

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.196/MP/2011

Sub: Application under Regulation 20 (Power to Relax) read with Regulation 21 (2) of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 in the matter of billing, collection and disbursement of transmission charges activity entrusted to the petitioner.

Date of hearing : 15.11.2011

Coram : Dr. Pramod Deo, Chairperson
Shri S.Jayaraman, Member
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Petitioner : Power Grid Corporation of India Limited, New Delhi

Respondents Bihar State Electricity Board and Others

Parties present : Shri M.G.Ramachandran, Advocate for the petitioner
Miss Swapna Seshadri, Advocate for the petitioner
Shri Rakesh Prasad, PGCIL
Shri S.S.Raju, PGCIL
Shri Prashant Sharma, PGCIL
Shri U.K.Tyagi, PGCIL
Shri R.B.Sharma, Advocate for BSEB
Shri Sakia Chaudhory, Advocate for WBSEB
Shri Manoj Dubey, MPPTCL

Record of Proceedings

Through this application, the petitioner Power Grid Corporation of India Limited has prayed as under:

- (i) Direct all DICs, who have not signed the TSA, to do so within a fortnight;
- (ii) Direct all DICs to make payments as per PoC regime, pending resolution of their issues;
- (iii) Pass such order as to remove difficulties as mentioned in the petition;
- (iv) In view of urgency of matter, the case may be listed for early hearing.

2. Learned counsel for the petitioner submitted that a number of Designated ISTS Customers have not signed the Transmission Service Agreement (TSA), particularly, the constituents of Eastern Region, North Eastern Region, Gujarat and Maharashtra. He requested the Commission to admit the petition and issue notice to all the respondents.

3. Learned counsel for the BSEB, JSEB and GRIDCO submitted that the respondents have filed their response to the petition. Referring to para 4 of the reply of GRIDCO, the learned counsel submitted that if the direction is issued to the respondent to sign the TSA, it will be in violation of the provisions of Indian Contract Act, 1872 which provides that agreement shall be entered with free consent. Learned counsel for the WBSEB and representative of the MPPTCL requested for four weeks` time to file replies to the petition.

4. The learned counsel for the petitioner submitted that Transmission Service Agreement is a part of the Sharing Regulations and have to be governed as per the provisions of the regulations. There is no question of coercion if appropriate directions are issued to the reluctant DICs to sign the TSA.

5. After hearing the learned counsels and representatives of parties present, the Commission directed to admit the petition and issue notice to the respondents.

6. The respondents were directed to file their reply on affidavit latest by 30.11.2011, with advance copy to the petitioner. Rejoinder, if any, may be filed by the petitioner, latest by 15.12.2011.

7. The petition shall be listed for hearing on 22.12.2011.

Sd/-
(T. Rout)
Joint Chief (Law)