

CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI

Petition No. 19/MP/2012 with I.A. No. 4/2012

Subject: Illegal curtailment of Medium Term Open Access granted by Power Grid Corporation of India Limited for inter-state of electricity – setting aside the letter/order dated 07.01.2012 issued by Southern Region Load Despatch Centre purportedly intimating an illegal decision to curtail medium Term Open Access granted to Jindal Power Limited and certain others.

Date of Hearing: 7.2.2012

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

Petitioner: Jindal Power Limited (JPL)

Respondent: Southern Region Load Despatch Centre (SRLDC)
Power Grid Corporation of India Limited (PGCIL)

Parties present:

1. Shri S. B. Upadhyay, Sr. Advocate for JPL
2. Shri Sanjay Sen, Advocate for JPL
3. Shri Anurag Sharma, Advocate for JPL
4. Shari Bharmanand Jha, Advocate for JPL
5. Ms. Shilpa Agarwal, JPL
6. Shri. Ajay Dua, JPL
7. Shri A.H. Juneja, JPL
8. Shri S. Vallinayagam, Advocate for TANTRANSCO
9. Shri A.A. Jayamani, TANGEDCO
10. Shri Dilip Rozekar, PGCIL
11. Shri Pankaj Kumar
12. Shri Rakesh Prasad, PGCIL
13. Shri V.V. Sharma, NRLDC
14. Shri Ashok Pal
15. Shri V. Bharatheesh Rao, Advocate for PCKL
13. Shri. D. B Roy, Advocate for PCKL
16. Shri A.V.S. Marthy, PCKL
17. Shri P.K. Singh, Advocate
18. Shri V. Suresh, SRLDC
19. Shri Sanjay Kaul
20. Shri S. R. Narasimhan, POSOCO
21. Shri Jyoti Prasad, NRLDC
22. Shri Rajiv Porwal, NRLDC

23. Shri Rohit Chhabra
24. Shri Gaurav Maheshwar,

Record of Proceedings

The learned Sr. counsel for the petitioner reiterated the submissions made during the hearing on 1.2.2012. He submitted that transmission constraint has been artificially created on account of scheduling of power by SRLDC consequent to reallocation of power by Ministry of Power, Government of India. He also submitted that in terms of the observations of the Commission in its order dated 2.2.2012, re-allocation of power from Dadri-II TPS to TANGEDCO should have been made by CEA after taking into consideration the technical feasibility of transfer of power and the prior agreements entered into for such transfer of power on the inter-regional lines.

2. The learned counsel for Power Corporation of Karnataka Ltd submitted that it has entered into an agreement with Gujarat for supply of 500 MW of power from July, 2012. However, the application for MTOA has been kept pending by the CTU. The learned counsel made a prayer for impleadment in the petition.

3. The learned counsel for the TANGEDCO submitted that the power allotted to Tamil Nadu by Ministry of Power in consultation with CEA, vide CEA's letter dated 6.1.2012, has not been scheduled in view of the orders passed by Hon'ble High Court of Andhra Pradesh which is causing hardship to the State of Tamil Nadu. He further submitted that the respondent had filed an Impleadment Application in Writ Petition No.1572/2012 filed by Central Power Distribution Company of Andhra Pradesh before the Hon'ble High Court of Andhra Pradesh and later withdrew it and has approached this Commission. He alleged that the respondent is resorting to forum shopping.

4. The representative of SRLDC submitted that the re-allocation of power done by Ministry of Power, vide CEA's letter dated 6.1.2012 has been stayed by the Hon'ble High Court of Andhra Pradesh and accordingly SRLDC has been scheduling the power under MTOA including that of the petitioner. He submitted that power from Dadri-II TPS which was re-allotted to Tamil Nadu has been restored to Delhi by Ministry of Power.

5. None was present on behalf of Ministry of Power and Central Electricity Authority. The Commission directed to renew the notice to both the Ministry of Power and Central Electricity Authority and directed them to file their response before the next date of hearing. The petitioner is directed to serve a copy of the petition on Ministry of Power and Central Electricity Authority, if not served already.

6. The matter shall now be listed on 14.2.2012.

By order of the Commission

Sd/-
(T. Rout)
Joint Chief (Legal)
9.2.2012