

**2CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 31/MP/2016**

Subject : Petition for appropriate direction under Regulation 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 and the provisions of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010.

Date of hearing : 3.3.2016

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

Petitioner : Ind-Barath Energy (Utkal) Ltd

Respondent : Power Grid Corporation of India Limited

Parties present : Shri Matrugupta Mishra, Advocate for the Petitioner  
Shri Hemant Singh, Advocate for the Petitioner

**Record of Proceedings**

The matter was mentioned by learned counsel for the petitioner and submitted as under:

(a) The petitioner has setup a 700 MW (2x350 MW) Thermal Power Plant (generating station) at Sahajbahal, Jharsuguda district, Odisha. CTU granted LTA to the petitioner for supply of 500 MW to TANGEDCO on 22.7.2015.

(b) Due to occurrence of force majeure events beyond the control and contemplation of the petitioner, there has been delay in commissioning of the generating station. Moreover, on account of ROW issues, the commissioning of the 400 kV D/C Ind-Barath-Jharsuguda dedicated transmission line is affected by force majeure events.

(c) Though the petitioner has appraised about the force Majeure events, PGCIL declared the commercial operation of the concerned transmission line and raised PoC bill for the month of December 2015.

(d) The petitioner vide its letter dated 16.2.2016 informed PGCIL that due to Force Majeure events it is not able to commission its transmission line and requested for withdrawal of the invoices and defer the imposition of PoC charges on the petitioner. In response, PGCIL vide its letter dated 2.3.2016 informed the petitioner that unless the outstanding charges are paid within the due date (6.3.2016), PGCIL shall be constrained to encash LC.

(e) The petitioner shall be gravely prejudiced unless an order restraining PGCIL from encashing LC is passed by the Commission, since the petitioner is apprehensive about the encashment of LC by PGCIL pursuant to its letter dated 2.3.2016.

(f) Learned counsel for the petitioner sought an ex-parte ad interim direction to PGCIL not to encash the LC.

2. After hearing the learned counsel for the petitioner, the Commission directed issue of notice to the respondent. The Commission directed the petitioner to serve copy to the respondent immediately who shall file its reply by 7.3.2016 with an advance copy to the petitioner.

3. The Commission directed the petitioner to demonstrate its *bonafide* by making payment of the PoC charges.

4. The Commission directed to list the petition for hearing on 8.3.2016.

**By order of the Commission**  
**Sd/-**  
**(T. Rout)**  
**Chief (Law)**