

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.137/MP/2016

Subject : Petition for relinquishment of the Long Term Open Access under BPTA dated 5.1.2011 under CERC Regulations, 2009.

Petitioner : GMR Kamalanga Energy Ltd.

Respondent :Power Grid Corporation of India Ltd.

Date of hearing : 6.10.2016

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

Parties present : Shri Matrugupta Mishra, Advocate, GMRKEL
Shri Madhup Singhal, Advocate, GMRKEL
Ms. Jyoti Prasad, PGCIL

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed for relinquishment of the Long Term Open Access under BPTA dated 5.1.2011.Learned counsel for the petitioner further submitted as under:

- (a) The petitioner has set up a 1050 (3X500 MW) (Phase-I) Coal based thermal power plant at Village Kamalanga, Dhenkanal district in the State of Odisha and subsequently initiated the process of setting up another unit of 350 MW (Phase-II).
- (b) The petitioner entered into BPTA on 5.1.2011 for evacuation of power from Phase-II for availing 220 MW LTOA from 350 MW and furnished. Bank Guarantee of Rs. 11 crore on 31.1.2011.
- (c) Since, Phase- II of the project could not be completed due to Force Majeure Events, namely unavailability of fuel source owing to de-allocation of Rampia Coal Block by the Hon'ble Supreme Court, non-grant of coal linkage by the Ministry of Coal and unavailability of funds from the lenders, the petitioner vide its letter dated 19.10.2015 has relinquished the 220 MW LTA under the BPTA.

2. Learned counsel for the petitioner requested the Commission to declare that the 220 MW LTA granted under BPTA dated 5.1.2011 stands relinquished with effect from 19.10.2015 and direct PGCIL to return the Bank Guarantee.

3. The representative of PGCIL accepted notice on behalf of PGCIL.

4. After hearing the learned counsel for the petitioner, the Commission admitted the petition and directed to issue notice to the respondent.

5. The Commission directed the petitioner to serve copy of the petition on the respondent immediately. The respondent was directed to file its reply, on affidavit, by 10.11.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 30.11.2016. The Commission directed the petitioner and the respondent that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

6. The Commission observed that in the present case, since the petitioner has relinquished 220 MW capacity under LTA, the capacity should be utilized for granting the LTA to the pending applications so that capacity does not remain unutilized. 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 constituted in Petition No. 92/MP/2015 for assessment/determination of stranded transmission capacity with regard to relinquishment of LTA right by a long term customer and relinquishment charges in terms of the provisions of the Connectivity Regulations. The petitioner agreed for the above. The Commission directed CTU to initiate action to allot relinquished LTA to other parties in accordance with prevailing Regulations. The Commission directed the petitioner to keep the Bank Guarantee alive till the further direction.

7. The petition shall be listed for hearing on 8.12.2016.

By order of the Commission

Sd/-

(T. Rout)
Chief (Law)