

**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 : 10.12.2015

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

Petitioner : Jaiprakash Power Ventures Limited

Respondent : Power Grid Corporation of India Limited

Parties present : Shri Vishal Gupta, Advocate, JPVL  
Shri Sanjiv K. Goel, JPVL  
Shri Sitish Mukherjee, Advocate, PGCIL  
Shri Gautam Chawla, Advocate, PGCIL  
Ms. Jyoti Prasad, PGCIL  
Ms. Akansha Tyagi, Advocate, PGCIL

**Record of Proceedings**

Learned counsel for the petitioner that 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).

2. Learned counsel for the petitioner further submitted that similar petitions have been filed by the generating companies for relinquishment of the long term open access granted to them by CTU and all the petitions should be clubbed together for hearing. Learned counsel for the petitioner submitted that the Commission vide its order dated 28.8.2015 in Petition No. 92/MP/2015 has constituted a Committee for assessment/determination of stranded transmission capacity with regard to

relinquishment of LTA right by a long term customers and relinquishment charges in terms of the provisions of the Connectivity Regulations. Assessment of stranded capacity on account of relinquishment of LTA and determination of relinquishment charges shall be decided by the Commission after considering the recommendations of the Committee, and any decision in the said petition may have bearing on the present petition.

3. Learned counsel for the respondent submitted that the present petition should be adjudicated separately as the issue involved is regarding the force majeure claimed by petitioner which has to be decided independently. Learned counsel for the respondent further submitted that it is not clear whether the petitioner would relinquish the LTA even if the issue of force majeure affecting its performance is decided against it.

4. After hearing the learned counsels for the petitioner and the respondent, the Commission observed that since in the present petition, the petitioner is relinquishing its LTA's right due to force majeure events, it will be heard separately. However, the liability for relinquishment charges of the petitioner will be decided in terms of the order in the petition, and if the petitioner is held liable to pay the relinquishment charges, the quantum of relinquishment charges will be decided in the light of the decision taken on the basis of the recommendations of the Committee.

5. The petition shall be listed for hearing on 28.1.2016.

**By order of the Commission**

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