

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 315/MP/2013

Subject : Petition for adjudication of disputes arising out of the open access approval granted to the petitioner for evacuation of electricity and the terms and conditions of the bulk power transmission agreement dated 24.12.2010.

Date of hearing : 4.3.2014

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri M. Deena Dayalan, Member
Shri A.K. Singhal, Member
Smt. Neerja Mathur, Member

Petitioner : PEL Power Limited, Hyderabad

Respondents : Power Grid Corporation of India Limited, Gurgaon

Parties present : Shri Anand K. Ganesan, Advocate, PEL Power

Record of Proceedings

Learned counsel for the petitioner submitted as under:

(a) In the year 2007, the petitioner had proposed to establish 1050 MW thermal generating station in the Nagapattinam district in the State of Tamil Nadu.

(b) On 10.12.2010, PGCIL granted Long Term Open Access. Accordingly, the Bulk Power Transmission Agreement dated 24.12.2010 was executed between the petitioner and PGCIL. In terms of the BPTA, the petitioner had furnished bank guarantee for an amount of ₹ 49.35 crore for the purpose of securing the payment of damages payable to the respondent.

(c) By virtue of the non-availability of clearances from Tamil Nadu Pollution Board, the petitioner has been prevented from establishing the generating station as was envisaged which was communicated to the respondent.

(d) For the establishment of 400/765 kV pooling sub-station, the acquisition and possession of land is still pending. There has been no progress on the

bidding process and the development of the transmission system associated and envisaged to be developed.

(e) Learned counsel requested the Commission to direct the respondent to refund the bank guarantee due to non-development of the generating station by the petitioner.

4. After hearing learned counsel of the petitioner, the Commission directed to admit the petition and issue notice to the respondent.

5. The Commission directed the petitioner to serve copy of the petition on the respondent by 7.3.2014. The respondent was directed to file its reply by 27.3.2014 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 11.4.2014.

6. The petition shall be listed for hearing on 24.4.2014.

By order of the Commission
Sd/-

(T. Rout)
Chief (Law)