

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 96/MP/2018
Alongwith I.A. No.16/2018**

Subject : Petition under Section 79 (1)(c), Section 79 (1)(f) and Section 79 (1)(k) of the Electricity Act, 2003 read with the Regulation 32 of Central Electricity Regulatory Commission (Grant of Connectivity, Long Term Access and Medium term Open Access in inter-state transmission and related matters) Regulations, 2009 along with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking directions against Power Grid Corporation of India Limited for (i) payment of amounts due to the Petitioner in compliance of the Order dated 15.12.2017 of this Hon'ble Commission in Petition No. 141/TT/2015; and (ii) return of Bank Guarantee of ₹60 Crore furnished as per the extant regulations read with the Transmission Agreement dated 14.6.2010 and Long Term Access Agreement dated 17.6.2011.

Date of Hearing : 10.4.2018

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

Petitioner : MB Power Limited (MBPL)

Respondent : Power Grid Corporation of India Limited (PGCIL)

Parties present : Shri Gopal Jain, Senior Advocate, MBPL
Shri Rajeev Lochan, MBPL
Shri Rohit Gururani, MBPL
Shri N.M. Venugopal, MBPL
Ms. Suparna Srivastava, Advocate, PGCIL
Shri K.K. Jain, PGCIL

Record of Proceedings

Learned senior counsel for the Petitioner submitted that the present petition has been filed *inter-alia* for seeking direction against the Power Grid Corporation of India Limited (PGCIL) for payment of amounts due to the Petitioner in compliance of the Commission's order dated 15.12.2017 in Petition No. 141/TT/2015 and for return of Bank Guarantee of ₹60 crore furnished as per the extant regulations read with the Transmission Agreement dated 14.6.2010 and Long Term Access Agreement dated 17.6.2011. Learned senior counsel for the Petitioner further submitted as under:

- (a) The Commission vide order dated 15.12.2017 in Petition No. 141/TT/2015 had observed that there was a delay in operationalization of LTA by PGCIL as agreed with the Petitioner and directed PGCIL and the Petitioner to settle the issue of delay in operationalization of the LTA mutually. Subsequently, the Petitioner

approached PGCIL to settle the issue. However, PGCIL refused to work out the amounts payable to the Petitioner in compliance of the Commission's direction dated 15.12.2017.

(b) The Petitioner has also filed Interlocutory Application (I.A.) for seeking interim orders/directions against PGCIL in relation to illegal threat of encashment of the Bank Guarantee of ₹60 crore furnished by the Petitioner pursuant to the Transmission Agreement dated 14.6.2010.

2. Learned counsel for PGCIL submitted that the Petitioner has claimed ₹25 crore against PGCIL towards the delay in operationalization of LTA. Subsequently, PGCIL also raised the bill of ₹15 crore towards the transmission charges. Learned counsel for PGCIL further requested that both the parties will not take any coercive action against each other.

3. After hearing the learned senior counsel for the Petitioner and learned counsel for PGCIL, the Commission admitted the Petition and directed to issue notice to the respondent.

4. The Commission directed the Petitioner to serve the copy of the Petition on the respondent immediately, if not served already. The Commission directed the respondent to file its reply by 4.5.2018, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 31.5.2018. The Commission directed that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The Commission directed both the parties not to take any coercive measure against each other till the next date of hearing. Accordingly, the Commission disposed of the I.A.

6. The Petition shall be listed for hearing on 12.6.2018.

By order of the Commission

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