

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 389/MP/2018**

Subject : Petition for the recovery of charges from PGCIL under Clause 6.0 (d) of the Bulk Power Transmission Agreement dated 24.2.2010 read with Regulation 32 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.

Petitioner : GMR- Kamalanga Energy Limited (GKEL)

Respondent : Power Grid Corporation of India Limited (PGCIL)

Date of Hearing : 9.5.2019

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

Parties present : Shri Matrugupta Mishra, Advocate, GKEL  
Shri Shourya Malhotra, Advocate, GKEL  
Shri Sandeep Rajpurohit, Advocate, GKEL  
Ms. Suparna Srivastava, Advocate, PGCIL  
Shri Swapnil Verma, PGCIL  
Ms. Jyoti Prasad, PGCIL  
Shri Ranjeet Rajput, PGCIL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed for seeking direction to PGCIL to pay an amount of Rs.4,68,02,06,946/- to the Petitioner towards liability of PGCIL under Clause 6.0(d) of the BPTA dated 24.2.2010 for delay in commencement of LTA alongwith applicable interest calculated till the actual payment is made. Learned counsel requested the Commission to issue notice to the Respondent.

2. Learned counsel for PGCIL submitted that the contention of the Petitioner that it could not evacuate the power due to non-readiness of the system, is not correct. During that period, the Petitioner had carried out the short term transaction as per the provisions of the BPTA through LIFO mechanism. Learned counsel requested the Commission to direct the Petitioner to submit the data as to how the power was transacted during that period.

3. After hearing the learned counsels for the Petitioner and PGCIL, the Commission admitted the Petition and directed to issue notice to the Respondent.

4. The Commission directed the Petitioner to serve copy of the Petition on the Respondent immediately, if not served already. The Respondent was directed to file its reply by 4.6.2019 with an advance copy to the Petitioner who may file its rejoinder, if any, by 18.6.2019.

5. The Commission directed the Petitioner to submit the following information, on an affidavit by 23.5.2019:

(a) Data as to how the power was transacted during the period when the system was not ready; and

(b) Copy of LTA application filed by the Petitioner and the LTA granted by PGCIL.

6. The Commission directed that due date of filing the information, reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

7. The Petition shall be listed for hearing in due course for which separate notice will be issued.

**By order of the Commission**

**Sd/-  
(T.D. Pant)  
Deputy Chief (Law)**