

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Petition No. 249/MP/2015

Coram:

Shri Gireesh B. Pradhan, Chairperson

Shri A.K.Singhal, Member

Shri A.S.Bakshi, Member

Dr. M.K. Iyer, Member

Date of Order: 6.7.2016

In the matter of

Petition under Section 79(1) (c) and 79(1) (f) of the Electricity Act, 2003 and Regulation 32 of the Central Electricity Regulatory Commission (Grant of Connectivity, Lon-Term Access and Medium-Term open access in inter-state transmission and related matters) Regulations, 2009, seeking intervention of commission in the matter of non-grant of LTA from the start date sought for in the LTA applications made in December 2014 with firm PPAs executed under DBFOO bidding framework between Generators and KSEB Ltd., despite availability of ATC during the time frame sought for in the LTA application, by reserving ATC in favour of very old target region LTA customers who failed to submit firm PPAs to the intended regions within a reasonable period, causing irreparable financial loss to KSEB Ltd. and other related matters.

AND

IN THE MATTER OF

Kerala State Electricity Board Limited
Vydyuthi Bhavanam,
Pattom, Thiruvananthapuram-695004

....Petitioner

Vs

1. Power Grid Corporation of India Ltd.
Saudamini, Plot No. 2, Sector – 29,
Gurgaon-122 001, Haryana
2. Ministry of Power
Government of India
Shram Shakti Bhavan,
New Delhi – 110001



3. Central Electricity Authority
Sewa Bhawan,
Rama Krishna Puram,
Sector –I, New Delhi-110066
4. Jhabua Power Limited
6th & 7th Floor, Vatika City Point,
MG Road, Gurgaon-122002
5. Jindal Power Limited
Jindal Centre, Tower B, 3rd Floor,
Plot No.-2, Sector-32,
Gurgaon-122001, Haryana
6. Jindal India Thermal Power Limited
Plot No. 12, Local Shopping Complex
Sector-B.I, Vasant Kunj,
New Delhi- 110070
7. Bharat Aluminium Company Ltd.
Balco Nagar, Korba,
Chattisgarh-495684
8. Monet Power Company Ltd.
Monnet House, 11, Masjid Moth,
Greater Kailash Part – II,
New Delhi-110048
9. Sterlite Energy Ltd.
Bhurkahamunda, Jharsuguda,
Odisha- 768202
10. GMR Kamalanga Energy Ltd.,
25/1, Skip House,
Museum Road,
Bangalore – 560025
11. RKM Powergen Ltd.,
14/45 Dr. Giriappa Road,
T. Nagar,
Chennai-600017
Tamil Nadu
12. Karcham Wangtoo
JSW group, Mumbai



13. KSK Mahanadi Power Company Ltd.
Jubilee Hills,
Hyderabad – 500033

.....Respondent

Parties present:

1. Ms. Suparna Srivastava, Advocate, KSEBL
2. Shri S.R. Anand, KSEBL
3. Ms. Latha S.V., KSEBL
4. Shri Anand K. Ganesan, Advocate, KSK Mahanadi
5. Shri Sitesh Mukherjee, Advocate, PGCIL
6. Shri Gautam Chawla, Advocate, PGCIL
7. Ms. Akansha Tyagi, Advocate, PGCIL
8. Shri Swapnil Verma, PGCIL
9. Shri Matrugupta Mishra, Advocate, Sterlite
10. Ms. Divya Chaturvedi, Advocate, JPL
11. Ms. Shikha Pandey, JPL
12. Shri Kamal Budhiraja, Advocate, RKM Powergen Ltd.
13. Shri Aman Gupta, Advocate, RKM Powergen Ltd.

ORDER

The present petition has been filed by Kerala State Electricity Board Limited (KSEBL) under Section 79(1) (c) and (f) read with Regulation 32 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-Term Access, Medium-Term Open Access on inter-State Transmission and related matters) Regulations, 2009 seeking intervention of this Commission in the matter of non-grant of LTA to KSEBL in respect of the application made in December, 2014 despite availability of available transmission capacity during the time period sought for in the LTA application. The petitioner has made the following prayers in the petition:

- a) Direct CTU to relieve the corridor amounting to 838 MW blocked by CTU towards SR for target region LTAs and consider the relieved ATC while



processing LTA applications made during December, 2014 with firm PPAs.

- b) Direct CTU to process the LTA applications received in a month separately considering the start date sought for the LTAs.
- c) Direct CTU to revise the TTC of NEW-SR grid by considering the N-1 limit of 765 kV lines as 3000 MW.
- d) Direct CTU to make available in public domain the ATC / RRC for future years strictly as per paragraph 16.1 of approved detailed procedure under connectivity regulations.
- e) Direct CTU to reprocess the LTA applications made in December 2014 with firm PPAs executed based on DBFOO guidelines and grant LTA without reserving corridor for target region LTAs, based on revised TTC/ATC between NEW Grid and SR considering N-1 limit for 765 kV lines as 3000 MW and separately processing LTA applications for different time frames sought for in the LTA applications.

2. The Commission directed CTU to clarify the status of the capacity available after taking into consideration the capacity surrendered by the generators. CTU vide its affidavit dated 12.4.2016 has submitted as under:

“4. Based on the information submitted by various Respondents, CTU had informed that request for relinquishment of LTA for 488 MW (200 MW from GMR, 88 MW from Karcham Wangtoo, 200 MW from Sterlite) has been received, which, has also been



recorded in the record of proceedings dated 18.2.2016. Further, during the course of proceedings, Monnet Power Co. Ltd. submitted that it shall be relinquishing 50 MW out of the 150 MW granted to it on target to SR. Therefore, as of now, 5358 MW LTA granted on target region to LTA customers in NEW Grid for power transfer to SR Grid shall be available.

5. Taking the above into consideration, the present status of the capacities available and allocated under LTA and MTOA are as below:

- a. Total ATC available between NEW Grid and SR Grid – 5900 MW.
- b. Total LTA granted and operationalized as on 1.4.2016-4855 MW.
- c. Total MTOA granted and operationalized as of 1.4.2016-1032.15 MW.
- d. Thereby leaving a margin of only 12.85 MW for allocation under STOA.

6. By 1.7.2016, term of some of the LTA/MTOA shall be getting over, which in conjunction with the above margin, shall result in net available ATC of 668.85 MW. Against this capacity, LTA for 20 MW (already granted to Nov'13 LTA Application) shall be operationalized. Further, MTOA for 648.5 MW (for 3 Nos. of Jun'15 MTOA applications & 1 Nos. of Act'15 application) shall be operationalized, that had been granted with the condition of termination/downsizing upon firming up of beneficiaries by target region LTA customers.

7. Further, the next LTA applications in the queue for operationalization are those pertaining to the petitioner. In the following table, the requirement for power transfer of petitioner against various LTA applications are given below:

S. No	Applicant	Quantum (in MW)	LTA sought from	LTA granted from
1.	Jindal Power Ltd.	190	1-Dec-2016	1-Dec-2016
2.	Jindal Power Ltd.	142.5	1-Oct-2017	1-Oct-2017
3.	Jindal India Thermal Power Ltd.	95	1-Oct-2017	1-Oct-2017
4.	BALCO	95	1-Oct-2017	
5.	Jhabua Power Limited	109.25	1-Dec-2016	1-Dec-2016
		95	1-Oct-2017	

From the above, it may be seen that there is a requirement of power transfer of 299.25 MW from 1st Dec 2016 and 427.5 MW from 1st Oct 2017.

8. In a meeting held at SRPC during 14.3.2016 to 17.3.2016 with participation from CEA, CTU, POSOCO, SRPC and Southern Region Constituents (Minutes of Meeting awaited), it has been assessed that with the commissioning of Angul-Srikakulam-Vemagiri 765 kV D/c line, which is expected by August 2016, along with opening of Nunna Vemagiri 400 kV line under high loading condition, ATC is expected to increase by about 500 MW.

9. In view of the above, power transfer of 299.25 MW to the petitioner can be operationalized from the date sought in the LTA applications (i.e. 1st Dec 2016).

Further, with effect from 1st Mar 2017, ATC of 397 MW shall become available on account of expiry of MTOA which now can be utilized for operationalization of LTA, considering the relinquishment of LTA of 538 MW as described above in para 4. This capacity along with the margins left above shall be adequate for operationalization of balance 427.5 MW from the date sought in the LTA applications (i.e. 1st Oct 2017)."

3. During the course of hearing, learned counsel of the petitioner submitted that CTU has granted LTA to the petitioner subject to commissioning of certain transmission lines. In view of the said development, the petitioner is not pressing for other issues raised in the petition.

4. Noting the submission of the learned counsel for the petitioner, we dispose of the petition with the direction to CTU to grant LTA to the petitioner as per the affidavit extracted above. If any difficulty is encountered by the petitioner, it shall be open to the petitioner to approach this Commission in accordance with law.

5. The Petition is disposed of in terms of the above.

sd/-
(Dr. M.K. Iyer)
Member

sd/-
(A.S.Bakshi)
Member

sd/-
(A.K. Singhal)
Member

sd/-
(Gireesh B. Pradhan)
Chairperson

