

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.35/MP/2018

Subject :Petition under Section 79(1)(f) of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 seeking refund of PoC charges for 260 MW in Eastern Region granted under the Bulk Power Transmission Agreement dated 1.7.2016.

Date of Hearing : 12.12.2018

Coram : Shri P.K. Pujari, Chairperson
Dr. M.K. Iyer, Member

Petitioner : GMR Kamalanga Energy Limited

Respondent : Power Grid Corporation of India Limited

Parties present :Shri Sanjay Sen , Senior Advocate, GMR
Shri Ajay Kumar Nathani, GMR
Ms. Ankita Bofna, Advocate, GMR
Ms. Suparna Srivastava, Advocate, PGCIL
Shri Tushar Mathur, Advocate, PGCIL
Shri V. Srinivas, PGCIL
Ms. Jyoti Prasad, PGCIL

Record of Proceedings

Learned senior counsel argued at length and submitted that the Petitioner cannot be held liable to pay the LTA charges for the period from 9.7.2017 to 1.8.2017 on account of the fact that the power of the Petitioner was scheduled under STOA and not LTA and as such the Petitioner has already made payment of the STOA charges as availed by the Petitioner. Learned senior counsel for the Petitioner further submitted that the Petitioner could not avail the LTA till 2.8.2017 due to failure on part of CTU to coordinate with ERLDC and ERPC with respect to the operationalization of the LTA of the Petitioner. Learned senior counsel submitted that PGCIL vide its letter dated 7.7.2018 informed ERLDC that the Petitioner's power may be operationalized in line with NLDC letter dated 13.1.2016. However, PGCIL operationalized the LTA on 2.8.2018.

2. Learned counsel for PGCIL submitted that based on NLDC letter dated 13.1.2016, PGCIL did not mention the date of operationalization of LTA.

3. The Commission directed PGCIL to furnish the reason for departure from procedure in operationalization of LTA. The Commission further directed PGCIL to

explain the procedure adopted by it for operationalization of LTA where the date is not mentioned.

4. The Commission directed to list the petition for hearing on 18.12.2018.

By order of the Commission

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