

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 92/MP/2020 along with IA No. 5/2020

Subject : Petition under Section 79(1)(c), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003 read with Regulation 14 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 : Raigarh Energy Generation Limited (REGL)
(Formerly, Korba West Power Company Limited)

Respondent : Powergrid Corporation of India Limited (PGCIL)

Date of Hearing : 25.2.2020

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

Parties present : Shri Hemant Singh, Advocate, REGL
Shri Lakshyajit Singh, Advocate, REGL
Shri Chetan Garg, Advocate, REGL
Shri Siddharth Sharma, PGCIL
Shri Yogeshwar, PGCIL

Record of Proceedings

Learned counsel for the Petitioner submitted that present Petition has been filed, *inter-alia*, challenging the arbitrary and illegal action of the Respondent, Power Grid Corporation of India Limited (PGCIL) in issuing the letter/invoice dated 7.11.2019 and letter dated 8.11.2019 for payment of Rs. 1,42,97,52,646/- towards transmission charges retrospectively. Learned counsel submitted that Petitioner has also objected the aforesaid claim of PGCIL on account of the fact that the erstwhile company, namely, Korba West Power Company Limited has already gone through the resolution process before the National Company Law Tribunal (NCLT) and during such process, PGCIL did not raise such claim towards transmission charges either before the Resolution Professional or the NCLT. Therefore, PGCIL is not entitled to claim such charges as has been claimed now. Learned counsel submitted that the resolution plan in respect of erstwhile company was approved by NCLT vide its order dated 24.6.2019 and PGCIL has challenged the aforesaid order of NCLT before National Company Law Appellate Tribunal (NCLAT) regarding its claims towards transmission charges, wherein the order has been reserved by the NCLAT. Accordingly, the learned counsel for the Petitioner requested to take up the present matter after the outcome of the decision in said Appeal.

2. After hearing the learned counsel for the Petitioner, the Commission directed the Petitioner to submit, on affidavit by 16.3.2020, copy of the application made to CTU for grant of Connectivity and Long Term Access and copy of grant of LTA and Connectivity granted by CTU.



3. The Commission directed CTU to submit the following information, on affidavit, by 16.3.2020:

(i) Details of letter/communication operationalizing the LTA of the Petitioner and date indicated for operationalization of LTA along with letter; and

(ii) Details of LTAs made effective retrospectively, if any.

4. Matter shall be listed for hearing after decision in the Appeal filed by PGCIL before NCLAT.

By order of the Commission

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

