

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 229/RC/2015

Sub: Application under Section 79(1) (c) and 79(1) (k) read along with 79(1) (f) of the Electricity Act, 2003 read with Regulation 21 of the Central Electricity Regulatory Commission (Sharing of Transmission Charges and Losses in Inter State Transmission) Regulations, 2010 along with Regulation 111 (Inherent Powers) and Regulation 115 (Power To Remove Difficulties) of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 read with Regulation 2(1) (j) and Regulation 6(1) (d) of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012.

Petitioner : Power Grid Corporation of India Limited

Respondents : Lanco Babandh Power Private Limited and others

I.A. No. 31/2015 in Petition No. 55/MP/2015

Sub: Petition for the relinquishment of the Long Term Open Access under the Bulk Power Transmission Agreement dated 13.05.2010 under Regulation 18 read with Regulation 32 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term Access and Medium Term Open Access in Inter-State Transmission and related matters) Regulations, 2009.

Petitioner : Jindal India Thermal Power Limited.

Respondents : Power Grid Corporation of India Limited and others

Date of hearing : 2.11.2015

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

Parties present : Shri Gopal Jain, Senior Advocate, PGCIL
Ms. Swapna Seshadari, Advocate, PGCIL
Shri Ishaan Mukherjee, Advocate, PGCIL
Ms. Jyoti Prasad, PGCIL
Shri Swapnil Verma, PGCIL
Shri A.M Pavgi, PGCIL
Shri Aryaman Saxena, PGCIL
Shri Sanjey Sen, Senior Advocate, JIPTL and LANCO
Shri Matrugupta Mishra, Advocate, JIPTL and LANCO

Shri Deepak Khurana, Advocate, Lanco
Shri Sakya Singh Choudhari, Advocate, Essar
Ms. Molshree Bhatnagar, Advocate, Essar
Shri Rahul Singh, Advocate, MPCCL
Shri Alok Shankar, Advocate, GKEL
Shri Rajiv Bhardwaj, Advocate, PTC
Shri Janmejaya Mahapatra, Jhabua Power Limited
Ms. Roopam Bansal, Jhabua Power Limited
Shri Jasmeet Wadehra, Vedanta Aluminum and Power
Shri Tanmay Sinha, Vedanta Aluminum and Power
Ms. Jayantika Singh, POSOCO
Shri S.S. Barpanda, POSOCO

Record of Proceedings

Learned senior counsel for the petitioner submitted that during the course of the hearing the petitioner would file the IA for amendment of the petition with prayer to grant interim order directing the respondent to comply with the Commission's order dated 31.5.2010, Sharing Regulations, BCD Procedure and the TSA signed by the respondents qua opening the LC till disposal of the petition.

2. The Commission directed the petitioner to serve copy of the amended petition on the respondents. The respondents were directed to file their replies by 9.11.2015 with an advance copy to the petitioner who may file its rejoinder, if any, by 13.11.2015.

3. In I.A.No. 31/2015 in Petition No. 55/MP/2015, learned senior counsel for Jindal India Thermal Power Limited (JITPL) submitted as under:

(a) The petition filed by JITPL was finally heard on 10.9.2015 and order has been reserved in the petition. During the hearing on 27.8.2015, the petitioner was seeking to relinquish 1044 MW. In response, PGCIL had requested to be allowed to utilize the said capacity to other eligible LTA customers. The above submissions have been recorded in the Record of Proceedings.

(b) PGCIL is not processing the application of JITPL for grant of LTA of 95 MW for supply of power to Kerala. Since, it involves change of region, the same needs to be processed separately independent of the existing LTA.

(c) PGCIL has verbally informed that after the relinquishment of 1044 MW, the connectivity of 1044 MW can't be maintained. The Connectivity and LTA are two separate issues under the Central Electricity Regulatory Commission (For Grant of Connectivity, Long Term Access and Medium Term Open Access in Inter-State Transmission and related matters) Regulations, 2009

(Connectivity Regulations) and even after the relinquishment of LTA, the connectivity can't be taken away.

4. The representative of PGCIL submitted as under:

(a) JITPL vide its letter dated 24.11.2014 requested for relinquishment of LTA of 1044 MW. Thereafter in December 2014, JITPL made an application for grant of LTA for 95 MW out of the 1044 MW. The present petition was filed by JIPTL in the month of January and thereafter an IA was filed in order to reduce the total quantum to 95 MW from 1044 MW. Subsequently, during the course of hearing, JITPL withdrew the IA.

(b) As per 2004 Regulations, Connectivity was not separate from LTA. JITPL has made an application for grant of both LTA and connectivity together. If JITPL relinquishes LTA, connectivity would also be relinquished. For fresh application of LTA, JITPL has to apply both for LTA as well as connectivity.

(c) There is confusion with regard to the total quantum of LTA relinquished by JITPL.

(d) LTA for 95 MW applied by JIPTL is to be considered as part of the total granted 1044 MW, and if JITPL is relinquishing the whole quantum, then it has to make a separate application for grant of connectivity.

5. In response, learned senior counsel for JITPL submitted as under:

(a) At the time of making an application for 95 MW, the law was not settled. Subsequently, the Commission vide order dated 16.2.2015 in Petition No. 92/MP/2014 has held that for change of region or location, fresh application needs to be made. Accordingly, JITPL has withdrawn its IA and the same fact has been recorded by the Commission in RoP dated 27.8.2015 along with the fact that JITPL has relinquished the entire quantum of 1044 MW.

(b) There is no confusion with regard to the quantum of LTA relinquished. Since the relinquishment of 1044 MW by JITPL is a matter of record, the application for 95 MW has to be treated as fresh application and the same may be processed as per the Connectivity Regulations.

(c) The relinquishment of LTA has no nexus with the connectivity granted to JITPL. The connectivity is granted to JITPL for connecting the generating station with the grid. JITPL is supplying power under short-term open access using the connectivity provided by PGCIL.

6. After hearing the learned senior counsel for JITPL and the representative of CTU, the Commission observed that under the Connectivity Regulations, LTA and

Connectivity are two separate issues and relinquishment of LTA will not necessarily result in relinquishment of the connectivity. The Commission further observed that the issue of relinquishment of 1044 MW is the subject matter in the main petition and will be decided in accordance with the order to be passed in the said petition. The Commission directed CTU to process the case of JITPL for LTA of 95 MW to Kerala as per the Connectivity Regulations without prejudice to the rights and contentions of the parties in the main petition.

7. The Commission directed to list the both petitions on 17.11.2015 at 2.30 P.M.

By order of the Commission

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