

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No.127/MP/2016
Along with IA 2/2017**

Subject :Petition under Section 79 of the Electricity Act, 2003 for adjudication of the matter between the parties in relation to non-release of Bank Guarantee furnished with respect to Long Term Open Access granted to the petitioner.

Date of hearing : 16.5.2017

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

Petitioner : IndBarath Energy (Utkal) Ltd. (IBEUL)

Respondent : Power Grid Corporation of India Ltd.

Parties present : Shri Sanjay Sen, Senior Advocate, IBEUL
Shri Hemant Singh, Advocate, IBEUL
Shri Nishant Singh, Advocate, IBEUL
Shri Nimesh Jha, Advocate, IBEUL
Ms. Ranjitha Ramachandran, Advocate, PGCIL
Shri A.M. Pavgi, PGCIL
Shri Swapnil Verma, PGCIL

Record of Proceedings

At the outset, learned senior counsel for the petitioner submitted that the dedicated transmission line has been successfully charged on 11.5.2017 and has been declared under commercial operation and the petitioner shall be undertaking supply of power to TANGEDCO commercially by the end of May, 2017. Learned senior counsel further submitted that the petitioner has opened the afresh LC on 8.3.2017 for an amount of Rs. 14.28 crore. Learned senior counsel submitted that considering the financial position of the petitioner, the Commission may allow the petitioner to liquidate the outstanding transmission charges in easy equal instalments.

2. Learned counsel for PGCIL submitted that LC documents have not been received. Learned counsel for PGCIL further submitted that the petitioner be directed to submit the LC documents and liquidate the outstanding transmission charges at the earliest.

3. The Commission directed the petitioner to file on affidavit to the effect that LC for the required amount has been opened in favour of PGCIL.

4. The Commission directed the petitioner to make payment of Rs. 10 crore by 25.5.2017 and the balance outstanding amount including surcharge shall be liquidated in 12 monthly installments starting from July 2017 onwards. Such payments shall be made before the last day of the month.

5. Learned senior counsel submitted that the petitioner shall file an affidavit regarding opening of LC and payment plan.

6. Subject to fulfillment of the direction in para 4 of the Record of Proceeding, supply of power from the generating station of the petitioner under the PPAs executed by the petitioner shall be facilitated by all concerned.

7. The petition shall be listed for hearing, if required.

By order of the Commission

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