

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.162/MP/2017

Subject :Petition under Section 79 (1)(c), (d) and (f) and other applicable provisions of the Electricity Act, 2003 seeking directions against the Respondents in relation to the Medium Term Open Access for transfer of power from the Western Region to the Northern Region.

Date of hearing : **15.2.2018**

Coram : Shri P.K. Pujari, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : KSK Mahanadi Power Company Limited (KMPCL)

Respondents : PGCIL and Others

Parties present : Ms. Swapna Seshadri, Advocate, KMPCL
Shri Anand K. Ganesan, Advocate, KMPCL
Shri A. Sreekanth, KMPCL
Ms. Suparna Srivastava, Advocate, PGCIL
Shri V. Srinivas, PGCIL
Ms. S. Usha, POSOCO
Shri G. Chakraborty, POSOCO
Shri Aditya P. Das, WRLDC

Record of Proceedings

At the outset, learned counsel for the Petitioner submitted as under:

- (a) The Petitioner has entered into Power Purchase Agreement (PPA) with the distribution licensees of Andhra Pradesh (400 MW), TANGEDCO (500 MW) and UP Discom (1000 MW) for supply of power;
- (b) The Petitioner applied for LTA of 1000 MW on 26.2.2014. Since the LTA was not available from the intended start date, the Petitioner applied for 1000 MW MTOA as against which PGCIL granted MTOA of 1000 MW vide letter dated 10.12.2015. However, PGCIL operationalized 505 MW MTOA only vide letter dated 10.11.2016 based on the capacity available in the WR-NR Corridor.
- (c) The Petitioner requested WRLDC and NRLDC for scheduling of power of 505 MW to UP Discoms. However, WRLDC vide its e-mail dated 13.12.2016 informed the Petitioner that as against the installed capacity of 1200 MW, the Petitioner had MTOA of 361.5 MW with AP Discoms and LTA of 500 MW with TANGEDCO and therefore, only 258.5 MW is available for scheduling to UP Discoms.

- (d) The decision of WRLDC in restricting the operationalization of MTOA is erroneous and contrary to the applicable regulations, as the Petitioner has the liberty to schedule varying quantum of power to any of the beneficiaries at a given point of time while keeping the overall capacity of the generating station in view.
- (e) Further, since the scheduling is being done for 258.5 MW MTOA, bills for 505 MW MTOA cannot be raised by PGCIL.

2. The representative of WRLDC submitted as under:

- (a) As per the 6th amendment to the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2017, under-utilized LTA and MTOA capacity by any generator is to be required for scheduling of Medium-term and Short-term open access transactions, depending upon the period of such underutilization;
- (b) The restriction of scheduling done by WRLDC upto the ex-bus generation capability of the Petitioner was the best solution for all the players in the grid, including the Petitioner;
- (c) By way of above action, WRLDC could effectively use the Inter Regional (IR) corridor to the maximum extent and ensure that no IR transfer capability had gone unutilized;
- (d) By way of restricting the schedule on each IR corridor, WRLDC has helped the Petitioner in tying up the power from alternate sources in advance, thereby providing the Petitioner with competitive alternate source of power.

3. Learned counsel for PGCIL requested for adjournment due to personal difficulty. The Petitioner had no objection in this regard. Request was allowed by the Commission.

4. The Petition shall be listed for hearing on 12.4.2018.

By order of the Commission

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