

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 2/RP/2013

Sub: Petition for review of the order dated 31.1.2013 in Petition No. 43/MP/2013 regarding a dispute arising between the petitioner, being a generating company and the respondents, being a transmission licensee.

Date of Hearing : 23.5.2013

Coram : Dr. Pramod Deo. Chairperson
Shri V. S. Verma, Member
Shri M. Deena Dayalan, Member
Shri A. S. Bakshi, Member (E.O.)

Petitioner : Himachal Sorang Power Limited

Respondent : Power Grid Corporation of India Limited

Parties present : Shri Amit Kapur, Advocate, HSPL,
Ms. Apoorva Mishra, Advocate, HSPL
Shri Sidhartha Das, PGCIL

Record of Proceedings

The petitioner, Himachal Sorang Power Limited (HSPL) has filed present review petition seeking review of order dated 31.1.2013 in Petition No. 43/MP/2012 regarding a dispute arising between the petitioner, being a generating company and the respondents, being a transmission licensee.

2. Learned counsel for the review petitioner submitted as under:

(a) The Commission, in the order under review, has relied upon petitioner's letter dated 7.7.2011 issued to PGCIL and observed that HSPL agreed to consider COD of Karcham-Abdullapur line as COD of Sorang HEP. In the said letter dated 7.7.2011, HSPL had requested PGCIL to intimate HSPL regarding COD of Karcham Wangtoo-Abdullapur line.

(b) HSPL has filed an appeal before the Hon'ble Appellate Tribunal challenging the order dated 31.01.2013 in Petition No. 43/MP/2012. However, in the said appeal, HSPL has not raised the issue relating to date of commissioning of the project as mentioned in HSPL's application for seeking connectivity, order of PGCIL granting connectivity, Connection Agreement and the Transmission Service Agreement.

(c) On 14.2.2012, Power Grid granted connectivity to HSPL wherein it was specifically mentioned that the date of the commissioning would be from September 2012, thereby accepting the said request;

(d) As HSPL was granted connectivity from September 2012, therefore, in terms of Regulation 8 (7) 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, review petitioner is entitled to achieve commissioning by March 2013;

(e) The above facts and submissions were inadvertently not placed before the Commission by either party in Petition No. 43/MP/2012; and

(f) Learned counsel for the petitioner requested to review the order dated 31.1.2013 in terms of the submissions made in the present review petition to hold that LTOA of the review petitioner could commence only from March, 2013.

3. In response to Commission`s query that the Karcham Wangtoo-Abduallapur transmissions line was declared under commercial operation w.e.f 1.4.2012 and the petitioner himself vide its letter dated 7.7.2011 requested for commencement of open access from the date of commercial operation of the Karcham Wangtoo-Abduallapur transmissions line, learned counsel for the petitioner submitted that subsequently, the petitioner and PGCIL had agreed for the revised date of commissioning as September 2012 which was conveyed by PGCIL vide its letter dated 14.2.2012. This fact could not be brought to the notice of the Commission either by the petitioner or by PGCIL in the main petition.

4. After hearing learned counsel of the petitioner, the Commission directed to admit the petition.

5. The Commission directed the petitioner to serve copy of the petition on the respondent by 14.6.2013, if already not served. The respondent was directed to file its reply by 28.6.2013. The petitioner may file its rejoinder, if any, by 12.7.2013.

6. The petition shall be listed for hearing on 18.7.2013.

By order of the Commission

**Sd/-
(T. Rout)
Joint Chief Legal**