

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 98/MP/2015**

Subject : Petition under Section 79 (1) (c) of the Electricity Act, 2003 read with Regulations 18 and 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 for relinquishment of long term of open access from 265.35 MW to 0 MW.

Date of hearing : 3.9.2015

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

Petitioner : Jaiprakash Power Ventures Limited

Respondent : Power Grid Corporation of India Limited

Parties present : Shri Vishal Gupta, Advocate, JPVL  
Shri Sanon K. Goel, JPVL  
Ms Jyoti Prasad, PGCIL

**Record of Proceedings**

Learned counsel for the petitioner submitted the present petition has been filed seeking direction to PGCIL to permit the petitioner to relinquish/ surrender the Long Term Access (LTA) granted to it from 265.35 MW to 0 MW and not to levy any compensation in terms of Regulation 18 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). Learned counsel further submitted as under:

(a) The petitioner has set up a 500 MW (2 x 250 MW) coal based power plant (the project) in the State of Madhya Pradesh. The project is a revival project wherein Bina Supply Company Ltd. (BPSCL) was taken over by Jaypee group from Aditya Birla group in May 2008. Pursuant to the order of Hon`ble High Court of Himachal Pradesh dated 25.7.2011, BPSCL was merged with Jaiprakash Power Ventures Ltd.

(b) On 23.7.2009, the petitioner made an application to CTU for grant of Long Term Open Access (LTOA) for 290 MW i.e 58% of installed capacity. On 1.10.2009, PGCIL granted LTOA to the petitioner. On 24.2.2010, Long Term Access Agreement was entered with PGCIL. As per the LTA Agreement, the petitioner was granted LTA for 265.35 MW (132. 68 MW for Western Region) and (132.67 MW for Northern Region).

(c) On 17.2.2012, Ministry of Coal issued circular to the effect that CIL will sign FSAs with power plants that have entered into long term PPAs with the distribution companies and have commissioned/would get commissioned after 31.3.2009 and on or before 31.3.2015.

(d) On the basis of said direction, on 10.7.2012 and 15.2.2013, the petitioner entered into FSA with Central Coalfields Limited (CCL) and South Coalfields Limited (SCL) respectively.

(e) Since the petitioner project had a long term PPA for 70% of total installed capacity, LOA which were in place for 2.01 MTPA, got converted into FSAs for a total quantity of 1,3528 MTPA. Accordingly, LOA for CCL and SECL got reduced to 0.6482 MTPA from 0.926.MPTA and 0.7046 MTPA from 1.084 MPTA respectively and no coal linkage for generation of balance 30% power.

(f) Due to change in law, 30% capacity of Jaypee-Bina TPP is lying idle. Accordingly, the petitioner requested PGCIL that the Long Term Open Access granted to Jaypee-Bina TPP for 137.5 MW be withdrawn cancelled.

(g) Learned counsel for the petitioner requested the Commission to direct PGCIL to relinquish/surrender the LTA granted to it without any compensation in terms of the Regulation 18 of the Connectivity Regulations.

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, if already not served. The respondent was directed to file its reply by 18.9.2015 with an advance copy to the petitioner who may its rejoinder, if any, by 30.9.2015. The Commission directed that due date of filing the reply and rejoinder shall be complied with and no extension on that account shall be granted.

4. The petition shall be listed for hearing on 15.10.2015.

**By order of the Commission**

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