

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 526/MP/2014**

- Subject : Petition under Regulation 7 read with Regulation 12 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term Open Access and Medium Term Open Access in inter-State Transmission and related matters) Regulations, 2009 seeking Long Term Access in terms of LTA Application No. P-90G/112 dated 10.12.2013 for importing power from inter-State sources.
- Date of hearing : 24.3.2015
- Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member
- Petitioner : Noida Power Company Limited
- Respondents : Power Grid Corporation of India Limited and others.
- Parties present : Shri M.G. Ramachandran, Advocate, NPCL  
Shri Vishal Gupta, NPCL  
Shri Sanket Srivastava, NPCL  
Shri Rajiv Goyal, NPCL  
Ms. Suparna Srivastava, Advocate, PGCIL  
Ms. Jyoti Prasad, PGCIL  
Shri Swapnil Verma, PGCIL

**Record of Proceedings**

Learned counsel for the Power Grid Corporation of India Limited (PGCIL) submitted that as per the Commission's direction, PGCIL vide its letter dated 18.3.2015 requested UPPCL to convene a meeting to resolve the issue. However, no response has been received from UPPCL.

2. Learned counsel for the petitioner submitted as under:

- (a) No response has been received from UPPTCL despite notice and repeated requests.

(b) Regulation 13 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 (Connectivity Regulations) provide that the nodal agency, in consultation and through coordination with other agencies involved in inter-State transmission network to be used, including State Transmission Utility, if the State network is likely to be used, process the application for grant of LTA within prescribed time limit.

(c) As per the Regulation 13 of the Connectivity Regulations, nodal agency is not under obligation to consult with STU as State transmission network is not to be used by PGCIL or by the petitioner for the applied 500 MW LTA at 400 kV Greater Noida GIS sub-station (New) to be constructed and implemented by PGCIL under the system strengthening scheme.

(d) On 10.12.2013, the petitioner applied to CTU for grant of LTA for 500 MW and CTU was required to process the said application within 180 days from the last day of December 2013 in terms of Regulation 7 of the Connectivity Regulations. However, till date CTU has failed to grant LTA to the petitioner.

(e) Learned counsel for the petitioner requested the Commission to direct CTU to consider the petitioner's application for grant of LTA for 500 MW in terms of provisions of the Connectivity Regulations.

3. Learned counsel for PGCIL referred to CEA's Manual on Transmission Planning Criteria, Draft Procedure of the Central Electricity Authority for coordinated transmission planning and Draft National Electricity Plan and submitted as under:

(a) Under Section 39 of the Electricity Act, 2003, STU has been designated as the nodal agency to undertake transmission of electricity through intra-State transmission system and to discharge all functions of planning and co-ordination relating to intra-State transmission system with the distribution licensees.

(b) As per CEA's Manual on Transmission Planning Criteria, STU is responsible on behalf of the all intra-State entities for evacuation of power from their State's generating stations, meeting requirement of distribution licensees and drawing power from ISTS commensurate with the ISTS plan. Therefore, the power requirement of a distribution licensee is to be met through the STU to which the licensee is connected.

(c) The import-export requirements through the ISTS have been envisaged to be within the planning realm of STU and the system strengthening schemes of STU for delivery of power from ISTS grid points up to the level of distribution licensee is also envisaged to be planned by STU.

4. The Commission observed that participation of UPPTCL was essential to arrive at a decision on the issue raised in the petition involving UPPTCL and the conduct of UPPTCL in not responding to the notice of the Commission is not expected of an organization vested with statutory responsibilities under the Act. The Commission is forced to infer that the UPPTCL is deliberately choosing a path of abstinence and hence leaves the Commission with no attendance but to make the inference adverse.

5. After hearing the learned counsels for the parties, the Commission reserved the order in the petition.

**By order of the Commission**  
**Sd/-**  
**(T. Rout)**  
**Chief (Law)**