

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 226/MP/2015

Subject : Petition under section 79 (1) (c) and 79 (1) (k) of the Electricity Act, 2003 seeking appropriate directions for operationalisation of the LTA dated 14.9.2010 read with letter dated 27.12.2013.

Date of hearing : 26.5.2016

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

Petitioner : TRN Energy Private Limited

Respondents : Power Grid Corporation of India Limited
UP Power Corporation Limited

Parties present : Shri Sanjey Sen, Senior Advocate, TRN Energy Pvt. Ltd.
Shri Matrugupta Mishra, Advocate, TRN Energy Pvt. Ltd.
Shri Hemant Singh, Advocate, TRN Energy Pvt. Ltd.
Shri H.M. Jain, TRN Energy Pvt. Ltd.
Shri Satish Sharma, TRN Energy Pvt. Ltd.
Ms. Suparna Srivastava, Advocate, PGCIL
Shri Swapnil Verma, PGCIL
Ms. Jyoti Prasad, PGCIL

Record of Proceedings

At the outset, learned senior counsel for the petitioner submitted as under:

(a) In the 18th meeting of WR Constituents regarding Connectivity and Open Access held on 29.8.2013, the petitioner was permitted to change of Region as 390 MW to NR and Nil MW to WR. Subsequently, CTU vide its letter dated 27.12.2013 informed the petitioner that in pursuance of the said meeting dated 29.8.2013, the request of the petitioner to revise/modify the LTA dated 14.9.2010 is allowed.

(b) In the 19th Meeting of WR Constituents regarding Connectivity and Open Access held on 5.9.2014, CTU arbitrarily informed that the modifications in the LTA would be subject to the payment of relinquishment charges as per the Commission's Regulations to change the beneficiary region from the Western Region to Northern Region.

(c) In the 20th Meeting of WR Constituents, CTU imposed a fresh condition upon the petitioner to make a fresh application in the light of the Commission's order dated 16.2.2015 in Petition 92/MP/2014.

(d) PGCIL vide its letter dated 9.5.2016 provided the status report of the quantum relating to the relinquishment by IPPs, new LTA requirements and utilization of additions in ATC for progressive grant of LTA. In para B of the Status report in a tabular form, the details of the LTA involving transfer of power to NR through WR-NR corridor. The table shows that out of 3760.35 MW quantum of LTA relinquished, the total quantum of NR relinquished portion 1587.97 MW. In regard to TRN Energy Limited, the table shows the earlier application submitted by the petitioner is closed and fresh application is yet to be submitted and LTA has been sought from October, 2016.

(f) The last page of status report shows that CSPTTrCL has reduced the total requirement of LTA due to change in the State Policy. As per the policy there has been an amendment in the percentage of home State quota, which has now been reduced to 5% or 7.5% of power, from the earlier LTA requirement to NR of 35%. CSPTTrCL has already relinquished 2700 MW LTA quantum granted to it. Therefore, intervention of the Commission is required to unlock capacities and assign it to respective IPPs.

(g) In the agenda for 23rd meeting of WR constituents, the petitioner had applied on 27.8.2015 for 240 MW of LTA quantum for NR.

(f) As per the status report, the petitioner can be accommodated and its application should be treated as made in the year 2013, which was acted upon and amendment of BPTA was carried out by PGCIL.

2. Learned counsel for PGCIL requested the Commission to consider the following:

(a) As per the new LTA requirement, PGCIL has received three applications prior to the application by the petitioner. The petitioner's earlier application has been closed due to non receipt of NOC by UPPTCL.

(b) If there is a deemed NOC, then whether the application of TRN is to be given priority over the other three IPPs. Therefore, subject to the decision of the Commission, the PGCIL would move accordingly.

(c) With regard to Chhattisgarh, who was holding 35% share of the capacities of IPPs in State of Chhattisgarh, was to be given first right to purchase. If the right is lost, the relinquished capacity either goes back to the concerned IPPs or directly come into generic pool.

(d) Chhattisgarh State Trading Company limited should be made to the party to the petition to hear its view with regard to reduction of the total requirement of LTA.

3. The Commission directed the petitioner to implead Chhattisgarh State Trading Company Limited as party to the petition and file revised memo of parties immediately.

4. The Commission directed to issue notice to Chhattisgarh State Trading Company limited and directed the petitioner to serve copy of the petition on the Chhattisgarh State Trading Company Limited.

5. The Commission directed to list the petition for hearing on 2.6.2016.

By order of the Commission

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