

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 153/MP/2016
alongwith I.A. 39/2016**

Subject : Petition for seeking declaration that no relinquishment charges are payable for surrendering the MTOA dated 22.7.2015 granted to the petitioner by PGCIL.

Date of hearing : 3.11.2016

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

Petitioner : GMR Warora Energy Limited

Respondents : Power Grid Corporation of India Ltd. and others.

Parties present : Shri Matrugupta Mishra, Advocate, GMRWEL
Shri Piyush singh, Advocate, GMRWEL
Shri Nishant Kumar, Advocate, GMRWEL
Shri Madhup Singhal, GMRWEL
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Jyoti Prasad, PGCIL

Record of Proceedings

Learned counsel for the petitioner submitted that the petitioner has been paying the transmission charges every month and there is only a change of nomenclature i.e. MTOA has become LTA as LTA has only replaced the MTOA for the same quantum of LTA. Learned counsel for the petitioner submitted that CTU is interpreting the conversion from MTOA to LTA as relinquishment of MTOA as per Regulation 24 of the Connectivity Regulations. However, no relinquishment charges can be imposed on the petitioner, as there is no 'relinquishment' of MTOA. Learned counsel for the petitioner submitted that in case of injury, the petitioner is required to compensate CTU for the same. However, in the present case, there is no unjust enrichment by the petitioner.

2. Learned counsel for the petitioner submitted that the petitioner has also filed IA No. 39/2016 to restrain CTU from taking any coercive action against the petitioner with

respect to the letter dated 9.6.2016. Learned counsel for the petitioner requested to issue direction in this regard.

3. Learned counsel for PGCIL requested for time to file reply to the petition. Learned counsel for PGCIL further submitted that there is no change of nomenclature as the LTA and MTOA are different. Learned counsel for PGCIL submitted that the purpose of making simultaneous applications for both MTOA and LTA is that the evacuation is not stranded till the transmission lines for operationalization of LTA come up. The petitioner is seeking operationalization of the entire LTA by relinquishing the MTOA which has to be done only subject to the payment of relinquishment charges.

4. After hearing the learned counsels for the petitioner and PGCIL, the Commission directed PGCIL to file its reply by 30.11.2016 with an advance copy to the petitioner who may file its rejoinder, if any, by 9.12.2016. The Commission directed that the due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The Commission declined to issue any direction to CTU on the prayers made in the IA. Accordingly, IA was disposed of.

6. The petition shall be listed for hearing on 20.12.2016.

By order of the Commission

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