

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 92/MP/2017
Alongwith I.A. No.91/2017**

Subject : Petition under Section 79 (1) (c) of the Electricity Act,2003 read with Regulation 111 and 114 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009; CERC (Sharing of Interstate Transmission Charges and Losses) Regulations, 2010; Central Electricity Regulatory Commission (Grant of Regulatory Approval for execution of Inter-State Transmission Scheme to Central Transmission Utility) Regulations, 2010 for signing of Long Term Access Agreement for Transmission System for evacuation of power from Unchahar TPS of NTPC.

Date of hearing : 16.1.2018

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

Petitioner : Power Grid Corporation of India Limited

Respondents : NTPC Limited and others

Parties present : Ms. Swapna Seshadri, Advocate, PGCIL
Ms. Rhea Luthra, Advocate, PGCIL
Ms. Parichita Chowdhary, Advocate, PGCIL
Ms. Ranjitha Ramachandran, Advocate, NTPC
Ms. Poorva Saigal, Advocate, NTPC
Shri Manoj Kumar Sharma, NTPC
Shri Naresh Kumar Agarwal, RRVPNL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed for seeking directions to the respondents to sign the LTA Agreement as per Regulation 15 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 (Connectivity Regulations). Learned counsel for the Petitioner further submitted as under:

(a) The first unit of Unchahar TPP-IV (500 MW) was operationalized on 30.9.2017. Initially Himachal Pradesh State Electricity Board Limited (HPSEBL) refused to sign the LTA agreement. However, subsequently on 29.12.2017, HPSEBL has signed the LTA agreement. While most of the beneficiaries have signed the LTA agreement, Tata Power Delhi Distribution Company Limited (TPDDL) has refused to sign the LTA agreement stating that the power is not required and requested for re-allocation of power.

(b) TPDDL and HPSEBL are pursuing the matter with the Ministry of Power (MoP) to get the power re-allocated. However, on the date of commissioning of the generating station and operationalization of LTA i.e. on 30.9.2017, the power was not re-allocated. Therefore, till the time power is re-allocated, the beneficiaries to whom the power had been originally allocated, are liable to pay the transmission charges and from the date of re-allocation, the new beneficiary would pay the transmission charges in proportion to the power re-allocated.

(c) The Commission vide its order dated 18.12.2017 in Petition No. 85/MP/2014 held that in case of PPAs based on the MoP allocation, the beneficiaries are deemed LTA customers and they shall be liable to pay the transmission charges based on their allocations till the time their allocations are rescinded and transferred by MoP. Therefore, it is immaterial whether the identified beneficiaries signed the LTA agreement or not.

2. Learned counsel for NTPC submitted that the refusal of TPDDL to avail the power from Unchahar TPP-IV is contrary to the directions of the Commission dated 31.3.2017 in Petition No. 187/MP/2015 wherein it was held that TPDDL cannot seek to unilaterally terminate the PPA and the only avenue open to TPDDL is to approach the MoP. Accordingly, until the MoP deems it appropriate to re-allocate the share of TPDDL, it is liable to pay the LTA charges.

3. After hearing learned counsels for both the parties, the Commission reserved the order in the Petition.

By order of the Commission

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