

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 226/MP/2015

Subject : Petition under Section 79 (1) (c) and 79 (1) (k) of the Electricity Act, 2003 seeking appropriate directions for operationalisation of the LTA dated 14.9.2010 read with letter dated 27.12.2013.

Date of hearing : 19.11.2015

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : TRN Energy Private Limited

Respondent : Power Grid Corporation of India Limited

Parties present : Shri Sanjey Sen, Senior Advocate, TRN
Shri Matrugupta Mishra, Advocate, TRN
Shri Satish Sharma, TRN

Record of Proceedings

Learned senior counsel for the petitioner submitted as under:

(a) The petitioner has set up a 600 MW (2X300) thermal power generating station at District Raipur, Chhattisgarh. The petitioner made an application to CTU for grant of the long term open access for 600 MW. On 14.9.2010, CTU granted LTA to the petitioner.

(b) The petitioner was granted LTA for the Western Region to the tune of 243 MW and 150 MW LTA for the Northern Region. The remaining 207 MW, as per the policy, was taken by Chhattisgarh State Power Trading Corporation Limited as its 35% share of 600 MW.

(c) On 25.7.2013, the petitioner entered into a PPA with UPPCL for sale of 390 MW power which provides that UP Discoms can opt to purchase the power earlier than scheduled delivery date, i.e 30.10.2016.

(d) The petitioner vide letter dated 29.7.2013 requested CTU to revise the LTA to comply with the preconditions of the PPA entered with the UPPCL.

(e) In the 18th Meeting of WR Constituents regarding Connectivity and Open Access held on 29.8.2013, the petitioner was permitted to change of beneficiary as 390 MW to NR and Nil MW to WR. Subsequently, CTU vide its letter dated 27.12.2013 informed the petitioner that in pursuance of the said meeting dated 29.8.2013, the request of the petitioner to revise/modify the LTA dated 14.9.2010 is allowed.

(f) In the 19th Meeting of WR Constituents regarding Connectivity and Open Access held on 5.9.2014 CTU linked grant of 240 MW additional LTOA to NR with the commissioning of 240 MW Jabalpur Pooling station-ORAI transmission line which is scheduled for commissioning in 2017-18. In the said meeting, CTU arbitrarily informed that the modifications in the LTA would be subject to the payment of relinquishment charges as per the CERC Regulations to change the beneficiary region from the Western Region to Northern Region. CTU further informed that till 29.10.2016, LTA as granted earlier (WR-343MW and NR-150 MW) shall be applicable. CTU was required to make corrections of typographical error. However, CTU imposed several conditions which are alien and neither discussed in the 18th meeting of WR Constituents held on 29.8.2013 nor were part of the modified LTA.

(g) The matter was further discussed in the 20th Meeting of WR Constituents regarding Connectivity/Open Access held on 17.2.2015. In the said meeting, CTU imposed a fresh condition upon the petitioner to make a fresh application in the light of the Commission's order dated 16.2.2015 in Petition 92/MP/2014.

(h) Learned senior counsel for the petitioner requested to direct CTU to operationalize the LTA dated 14.9.2010 from 30.10.2016 as per the PPA dated 25.7.2013.

2. After hearing the learned counsel for the petitioner, the Commission admitted the petition and directed to issue notice to the respondent.

3. The Commission directed the petitioner to serve copy of the petition on the respondent immediately. The respondent was directed to file its reply on affidavit, by 18.12.2015 with an advance copy to the petitioner who may rejoiner, if any, by 31.12.2015. The Commission directed that due date of filing the reply and rejoiner should be strictly complied with.

4. The petition shall be listed for hearing on 7.1.2016.

By order of the Commission

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