

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 55/MP/2015**

Subject : 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.

Date of hearing : 12.3.2015

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

Petitioner : Jindal India Thermal Power Limited.

Respondents : Power Grid Corporation of India Limited and others

Parties present : Shri Sanjay Sen, Senior Advocate, JITPL  
Shri Rahul Sharma, JITPL  
Shri Tushar Nagar, JITPL

**Record of Proceedings**

Learned senior counsel for the petitioner submitted that the present petition has been filed seeking direction to Power Grid Corporation of India Limited (PGCIL) to relinquish LTOA granted to the petitioner and to return the bank guarantee. Learned senior counsel further submitted as under:

(a) The petitioner has set up a 1200 MW (2X600 MW) coal based thermal generating station at district Angul, Odisha. For the purpose of evacuation of power, on 13.5.2010 the petitioner entered into a Bulk Power Transmission Agreement with PGCIL for availing LTOA for 1044 MW of power.

(b) The first and second unit of generating station was commissioned on 6.6.2014 and 12.2.2015 respectively. However, due to technical problems and cancellation of Mandakini-A captive coal block by Hon`ble Supreme Court, the capacity has been stranded.

(c) The petitioner is not able to secure Long Term PPAs with distribution companies.

(d) The petitioner has recently secured coal block through auction. However, only 15% capacity can be used for merchant capacity. Since, the rest 85% of capacity is to be sold under PPA, coal even if extracted will go to Coal India Limited in absence of PPAs with distribution companies.

(e) The petitioner vide its letter dated 24.11.2014 invoked the force majeure clause under Article 9.0 of the BPTA and requested PGCIL to relinquish the LTOA and return the bank guarantee. In response, PGCIL vide its letter dated 2.1.2015 denied the petitioner's request for relinquishment.

2. In response to the Commission's query as to whether the petitioner is supplying power in short term basis, the learned senior counsel for the petitioner submitted that the petitioner is injecting power to the tune of 300 MW (the minimum base load) and selling the same through Power Exchange. Learned senior counsel for the petitioner submitted that the transmission line of PGCIL is not yet ready and is anticipated to be commissioned by July, 2015.

3. After hearing the learned senior counsel, the Commission directed to admit the petition and issue notice to the respondents.

4. The Commission directed the petitioner to serve copy of the petition on the respondents immediately. The respondents were directed to file their replies by 10.4.2015 with an advance copy to the petitioner who may file its rejoinder, if any, by 24.4.2015.

5. The Commission directed PGCIL to submit, on affidavit by 10.4.2015 copy of grant of LTA (including detailed format of LTA grant) along with clarification regarding the following:

(i) The date from which LTA was to become effective?

(ii) The Associated Transmission System (ATS) for this project and its status.

6. The Commission directed the petitioner to submit on affidavit, by 10.4.2015, date of commercial operation of each of the units and the project along with documentary evidence.

7. The Commission directed that due date of filing the information, reply and rejoinders should be strictly complied with. The information, reply and rejoinders filed after due date shall not be considered.

8. The petition shall be listed for hearing on 7.5.2015.

**By order of the Commission**

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