

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 80/MP/2014
with I.A. No. 19/2014**

Subject : Petition under section 79 (1 (f) of the Electricity Act, 2003 for adjudication of disputes arising out of the open access approval granted to the open access approval granted to the petitioner for evacuation of the electricity and the terms and conditions of the bulk power transmission agreement.

Date of hearing : 6.5.2014

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

Petitioner : Jayaswal Neco Urja Limited

Respondents : Power Grid Corporation of India Limited

Parties present : Shri Pardeep Dahiya, Advocate for petitioner

Record of Proceedings

Learned counsel for the petitioner submitted as under:

(a) As per the Commission`s direction dated 1.5.2014, copy of the petition has already been served on the respondent.

(b) The project has already achieved financial closure and various other milestones for implementation of the project and till date the petitioner has invested ₹ 44 crore in the project. However, in view of the coal allocation dispute and pending litigations before Supreme Court in getting coal linkage which is condition precedent for getting disbursement from the bank, the petitioner is not able to execute the project.

(c) In terms of the Connectivity Regulations, the respondent can encash bank guarantee only if the application is withdrawn by the petitioner or the LTA rights are relinquished prior to the operationalisation of such rights when augmentation of transmissions system is not required.

(d) The petitioner is willing to execute the project. However, due to the prevailing uncertainties i.e force majeure, it is not in a position to sign agreement for LTA and give further bank guarantee.

2. None was present during the hearing on behalf of the respondent despite notice. The Commission directed that the representative of CTU should be present on the next date of hearing to assist the Commission.

3. Learned counsel for the petitioner requested the Commission to direct the respondent not to encash the bank guarantee till next date of hearing. The Commission declined to grant any interim relief without hearing the respondent.

4. The Commission directed to list the petition with IA for hearing on 15.5.2014.

By order of the Commission

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