

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**I.A. No. 9/2017 in  
Petition No. 21/MP/2017**

Subject : Petition for Relinquishment of 1100 MW of Long Term Access agreed under the Bulk Power Transmission Agreement dated 24.2.2010 under Regulation 18 read with Regulation 32 of CERC (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 of the subject Transmission Lines by the Essar Power Jharkhand Limited (3X600MW) Thermal Power Plant, Chandwa Tehsil, District Latehar in the State of Jharkhand.

Petitioner : Essar Power (Jharkand) Limited.

Respondents : Power Grid Corporation of India Limited and Others

Date of hearing : 16.2.2017

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

Parties present : Shri Sakia Choudhary, Advocate, EPL  
Ms. Molshree Bhatnagar, Advocate, EPL

**Record of Proceedings**

Learned counsel for the petitioner mentioned the matter and submitted that the present Interlocutory Application has been filed *inter-alia* seeking an ex-parte ad interim order against encashment of Bank Guarantee by CTU. Learned senior counsel for the petitioner further submitted that the petitioner apprehends that CTU can proceed to encash the Bank Guarantee as CTU vide its letter dated 19.1.2017 rejected petitioner's request for relinquishment of LTA due to force majeure events encountered by the petitioner in terms of the BPTA/LTA stating that the grounds for relinquishment rights are not genuine. Learned senior counsel for the petitioner requested the Commission to direct CTU not to take any action for encashing the Bank Guarantee till disposal of the matter.

2. Learned counsel for PGCIL submitted that during the pendency of the petition, CTU refrains from taking any coercive measure.

3. After hearing the learned counsel for the petitioner and the respondent, the Commission directed that in the light of the submission of the learned counsel for PGCIL, there is no requirement to issue any interim direction. Accordingly, IA was disposed of.

4. The Commission directed to issue notice to the respondents on the petition. The Commission directed the petitioner to serve copy of the petition on the respondents, if not served. The Commission directed the respondents to file their replies on affidavit, on or before 16.3.2017 with an advance copy to the petitioner who may file its rejoinder, if any by 7.4.2017. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The petition shall be listed for hearing on admission on 18.4.2017.

**By order of the Commission**

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