)</i>	1,834.98					
<i>B</i>	<i>Cost apportioned (%)</i>	4.43%	9.69%	3.88%	21.00%	29.00%	32.00%
<i>C</i>	<i>Cost apportioned (Rs. Cr.)</i>	81.38	177.78	71.13	385.35	532.14	587.19
<i>D</i>	<i>Cost allocation brought forward from the next higher voltage block) (Rs. Cr.)</i>		75.28	198.31	242.26	410.65	510.35
<i>E</i>	<i>Total Allocation (Rs. Cr.)</i>	81.38	253.06	269.44	627.60	942.80	1,097.54
<i>F</i>	<i>Estimated Load (MW)</i>	218.40	582.95	213.01	656.21	569.74	672.37
<i>G</i>	<i>Total Demand Flow (MW)</i>	2,912.68	2,694.29	2,111.33	1,898.33	1,242.11	672.37
<i>H</i>	<i>Wheeling Charges</i>	23,283.36	78,270.77	106,346.74	275,506.64	632,521.32	1,360,281.20

• **Scenario-2**

○ **Short Term Open Access Consumers (in paise/ unit)**

<i>Sl.</i>	<i>Description</i>	<i>220 kV</i>	<i>132 kV</i>	<i>66 kV</i>	<i>HT (33kV)</i>	<i>HT (>=11 kV &<33kV)</i>	<i>LT (<11 kV)</i>
<i>A</i>	<i>Total Wheeling ARR (Rs. Cr.)</i>	1,834.98					

<i>Sl.</i>	<i>Description</i>	<i>220 kV</i>	<i>132 kV</i>	<i>66 kV</i>	<i>HT (33kV)</i>	<i>HT (>=11 kV &<33kV)</i>	<i>LT (<11 kV)</i>
<i>B</i>	<i>Cost apportioned (%)</i>	4.43%	9.69%	3.88%	21.00%	29.00%	32.00%
<i>C</i>	<i>Cost apportioned (Rs. Cr.)</i>	81.38	177.78	71.13	385.35	532.14	587.19
<i>D</i>	<i>Cost allocation brought forward from the next higher voltage block) (Rs. Cr.)</i>		75.56	201.70	241.41	412.82	507.81
<i>E</i>	<i>Total Allocation (Rs. Cr.)</i>	81.38	253.34	272.83	626.75	944.96	1,095.00
<i>F</i>	<i>Estimated Energy (MUs)</i>	1,060.95	2,806.66	1,262.52	3,310.61	2,955.31	3,433.00
<i>G</i>	<i>Total Energy Flow (MUs)</i>	14,829.05	13,768.10	10,961.44	9,698.92	6,388.31	3,433.00
<i>H</i>	<i>Wheeling Charges</i>	5.49	18.40	24.89	64.62	147.92	318.96

• **Medium and Long Term Open Access Consumers (in Rs./MW/month)**

<i>Sl.</i>	<i>Description</i>	<i>220 kV</i>	<i>132 kV</i>	<i>66 kV</i>	<i>HT (33kV)</i>	<i>HT (>=11 kV &<33kV)</i>	<i>LT (<11 kV)</i>
<i>A</i>	<i>Total Wheeling ARR (Rs. Cr.)</i>	1,834.98					
<i>B</i>	<i>Cost apportioned (%)</i>	4.43%	9.69%	3.88%	21.00%	29.00%	32.00%
<i>C</i>	<i>Cost apportioned (Rs. Cr.)</i>	81.38	177.78	71.13	385.35	532.14	587.19
<i>D</i>	<i>Cost allocation brought forward from the next higher voltage block) (Rs. Cr.)</i>		75.46	200.30	239.57	404.80	501.08
<i>E</i>	<i>Total Allocation (Rs. Cr.)</i>	81.38	253.24	271.43	624.91	936.95	1,088.27
<i>F</i>	<i>Estimated Load (MW)</i>	211.85	564.66	250.79	664.07	568.15	653.16
<i>G</i>	<i>Total Demand</i>	2,912.68	2,700.83	2,136.17	1,885.38	1,221.31	653.16

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
	Flow (MW)						
H	Wheeling Charges	23,283.36	78,137.62	105,887.17	276,208.82	639,305.60	1,388,476.71

3. Wheeling Tariff for FY 2020-21

- **Scenario-1**

- **Short Term Open Access Consumers (in paise/ unit)**

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
A	Total Wheeling ARR (Rs. Cr.)	1,7391.01					
B	Cost apportioned (%)	5.01%	11.50%	4.49%	20.00%	28.00%	31.00%
C	Cost apportioned (Rs. Cr.)	87.17	199.91	78.11	347.80	486.92	539.09
D	Cost allocation brought forward from the next higher voltage block) (Rs. Cr.)		80.87	220.88	269.70	408.64	481.87
E	Total Allocation (Rs. Cr.)	87.17	280.77	299.00	617.50	895.56	1,020.96
F	Estimated Energy (MUs)	1,008.05	2,758.90	997.12	3,104.31	2,805.67	3,268.00
G	Total Energy Flow (MUs)	13,942.05	12,933.99	10,175.10	9,177.98	6,073.67	3,268.00
H	Wheeling Charges	6.25	21.71	29.39	67.28	147.45	312.41

- **Medium and Long Term Open Access Consumers (in Rs./MW/month)**

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
A	Total Wheeling ARR (Rs. Cr.)	1,7391.01					
B	Cost apportioned (%)	5.01%	11.50%	4.49%	20.00%	28.00%	31.00%
C	Cost apportioned (Rs. Cr.)	87.17	199.91	78.11	347.80	486.92	539.09
D	Cost allocation brought forward from the next higher voltage block) (Rs. Cr.)		80.76	219.33	267.45	400.04	474.83
E	Total Allocation	87.17	280.67	297.44	615.26	886.97	1,013.92

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
	(Rs. Cr.)						
F	Estimated Load (MW)	201.79	555.57	200.29	624.82	539.68	621.77
G	Total Demand Flow (MW)	2,743.92	2,542.13	1,986.56	1,786.27	1,161.44	621.77
H	Wheeling Charges	26,473.74	92,005.18	124,773.27	287,030.99	636,397.45	1,358,928.20

• **Scenario-2**

○ **Short Term Open Access Consumers (in paise/ unit)**

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
A	Total Wheeling ARR (Rs. Cr.)	1,7391.01					
B	Cost apportioned (%)	5.01%	11.50%	4.49%	20.00%	28.00%	31.00%
C	Cost apportioned (Rs. Cr.)	87.17	199.91	78.11	347.80	486.92	539.09
D	Cost allocation brought forward from the next higher voltage block) (Rs. Cr.)		81.04	227.14	273.12	409.97	502.63
E	Total Allocation (Rs. Cr.)	87.17	280.95	305.25	620.92	896.89	1,041.72
F	Estimated Energy (MUs)	979.79	2,482.74	1,103.30	3,185.50	2,721.34	3,469.36
G	Total Energy Flow (MUs)	13,942.05	12,962.25	10,479.51	9,376.21	6,190.70	3,469.36
H	Wheeling Charges	6.25	21.67	29.13	66.22	144.88	300.26

○ **Medium and Long Term Open Access Consumers (in Rs./MW/month)**

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
A	Total Wheeling ARR (Rs. Cr.)	1,7391.01					
B	Cost apportioned (%)	5.01%	11.50%	4.49%	20.00%	28.00%	31.00%
C	Cost apportioned (Rs. Cr.)	87.17	199.91	78.11	347.80	486.92	539.09
D	Cost allocation brought forward from the next		80.93	225.38	270.77	401.43	495.38

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
	higher voltage block) (Rs. Cr.)						
E	Total Allocation (Rs. Cr.)	87.17	280.84	303.50	618.57	888.36	1,034.47
F	Estimated Load (MW)	196.41	503.03	220.50	640.27	523.63	660.08
G	Total Demand Flow (MW)	2,743.92	2,547.51	2,044.48	1,823.98	1,183.71	660.08
H	Wheeling Charges	26,473.74	91,866.87	123,706.70	282,609.38	625,403.82	1,305,998.47

4. Wheeling Tariff for FY 2019-20

- **Scenario-1**

- **Short Term Open Access Consumers (in paise/ unit)**

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
A	Total Wheeling ARR (Rs. Cr.)	1,627.76					
B	Cost apportioned (%)	5.71%	11.48%	4.81%	20.00%	28.00%	30.00%
C	Cost apportioned (Rs. Cr.)	92.92	186.85	78.34	325.55	455.77	488.33
D	Cost allocation brought forward from the next higher voltage block) (Rs. Cr.)		86.89	223.09	276.36	412.59	455.77
E	Total Allocation (Rs. Cr.)	92.92	273.73	301.43	601.91	868.36	944.10
F	Estimated Energy (MUs)	933.64	2,487.84	911.59	3,160.44	3,272.54	3,615.00
G	Total Energy Flow (MUs)	14,381.05	13,447.41	10,959.57	10,047.98	6,887.54	3,615.00
H	Wheeling Charges	6.46	20.36	27.50	59.90	126.08	261.16

- **Medium and Long Term Open Access Consumers (in Rs./MW/month)**

Sl.	Description	220 kV	132 kV	66 kV	HT (33kV)	HT (>=11 kV &<33kV)	LT (<11 kV)
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<i>Sl.</i>	<i>Description</i>	<i>220 kV</i>	<i>132 kV</i>	<i>66 kV</i>	<i>HT (33kV)</i>	<i>HT (>=11 kV &<33kV)</i>	<i>LT (<11 kV)</i>
<i>A</i>	<i>Total Wheeling ARR (Rs. Cr.)</i>	<i>1,627.76</i>					
<i>B</i>	<i>Cost apportioned (%)</i>	<i>5.71%</i>	<i>11.48%</i>	<i>4.81%</i>	<i>20.00%</i>	<i>28.00%</i>	<i>30.00%</i>
<i>C</i>	<i>Cost apportioned (Rs. Cr.)</i>	<i>92.92</i>	<i>186.85</i>	<i>78.34</i>	<i>325.55</i>	<i>455.77</i>	<i>488.33</i>
<i>D</i>	<i>Cost allocation brought forward from the next higher voltage block) (Rs. Cr.)</i>		<i>86.75</i>	<i>221.36</i>	<i>273.88</i>	<i>404.26</i>	<i>449.38</i>
<i>E</i>	<i>Total Allocation (Rs. Cr.)</i>	<i>92.92</i>	<i>273.60</i>	<i>299.70</i>	<i>599.43</i>	<i>860.03</i>	<i>937.71</i>
<i>F</i>	<i>Estimated Load (MW)</i>	<i>187.63</i>	<i>504.00</i>	<i>184.02</i>	<i>635.50</i>	<i>628.50</i>	<i>687.79</i>
<i>G</i>	<i>Total Demand Flow (MW)</i>	<i>2,827.44</i>	<i>2,639.81</i>	<i>2,135.81</i>	<i>1,951.79</i>	<i>1,316.29</i>	<i>687.79</i>
<i>H</i>	<i>Wheeling Charges</i>	<i>27,386.26</i>	<i>86,370.03</i>	<i>116,936.36</i>	<i>255,933.74</i>	<i>544,480.62</i>	<i>1,136,148.65</i>

- **Scenario-2**

- **Short Term Open Access Consumers (in paise/ unit)**

<i>Sl.</i>	<i>Description</i>	<i>220 kV</i>	<i>132 kV</i>	<i>66 kV</i>	<i>HT (33kV)</i>	<i>HT (>=11 kV &<33kV)</i>	<i>LT (<11 kV)</i>
<i>A</i>	<i>Total Wheeling ARR (Rs. Cr.)</i>	<i>1,627.76</i>					
<i>B</i>	<i>Cost apportioned (%)</i>	<i>5.71%</i>	<i>11.48%</i>	<i>4.81%</i>	<i>20.00%</i>	<i>28.00%</i>	<i>30.00%</i>
<i>C</i>	<i>Cost apportioned (Rs. Cr.)</i>	<i>92.92</i>	<i>186.85</i>	<i>78.34</i>	<i>325.55</i>	<i>455.77</i>	<i>488.33</i>
<i>D</i>	<i>Cost allocation brought forward from the next higher voltage block) (Rs. Cr.)</i>		<i>85.91</i>	<i>218.81</i>	<i>264.61</i>	<i>389.89</i>	<i>455.34</i>
<i>E</i>	<i>Total Allocation (Rs. Cr.)</i>	<i>92.92</i>	<i>272.75</i>	<i>297.16</i>	<i>590.16</i>	<i>845.66</i>	<i>943.67</i>

<i>Sl.</i>	<i>Description</i>	<i>220 kV</i>	<i>132 kV</i>	<i>66 kV</i>	<i>HT (33kV)</i>	<i>HT (>=11 kV &<33kV)</i>	<i>LT (<11 kV)</i>
<i>F</i>	<i>Estimated Energy (MUs)</i>	<i>1,085.55</i>	<i>2,629.27</i>	<i>1,168.14</i>	<i>3,223.24</i>	<i>2,896.18</i>	<i>3,378.67</i>
<i>G</i>	<i>Total Energy Flow (MUs)</i>	<i>14,381.05</i>	<i>13,295.49</i>	<i>10,666.23</i>	<i>9,498.09</i>	<i>6,274.85</i>	<i>3,378.67</i>
<i>H</i>	<i>Wheeling Charges</i>	<i>6.46</i>	<i>20.51</i>	<i>27.86</i>	<i>62.14</i>	<i>134.77</i>	<i>279.30</i>

○ *Medium and Long Term Open Access Consumers (in Rs./MW/month)*

<i>Sl.</i>	<i>Description</i>	<i>220 kV</i>	<i>132 kV</i>	<i>66 kV</i>	<i>HT (33kV)</i>	<i>HT (>=11 kV &<33kV)</i>	<i>LT (<11 kV)</i>
<i>A</i>	<i>Total Wheeling ARR (Rs. Cr.)</i>	<i>1,627.76</i>					
<i>B</i>	<i>Cost apportioned (%)</i>	<i>5.71%</i>	<i>11.48%</i>	<i>4.81%</i>	<i>20.00%</i>	<i>28.00%</i>	<i>30.00%</i>
<i>C</i>	<i>Cost apportioned (Rs. Cr.)</i>	<i>92.92</i>	<i>186.85</i>	<i>78.34</i>	<i>325.55</i>	<i>455.77</i>	<i>488.33</i>
<i>D</i>	<i>Cost allocation brought forward from the next higher voltage block) (Rs. Cr.)</i>		<i>85.80</i>	<i>217.21</i>	<i>262.47</i>	<i>381.91</i>	<i>448.84</i>
<i>E</i>	<i>Total Allocation (Rs. Cr.)</i>	<i>92.92</i>	<i>272.65</i>	<i>295.55</i>	<i>588.02</i>	<i>837.69</i>	<i>937.17</i>
<i>F</i>	<i>Estimated Load (MW)</i>	<i>216.54</i>	<i>530.91</i>	<i>232.83</i>	<i>647.45</i>	<i>556.90</i>	<i>642.82</i>
<i>G</i>	<i>Total Demand Flow (MW)</i>	<i>2,827.44</i>	<i>2,610.91</i>	<i>2,080.00</i>	<i>1,847.17</i>	<i>1,199.72</i>	<i>642.82</i>
<i>H</i>	<i>Wheeling Charges</i>	<i>27,386.26</i>	<i>87,022.98</i>	<i>118,409.45</i>	<i>265,279.48</i>	<i>581,862.80</i>	<i>1,214,916.17</i>

7. No response has been filed by the HPSLDC.

8. The copy of the response of the HPSEBL was supplied to MPCL who has filed the objections and submissions to the response of HPSEBL as under:-

“Objections

1. Without the data in support of the calculations submitted by HPSEBL, there is no way that MPCL can file detailed submission in response to the calculations submitted by HPSEBL.

Submissions

2. HPSEBL has submitted, the year-wise book value of Gross Fixed Assets (GFA) at 66 kV, 132 kV and 220 kV voltage as under:

		Rs. Lacs
220 KV System	132 KV System	66 KV System
33,367.15	72,893.27	30,098.07
24%	53%	22%

No details for this Gross Fixed Assets have been supplied to MPCL in support of the voltage wise GFA, however, it may be brought on record that HPSEBL in its Reply in Appeal No. 104/2020 before Hon’ble APTEL submitted that:

“10. Even though the answering Respondent has some network at 132 KV and 220 KV, it has only a total of 13 consumers with connected load of 358 MW at such a high voltage. A list of the consumers of the answering Respondent at 132 KV and 220 KV voltage is attached hereto and marked as Annexure-A. As opposed to the above, the answering Respondent has a total of 25,04,792 number of consumers with connected load of 7183 MW who were taking supply of 66 kV and below voltage network. When the network of the answering Respondent itself at 132 kV and 220 kV is very limited, the State Commission has chosen to combine the entire network which is 66 kV and above for the purpose of the impugned tariff order.....”

(Emphasis supplied)

It is submitted that if the 132 kV and 220 kV Network of HPSEBL is very limited, the Gross Fixed Asset values (GFA) of 132 kV and 220

kV Network cannot be higher than the GFA value of 66 kV Network when most of the customers of HPSEBL are connected at 66 kV and below voltage levels details of which has been submitted by HPSEBL itself before Hon'ble ATPEL in reply to Appeal No. 104/2020 by stating that the Load connected at 66 kV and below is as high as 7183 MW and the total load connected at 132 kV and 220 kV is 358 MW. (Estimated energy details)

This also establishes the fact that the GFA value of the 132 kV and 220 kV Network should be far lower than the values of the 66 kV Network.

Further Generation capacities connected to the HPSEBL system shall be required to be added in the capacity for the year FY 2019-20 to the loads connected at each voltage level.

Therefore the values of the Gross Fixed Assets (GFA) and percentages thereof calculated by HPSEBL in the aforesaid table for the purpose of allocation of ARR and energy are erroneous, contrary to actual values and HPSEBL's submissions before Hon'ble APTEL.

*Copy of the reply submitted by the HPSEBL before Hon'ble Tribunal in Appeal No. 104/2020 is annexed herewith as **Annexure R1**.*

3. *This Hon'ble Commission has determined the wheeling tariff and losses on the basis of the estimated loads whereas HPSEBL has submitted the data for the actual number of customers and the voltage wise actual loads connected at 220 kV, 132 kV and 66 kV and below level (which can be further segregated to each voltage levels).*

It is submitted that the determination of the wheeling tariff and losses should be based on the actual loads connected at each voltage level and the flow of energy should be calculated accordingly on the basis of the Load Factor considered by this Hon'ble Commission in each APR

order for the MYT period (60% for the FY 2019-20, 60% for the load and 55% for the generators in subsequent FYs).

4. Without prejudice to the submissions of MPCL in respect of the Gross Fixed Assets, connected load and generation capacities to the HPSEBL system, it is submitted that voltage wise wheeling cost for 220 kV, 132 kV and 66 kV for the approved wheeling ARR on short term basis for the MYT Period (FY 2019-2020) of HPSEBL shall be as under:

Particulars	EHT (>66 Kv)	HT (33 Kv)	HT (>=11 Kv & < 33 kv)	LT (<11 kv)
Allocation ratio	22%	20%	28%	30%

Particulars	EHT 220 kV	EHT 132 kV	EHT (66 kV)	HT (33 kV)	HT (>=11kV & < 33 kv)	LT (<11 kv)
Break up of estimated load as per HPSEBL submissions	87.881	270.443	522.676	563	620	688
Allocation Ratio	2.19%	6.75%	13.05%	20%	28%	30%

The Short Term wheeling ARR for the FY shall be as under:

Particulars	220 kV	132 kV	66 kV	HT (33 kV)	HT (>=11 kV & < 33 kv)	LT (<11 kV)
Total Wheeling ARR	1627.77					
Cost apportioned in the respective allocation ratio	35.65	109.87	212.59	325.55	455.78	488.33
Estimated load (MW)	87.881	270.443	522.676	563	620	688
Estimated Energy (Mus)	461.90	1421.45	2747.19	2959.13	3258.72	3616.13
Total Energy Estimated in the System	14464.52					
Wheeling charges for short term Open Access Customers (paisa per unit) including unabsorbed ARR of higher voltage	2.46	10.31	27.22	48.84	114.94	249.98

On the basis of the similar methodology, Wheeling ARR for the subsequent years are also required to be calculated.

5. *HPSEBL has filed the tariff demonstrating two scenarios in each financial year of the MYT period. It is submitted that in terms of the Tariff Regulations, the tariff for each financial year is determined on the basis of the MYT Regulations under the law and prescribed methodology. Thereafter the true up orders are passed to determine the wheeling tariff for the succeeding year. Therefore the submissions of HPSEBL by adopting two scenarios are erroneous.*
6. *HPSEBL has submitted the voltage wise wheeling charges. There is no mention of the voltage wise wheeling losses. The Hon'ble Tribunal has categorically given its finding as under:*

“33. It is clear from the above that the State Commission shall determine the wheeling charges and losses on voltage wise basis, against the petition filed by the distribution licensee. The State Commission is bound by its own Regulations and therefore, shall determine the wheeling charges and the losses voltage wise, ensuring compliance from the distribution licensee for furnishing all relevant information and data.”

It is submitted that the directions in the judgement should be read in the light of the findings of the Hon'ble Tribunal and voltage wise losses are also required to be submitted in order to determine the correct voltage wise wheeling charges and its application.”

Analysis of the Commission

9. We have carefully gone through the record, the Order dated 18.08.2022 passed by the Hon'ble APTEL in Appeal No.104/2020 and have also heard, at length, Ms. Shalini Thakur, Ld. Counsel for the MPCL, Sh. Kamlesh Saklani, Authorised Representative of the HPSEBL and Sh. Surinder Saklani, Ld. Counsel for the HPSLDC. Sh. Kamlesh Saklani Ld. Authorised Representative of HPSEBL has submitted that there is typographical error in figures 66 & 220 kV GFA specified in Tables under Scenario-I as depicted in Para -1 of the data submitted

on 15-10-2022 but the above has no effect in the outcome of the calculation submitted to the Commission as actual figures after calculation are clearly depicted in Scenario-II of the response dated 15.10.2022.

10. First and foremost, it is relevant to analyze as to whether or not the details provided by HPSEBL on 20.09.2022 and 15.10.2022 are sufficient to determine the voltage wise wheeling charges. HPSEBL in its first proposal dated 20.09.2022 has worked out the wheeling charges on the basis of distribution cost study conducted by M/s CRISIL. In subsequent response on 15.10.2022, the HPSEBL has provided the book value of the Gross Fixed Assets (GFA) at each voltage level of 66 kV, 132 kV and 220 kV separately.

11. It is relevant to mention here that the tariff determination by the Commission is based on the best estimation/ forecast of the underlying values. In case at the end of the tariff period, there is any surplus/ deficit on account of the factors allowed to be adjusted by the Commission, the same are taken care of during truing up exercise.

12. The Commission in tariff order dated 29th June, 2019 has segregated Annual Revenue Requirement (ARR) of HPSEBL in Wheeling and Retail Supply business based upon the estimation of allocation of various costs of the HPSEBL. Further, the cost at different voltage levels for the purpose of determination of wheeling charges were segregated based upon the best possible estimation by the Commission. The Commission in its Order dated 29.06.2019 had determined a single wheeling tariff for the open access at voltage level 66 kV and above. The cost of the assets at each voltage level primarily includes capital cost of creating these assets and also the operational cost to serve the Consumers.

13. The HPSEBL has provided the book value of Gross Fixed Assets (GFA) at each voltage level. The details of funding against which these assets were created have not been provided. Now the question arises as to whether this detail is sufficient to determine the voltage wise wheeling charges? The Commission has

estimated the cost of wheeling at 66 kV and above voltage levels in tariff order dated 29.06.2019. The Commission is of the view that this estimated cost can be apportioned to voltage level of 66 kV, 132 kV and 220 kV based upon the GFA details shared and as proposed by the HPSEBL. Moreover, the Commission has adopted the principle of Average Cost of Supply as prescribed in the Tariff Policy, 2016 for determining tariff for various categories of the Consumers. Significantly, the MPCL in its reply dated 26-10-2022 has also not objected to the apportioning of the voltage wise wheeling cost determined by the Commission for the Extra High Tension (EHT for short) Category as a whole (i.e. 66 kV and above). The major objection of the MPCL has been about the authenticity of the data submitted by the HPSEBL. The matter regarding authenticity/ reasonableness of the data submitted by the HPSEBL in this regard has been dealt separately in a succeeding paragraph of this Order. The Commission feels that the estimated cost can be apportioned to voltage level of 66 kV, 132 kV and 220 kV based on GFA details particularly when the Commission has adopted the principle of the average cost of supply as laid down in the Tariff Policy, 2016 for determination of tariff of various kind of Consumers. Therefore, in our view, the GFA data is reasonably sufficient enough to determine the wheeling charges at voltage levels of 66 kV and above. The Commission would, however, like to observe here that there is always a scope for further improvement in the methodologies adopted for capturing of data and determination of the tariffs. This is obviously a continuous process.

14. The MPCL in its objections has raised the issue of the authenticity of the value of the assets submitted by the HPSEBL. They have claimed that the HPSEBL in its appeal before the Hon'ble APTEL has submitted that it has only 13 number of Consumers with connected load of 358 MW at high voltage of 132 and 220 kV and that it has a total of 25,04,792 number of Consumers with connected load of 7183 MW, who were taking supply of 66 kV and below voltage network. However, from the careful analysis of the objections of the MPCL, it is not possible to infer that the connected load at 66 kV level is more than that of the 132

kV level and the corresponding Gross Fixed Asset values (GFA) of 132 kV and 220 kV network should be lesser than the GFA value of 66 kV network. The Commission observes that the systems at 220 kV and 132 kV levels are generally required not only for catering the loads at those voltage levels but also for catering the loads at the lower voltages. The contention of the MPCL that the GFA of the system at 132 kV level should be lower than that for 66 kV level is, therefore, totally incorrect and the Commission declines to accept the same. Moreover, it is worth mentioning here that the Commission while determining the wheeling charges in the Tariff Order dated 29.06.2019 has considered not only the demand of the HPSEBL at respective voltage levels but also the connected generation capacity as well. Therefore, from the analysis of the objections and submissions of MPCL, it is not possible to conclude that the GFA data provided by the HPSEBL is not correct. The Commission does not find any reasons to doubt the authenticity of the data made available by HPSEBL.

15. The next question for consideration is as to whether the HPSEBL was also required to submit proposal for voltage wise losses as contended by the MPCL. The MPCL in its submissions has alleged that the HPSEBL ought to have submitted the proposal for determination of voltage wise losses in order to determine the correct voltage wise wheeling charges and its application. The Commission in Tariff Order dated 29.06.2019 has already determined the voltage wise losses wherein separate losses have been determined at 66 kV and for 132/220 kV voltage levels. Moreover, the voltage level of Malana HEP of the MPCL is 132 kV which has been clubbed with 220 kV level. Therefore, MPCL should not have any issue in this regard. Also, the Commission is of the view that the retrospective revision of the transmission losses would have practical difficulties in implementation. The Commission also observes that this may otherwise also have insignificant impact. Significantly, the Hon'ble APTEL in its order dated 18.08.2022, has also not required the Commission to determine voltage wise losses. In view of the above, the Commission is of the opinion that

the proposal for voltage wise losses was not required to be submitted by HPSEBL for the past period, as projected by the MPCL. At the most, such requirements may be considered at the time of determination of tariff for next Control Period and in this regard, the Commission hereby directs the HPSEBL to submit the proposal for voltage wise losses in the MYT Petition for the next control period so as to segregate the losses at 132 and 220 kV level as well.

16. The Commission in its MYT Order dated 29th June, 2019 had determined the Wheeling Charges in Paras 10.2, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.2.7, 10.2.8, 10.2.9, 10.2.10 and 10.2.11 thereof, which also spell out the assumptions made by the Commission for the purpose. The wheeling charges determined by the Commission in the said Order are tabulated below:

Table 1: Approved Wheeling Charges for Open Access Consumers for FY20

S.No.	Description	EHT (≥66kV)	HT (33kV)	HT (≥11kV &<33kV)	LT (<11kV)
1	Total Wheeling ARR (Rs. Cr.)	1627.77			
2	Cost apportioned (Rs. Cr.)	341.83	325.55	455.78	504.61
2	Estimated Load (MW)	881	563	620	688
3.	Estimated Energy (MUs)	3,542	2,523	2,995	3,615
4	Wheeling Charges for Long-term Open Access/ Medium term Open Access Customers (Rs. Per MW per month)	1,03,530	2,48,538	3,90,870	8,11,393
5	Wheeling Charges for Short-term Open Access Customers (Paisa per unit)	27	63	132	271

17. Coming to the matter regarding the energy quantum to be considered for determination of separate wheeling charges for each voltage level above 66 kV, the Commission observes that the MPCL has submitted that the determination of the wheeling tariff and losses should be based on the actual loads connected at each voltage level and the flow of energy should be calculated accordingly on the basis of the Load Factor considered by this Commission in each APR order for the MYT period (60% for the FY 2019-20 and the subsequent FYs 60% for the load

and 55% for the generators). However, the HPSEBL in its proposal/response dated 15.10.2022 has submitted two numbers of scenarios. In the first scenario, estimated energy flow has been in proportion to GFA put to use under 66 kV, 132 kV and 220 kV voltage levels. And, in the second scenario, the HPSEBL has estimated the energy flow based on average of actual voltage wise energy sales. The Commission on careful analysis of the submissions made by HPSEBL and the MPCL finds that the wheeling charges determined under second scenario proposed by the HPSEBL shall be more realistic for the reason that the same are based on actual sales and the actual generation capacity connected at each voltage level.

18. In light of the foregoing, the Commission decides to determine the wheeling charges for 66 kV, 132 kV and 220 kV voltage levels by considering the following:-

- a) The costs at various voltage levels arrived at by prorating the 22 % wheeling ARR in 66 kV, 132 kV and 220 kV voltage levels for FY 2019-20 in the ratio of book value of the GFA as submitted by HPSEBL.
- b) By considering the energy estimates on the energy sales data submitted by the HPSEBL under Scenerio-2 of their submission. However, the generation capacity connected at each voltage levels as informed by the HPSEBL shall also be considered.

19. Accordingly, 22% wheeling ARR of the HPSEBL, as determined by the Commission in Tariff Order dated 29th June, 2019, has been prorated for in 66 kV, 132 kV and 220 kV voltage levels as under:-

i) Allocation of Wheeling cost across voltage levels

Particulars	EHT (220 kV)	EHT (132 kV)	EHT (66 kV)
Allocation Ratio	6%	11%	5%

ii) Further, the allocation of the power handled and energy flow across different EHT voltage levels has been estimated as under:-

Particulars	EHT (220 kV)	EHT (132 kV)	EHT (66 kV)
Estimated Power handled (MW)	217	531	233
Estimated Energy Flows (MU)	1,086	2,629	1,168

20 Based upon the above, the wheeling charges for EHT category of the Consumers as determined by the Commission in tariff order 29th June, 2019 are revised as under:-

Approved Wheeling Charges for EHT Open Access for FY20 (01-07-2019 to 31-05-2020)

S.No.	Description	EHT (220 kV)	EHT (132 kV)	EHT (66 kV)
1	Total Wheeling ARR (Rs. Cr.)	1627.77		
2	Cost apportioned (Rs. Cr.)	92.92	186.85	78.34
3	Estimated Load (MW)	217	531	233
4	Estimated Energy (MUs)	1,086	2,629	1,168
5	Wheeling Charges for Long-term Open Access/ Medium term Open Access Customers (Rs. per MW per month)	27,386	87,024	1,18,410
6	Wheeling Charges for Short-term Open Access Customers (Paisa per unit)	6	21	28

21. The Commission is aware that as a consequence of adoption of the energy estimates based on the actual sales, the energy estimates for other voltage levels (33 kV and below) may also undergo marginal changes. However, since the difference may be only marginal and the matter presently under consideration of the Commission relates to determination of the wheeling charges for 66 kV, 132 kV and 220 kV levels, the rates of the wheeling charges for the voltages lower than 66 kV are not being revisited in this Order.

22. The Hon'ble APTEL in its Order dated 18.08.2022 has set aside the order dated 29.06.2019 of this Commission to the extent of its applicability to the appellant i.e. Malana Power Company in respect of the wheeling charges. The Commission vide Tariff Order dated 29.06.2019 has determined the tariff for the

period commencing from 1st July, 2019 till determination of the new tariff, which was determined vide order dated 06.06.2020. This Commission has subsequently determined the wheeling charges of HPSEBL vide its Tariff Orders dated 31.05.2021 and 29.03.2022 as well for the respective years. But, these orders of the Commission have not been challenged by the MPCL. The tariff orders issued by the Commission after Tariff Order 29.06.2019 also did not have the voltage wise separate wheeling tariff for EHT open access of 66 kV and above. However, seeing the spirit of the above mentioned order dated 18th August, 2022 of the Hon'ble APTEL and as natural corollary of aforesaid revision, the Commission suo-moto revises on above lines, the wheeling charges determined vide the Tariff Order issued after 29-06-2019 i.e. the Tariff Orders made effective from 01-06-2020, 01-06-2021 and 01-04-2022. The wheeling charges for the respective periods for the EHT categories shall be as under:-

Approved Wheeling Charges for EHT Open Access for FY21 (01-06-2020 to 31-05-2021)

S.No.	Description	EHT (220 kV)	EHT (132 kV)	EHT (66 kV)
1	Total Wheeling ARR (Rs. Cr.)	1739.01		
2	Cost apportioned (Rs. Cr.)	87.08	199.88	78.04
3	Estimated Load (MW)	196	503	220
4	Estimated Energy (MUs)	980	2,483	1,103
5	Wheeling Charges for Long-term Open Access/ Medium term Open Access Customers (Rs. per MW per month)	26,446	91,830	1,23,640
6	Wheeling Charges for Short-term Open Access Customers (Paisa per unit)	6	22	29

Approved Wheeling Charges for EHT Open Access for FY22 (01-06-2021 to 31-03-2022)

S.No.	Description	EHT (220 kV)	EHT (132 kV)	EHT (66 kV)
1	Total Wheeling ARR (Rs. Cr.)	1834.97		
2	Cost apportioned (Rs. Cr.)	81.31	177.62	71.07
3	Estimated Load (MW)	212	565	251
4	Estimated Energy (MUs)	1,061	2,807	1,263
5	Wheeling Charges for Long-term Open Access/ Medium term Open Access Customers (Rs. per MW per month)	23,263	78,068	1,05,792
6	Wheeling Charges for Short-term Open Access Customers (Paisa per unit)	5	18	25

Approved Wheeling Charges for EHT Open Access for FY23

S.No.	Description	EHT (220 KV)	EHT (132 KV)	EHT (66 KV)
1	Total Wheeling ARR (Rs. Cr.)	1974.19		
2	Cost apportioned (Rs. Cr.)	82.22	179.66	74.12
3	Estimated Load (MW)	216	548	272
4	Estimated Energy (MUs)	1,082	2,722	1,364
5	Wheeling Charges for Long-term Open Access/ Medium term Open Access Customers (Rs. per MW per month)	22,875	76,741	1,04,426
6	Wheeling Charges for Short-term Open Access Customers (Paisa per unit)	5	18	25

23. The Commission also refers to Para 16.3.1 of the Tariff Order dated 29th March, 2022 which refers to the “wheeling charges for EHV category. Since the EHT category has now been further segregated to the three voltage levels (66 kV, 132 kV and 220 kV), the aforesaid words shall be substituted to read “wheeling charges for the 66 kV category”. However, in case, where a renewable energy project is connected directly to a Substation with higher voltage level (i.e. 132 kV and 220 kV), the wheeling charges for such higher voltage (132 kV or 220 kV) as the case may be, shall be applicable.

24. This Commission after receipt of the order of the Hon’ble APTEL had inadvertently treated the Petition as Suo-Moto whereas the original number should have been continued/ mentioned. Hence, the Suo-Moto Petition No.54/2022 is deemed to be disposed off with this order.

25. Let a copy of this Order be placed immediately before the Order dated 29.06.2019 in Petition No. 28 of 2019, as well as before, the aforesaid Orders dated 06-06-2020, 31-05-2021 and 29-03-2022 for ready reference.

26. Before parting with this case, the Commission would like to make it clear that after receiving the Judgment/ Orders from the Hon’ble APTEL on 22.08.2022, the notices were issued to the parties and significant time was consumed in taking the data from the Himachal Pradesh State Electricity Board Limited (HPSEBL) and response of M/s Malana Power Company Ltd. Hence, despite the due diligence, the exercise in making out and pronouncement of this Order has taken some time. The file after needful be tagged to the file of Petition No. 28/2019 for record.

Announced on this 28th day of November, 2022 at Shimla.

-Sd-
(Shashi Kant Joshi)
Member

-Sd-
(Yashwant Singh Chogal)
Member (Law)

-Sd-
(Devender Kumar Sharma)
Chairman