

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 311/MP/2014

- Subject : Petition under Section 79 (1) (c) of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and appropriate provisions of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Open Access in inter-State Transmission and related matters) Regulations, 2009; Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2010; Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014; Central Electricity Regulatory Commission (Grant of Regulatory Approval for execution of Inter-State transmission Scheme to central transmission utility) regulations, 2010 and in the matter of signing of LTA for transmission system for immediate evacuation of power from Darlipalli TPS and grant of regulatory approval for execution of transmission system.
- Date of hearing : 12.2.2015
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
- Petitioner : Power Grid Corporation of India Limited
- Respondents : NTPC Limited and others
- Parties present : Ms. Suparna Srivastava, Advocate, PGCIL
Shri A.M. Pavgi, PGCIL
Shri Swapnil Verma, PGCIL
Shri M. G. Ramachandran, Advocate, NTPC
Ms. Poorva Saigal, Advocate, NTPC
Shri A. Basu Roy, NTPC

Record of Proceedings

Learned counsel for NTPC Ltd. submitted as under:

- (a) The present petition has been filed by Power Grid Corporation of India Ltd. (PGCIL) seeking direction to respondents to sign LTA in accordance with Central

Electricity Regulatory Commission (Grant of Connectivity, Long-term Open Access in inter-State Transmission and related matters) Regulations, 2009 (Connectivity Regulations).

(b) In the event, the beneficiaries are not signing the Long Term Agreement as claimed by the petitioner, the course of action to be followed by the petitioner is to enforce the Model Transmission Agreement with such beneficiaries.

(c) There is no uncertainty or insecurity regarding payment of transmission charges to the petitioner as Regulation 13 (5) under the Central Electricity Regulatory Commission (Sharing of Transmission Charges and Losses) Regulations, 2010 provides that the notified Model Transmission Service Agreement (TSA) shall be the default transmission agreement and shall mandatorily apply to all Designated ISTS Customers.

(d) NTPC has entered into PPAs with the respective beneficiaries and they should be directed to sign the Long-term Access (LTA) Agreement.

2. Learned counsel for the petitioner submitted as under:

(a) The Model TSA applies only after commissioning of the transmission asset. Whereas the present matter pertains to the procedural requirements prior to the implementation of the transmission system by the transmission licensee. As per Clause 25.2(i) of the Detailed Procedure framed under Connectivity Regulations, the implementation of respective system strengthening works can be taken up only after signing of LTA Agreement. Thus, the LTA Agreement is a pre-requisite for obtaining board approval for implementation of required transmission system.

(b) As per Recital B of the Model TSA, the Designated ISTS Customers (DICs) are bound by the Model TSA only when the transmission system has been taken up with the due approval of this Commission.

(c) There are also certain particular differences in the format of LTA Agreement and Model TSA. The LTA Agreement is for the quantum of LTA applied for, whereas in case of TSA, the billing is as per the injection and drawl as calculated by the nodal agency.

(d) The petitioner has implored the respondent beneficiaries of the Government allocation from the generation in question, to sign the Long-term Transmission Agreement, so that the implementation of the relevant part of the associated transmission system can be undertaken by PGCIL. The matter was pursued with the respondents prior to the filing of the present petition. Even after service of the copy of the petition, the respondents have not responded and clarified their position.

3. The Commission observed that the respondents, except NTPC have neither filed their replies nor has entered their appearance either in person or through counsels despite notice.

4. The Commission directed the respondents to file their replies by 20.2.2015 as a last chance with an advance copy to the petitioner who may file its rejoinder, if any, by 27.2.2015.

5. The petition shall be listed for hearing on 12.3.2015 for final disposal.

By order of the Commission

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