

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**I.A. No 47/2016 in
Petition No.440/MP/2014**

Subject : Application under Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business), Regulations, 1999 read with Section 21 of the General Clauses Act, 1897 for modification of order dated 29.1.2016 in Petition No. 440/MP/2014.

Petitioner : Essar Power Gujarat Ltd (EPGL)

Respondent : Power Grid Corporation of India Ltd. (PGCIL)

Date of hearing : 8.12.2016

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

Parties present : Ms. Suparna Srivastava, Advocate, PGCIL
Shri A.M. Pavgi, PGCIL
Ms. Manju Gupta, PGCIL
Shri Swapnil Verma, PGCIL
Ms. Jyoti Prasad, PGCIL
Shri Sakya Singha Chaudhuri, Advocate, EPGL
Ms. Molshree Bhatnagar, Advocate, EPGL
Ms. Shruti Verma, EPGL

Record of Proceedings

Learned counsel for PGCIL submitted that the present Interlocutory Application has been filed for modification of order dated 29.1.2016 in Petition No. 440/MP/2014 directing PGCIL not to encash the bank guarantee till the opening of payment security mechanism for operationalization of LTA. Learned counsel submitted that due to the following development, the order needs to be modified:

(a) On 9.6.2016, Essar Power Gujarat Ltd (EPGL) requested CTU to relinquish 250 MW Long Term Open Access granted to it owing to *Force Majeure* events without implicating any financial liability towards the relinquishment of the same and requested for exemption from payment of Relinquishment charges.

(b) In the 12th JCC meeting held on 10.6.2016 CTU informed EPGL that relinquishment of LTA quantum has to be done in accordance with the provisions of the Connectivity Regulations and outcome of the decision to be taken in Petition No. 92/MP/2015.

(c) PGCIL vide its letter dated 7.7.2016 rejected the ground of *Force Majeure* and clarified that the petitioner is required to pay relinquishment charges as per the provisions of Regulation 18 of the Connectivity Regulations.

(d) As on today, the proposed generating station of EPGL is uncertain and unlikely to be commissioned.

2. Learned counsel for EPGL submitted that EPGL in its reply in Petition No. 64/TT/2015 had already clarified that due to non-availability of Environmental Clearance from Ministry of Environment and Forest (MoEF), the commissioning of the generating station is being delayed.

3. After hearing both the parties, the Commission directed to issue notice to EPGL.

4. The Commission directed PGCIL to serve the copy of I.A. on the EPGL, if not served. EPGL was directed to file its reply by 30.12.2016 with an advance copy to the PGCIL, who may file its rejoinder, if any, on or before 13.1.2017. 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. I.A. shall be listed for hearing on 24.1.2017.

By order of the Commission

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