

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**I.A. 11/2016
in
Petition No. 41/MP/2016**

- Subject : Petition seeking modification in the quantum of Long Term Access granted under the Bulk Power Transmission Agreement dated 24.2.2010 from 800 MW to 647 MW in the light of the discussions recorded in the Minutes of the meeting held with Eastern Region constituents on 5.1.2013 and 27.8.2013 read with Section 38 and 79(1) (c) of the Electricity Act, 2003.
- Date of hearing : 12.4.2016
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
- Petitioner : GMR Kamalanga Energy Limited
- Respondents : Power Grid Corporation of India Limited
Central Electricity Authority
- Parties present : Shri Sanjay Sen, Senior Advocate, GMR Ltd.
Shri Hemant Singh, Advocate, GMR Ltd.
Shri Tushar Nagar Advocate, GMR Ltd.
Shri Matrugupta Mishra, Advocate for GMRKEL
Shri Nimiesh Jha, Advocate, GMR
Ms. Suparna Srivastava, Advocate, PGCIL
Shri Swamnil Verma, PGCIL

Record of Proceedings

Learned senior counsel for the petitioner submitted that the petitioner is not seeking modification of the Para 4 of the Record of Proceedings for the hearing dated 22.3.2016 wherein the petitioner has been directed to open the Letter of Credit for 647 MW. Learned senior counsel further submitted as under:

- (a) On 24.2.2010, the petitioner entered into the BPTA with PGCIL for grant of LTA of 800 MW. As per the BPTA, the petitioner was to evacuate 600 MW to utilities in Northern Region and 200 MW to Southern Region`s utilities.

(b) Pursuant to the execution of the BPTA, at the instance of CTU, a meeting of the constituents of ER was held on 5.1.2013 in order to discuss the issues pertaining to connectivity/MTOA/LTA. In the said meeting, it was recorded that for availing 350 MW of power by Odisha from GMR, the same would be availed through isolation of one unit of the project of GMR (3x350+1x350) and connecting it through LILO of one circuit of Talcher Meramundali D/C line or through GMR-Meramundali 400 kV D/C line. OPTCL further requested for connection of one unit of GMR phase-I (3x350MW) to its grid.

(c) As a result of the change in connectivity of 350 MW power to STU, Odisha, the total connectivity of the petitioner with CTU was reduced to 700 MW, while the BPTA was executed for 800 MW. The same resulted in an incongruous situation as the petitioner can never completely utilise the LTA when the connectivity became lower, which all was along been known to CTU.

(d) Since, LTA application dated 30.9.2015 for 260 MW in ER is pending with PGCIL, LC can only be opened once the BPTA is revised and the LTA in ER is granted.

(e) As per the proviso to Regulation 12 of the Connectivity Regulations, it is not clear if a change of region above 100 MW would amount to consequent surrendering of quantum qua another region.

(f) The petitioner has entered the PPA with Haryana for 312 MW, and unless the LTA for 260 MW in the ER is not granted, it is legally not correct to ask the petitioner to open LC for 647 MW. With regard to 387 MW in NR, PGCIL has taken a conflicting stand *qua* operationalisation of the transmission corridor. Therefore, the LC can only be opened upon a final resolution of all the above issues.

(g) The petitioner can consider surrendering the excess LTA quantum, and then there would be no need to open LC for the entire 647 MW.

2. Learned counsel for PGCIL submitted that in number of occasions, the petitioner was directed to open the LC. However, it did not open the LC. She further submitted that the petitioner has filed fresh application for grant of LTA for 260 MW in ER which would be processed as per the Connectivity Regulations.

3. The Commission directed the petitioner to open the LC for 647 MW within two weeks. The Commission directed PGCIL not to realise any amount towards LC till disposal of the petition.

4. The Commission directed the respondent to file its reply by 29.4.2016 with an advance copy to the petitioner who may file its rejoinder, if any on or before 13.5.2016.

The Commission directed that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The petition shall be listed for hearing on 26.5.2016.

By order of the Commission

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