

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**I.As. 43/2014, 51/2014 , 52/2014 , 54/2014 and 56/2014  
in Petition No. 92/MP/2014**

**Sub:** Petition under Section 79 (1) (c) of the Electricity Act, 2003 and Regulations-32 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-Term and medium term open access in inter-State transmission and related matters) Regulations, 2009, 'in the matter of arbitrary denial of Medium Term Open Access' violating the provisions of the regulations.

Petitioner : Kerala State Electricity Board Limited

Respondents : Powergrid Corporation of India Limited and others.

**Petition No. 376/MP/2014**

**Sub:** Petition under Section 79 (1) (c) read with 79 (1) (f) and 79 (1) (k) of the Electricity Act, 2003 seeking appropriate direction or order declaring the letter dated 22.9.2014 as arbitrary and unreasonable being dehors the provisions of Electricity Act, 2003 and Detailed Procedure for making application for grant of connectivity in ISTS submitted by Central Transmission Utility and as approved by the Commission under Regulation 27 (1) of the and Regulations-32 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-Term and medium term open access in inter-State transmission and related matters) Regulations, 2009.

Petitioner : DB Power Limited

Respondent : Powergrid Corporation of India Limited

**Petition No. 382/MP/2014**

**Sub:** Petition under Section 79 (1) (f) of the Electricity Act, 2003 regarding disputes arising between the petitioner, a generating company, and the Respondent, the Central Transmission Utility and nodal agency for grant of long-term access to the inter-State transmission system.

Petitioner : EMCO Energy Limited

Respondents : Powergrid Corporation of India Limited and others

**Petition No. 393/MP/2014 with I.A. 55/2014**

**Sub:** Petition under Section 79 (1) (c), (f) & (k) of the Electricity Act, 2003 seeking appropriate direction or order declaring allocation of LTA on LILO of existing lines by the respondent No.1 vide letter dated 22.9.2014 as illegal, arbitrary, malafide and discriminatory and contrary to the provisions of the Electricity Act, 2003 and the Central Electricity Regulatory Commission (Grant of Connectivity, Long-Term and medium term open access in inter-State transmission and related matters) Regulations, 2009.

Petitioner : D.B. Power Limited

Respondents : Powergrid Corporation of India Limited and others

**Petition No. RP/025/2014**

**Sub:** Application under Section 79 (1) (c) of the Electricity Act, 2003 read with regulations 32 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-Term and medium term open access in inter-State transmission and related matters) Regulations, 2009 and section 94 (1) (f) of the Electricity Act, 2003 is seeking a review of the order dated 8.8.2014 and 5.9.2014 and setting aside of the grant of MTOA to applications received in June, 2013.

Petitioner : Bharat Aluminium Company Limited

Respondents : Powergrid Corporation of India Limited and others

Date of hearing : 13.10.2014

Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri M. Deena Dayalan, Member  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member

Parties present : Shri Sanjay Sen, Sr. Advocate, D.B. Power/Essar Power  
Shri Hemant Singh, Advocate, D.B. Power  
Shri Matrugupta Mishra, Advocate, D.B.Power/Essar Power  
Shri Hemant Singh, D.B. Power/Essar Power  
Shri Deepak Khurana, Advocate, D.B. Power  
Shri Akhil Sibal, Advocate, D.B. Power  
Shri Vikas, D.B. Power  
Shri Himanshu Sharma, D.B. Power  
Shri Prashant Parela, D.B. Power  
Shri Alok Shankar, Advocate, Essar Power

Shri Anand K. Ganeshan, Advocate, KSKMPL  
Shri N. Ramakrishnan, Advocate, KSKMPL  
Shri S.R. Anand, KSEB Limited  
Shri G. Sreenivasan, KSEB Limited  
Shri B. Pradeep, KSEB Limited  
Shri Srishti Govil, Advocate, KPTCL  
Shri Anurag Gupta, NVVN Limited  
Shri Dharmendra Singh, NVVN Limited  
Shri Ranjana Gupta, NVVN Limited  
Shri Sitesh Mukherjee, Advocate, EMCO  
Shri Jafar Alam, Advocate, EMCO  
Shri Kawaljit Singh, Advocate, EMCO  
Shri Aditya Mathur, Advocate, EMCO  
Shri Ravindra Varma, EMCO  
Shri S. Vallinayagam, Advocate, TANGEDCO  
Shri K. Seshadri, TANGEDCO  
Shri S. Thirunauukkarhu, TANGEDCO  
Shri A. Axilium Jayaman, TANGEDCO  
Shri Alok Shankar, Advocate, EPMP  
Shri Manish Ranjan, EPMP  
Ms. Anushruti, Advocate, BALCO  
Shri N.N. Sadasivan, APCPL  
Shri Y.K. Sehgal, PGCIL  
Shri Dilip Rozekar, PGCIL  
Shri Ashok, PGCIL  
Shri Aryaman Saxena, PGCIL  
Shri Varun Pathak, Advocate, PTC  
Shri Rajiv Bhardwaj, Advocate, PTC  
Shri K.C. Agrawal, PTC  
Shri H De, PTC  
Shri Vikas Saksena, JPL  
Shri Gunjan Jhek, JPL  
Shri Prashanto Chandrasen, Advocate, BALCO  
Ms. Jyoti Prasad, NLDC  
Shri S.S. Barpanda, NLDC  
Ms. Jayantika Singh, NLDC  
Shri Mayank N. Pannalall, Shree Cement Ltd

### **Record of Proceedings**

Learned counsel for KSK Mahanadi Limited submitted that IA. No. 43/2014 in Petition No. 92/MP/2014 has been filed seeking clarification that the Medium Term Open Access (MTOA) allocation considered by Power Grid Corporation of India Limited (PGCIL) pursuant to the Commission's order dated 8.8.2014 is not from the new transmission capacity of 423 MW available from 1.8.2014 and for direction to

PGCIL to consider and dispose of the pending long term access applications in accordance with Central Electricity Regulatory Commission (Grant of Connectivity, Long-Term and medium term open access in inter-State transmission and related matters) Regulations, 2009 (Connectivity Regulations) for the capacity of 423 MW made available from 1.8.2014 and any capacity made available thereafter without being affected by the MTOA applications made by it in June, 2013.

2. Learned counsel for Kerala State Electricity Board Limited and NVVN Ltd submitted that IA Nos. 51/2014 and 52/2014 in Petition No. 92/MP/2014 have been filed by Kerala State Electricity Board Limited and NVVN Ltd., respectively seeking declaration that the rejection of MTOA application of Respondent No. 3, NTPC Vidyut Vypar Nigam Limited made in June 2013 for transfer of 300 MW power from CSPDCL from 1.3.2014 to 28.2.2017, is in violation of the Commission's order dated 5.9.2014 and the provisions of the Connectivity Regulations and for an ex-parte interim direction restraining PGCIL from operationalising the MTOA of 111 MW granted to M/s Ideal Energy Projects Ltd vide letter dated 22.9.2014.

3. Learned senior counsel for Essar Power MP Ltd. submitted that IA Nos 54 and 56 in Petition No. 92/MP/2014 have been filed seeking impleadment of Essar Power MP Ltd as party to the petition and for direction to PGCIL to grant open access during pendency of consideration of application for MTOA by CTU and final adjudication of the present petition.

4. Learned counsel for DB Power Ltd. submitted the Petition No. 393/MP/2014 has filed declaring the allocation of LTOA on LILO of existing lines vide letter dated 22.9.2014 issued by PGCIL as null and void and quash the letter dated 22.9.2014 granting LTOA. He further submitted that DB Power Ltd has also filed IA. No. 55/2014 seeking impleadment of KSEB, KPTCL, TANGEDCO, KSK Mahanadi, BALCO as parties to the petition.

5. Learned counsel for Bharat Aluminium Company Ltd submitted that Review Petition No. 25/RP/2014 in Petition No. 92/MP/2013 has been filed for review of the orders dated 8.8.2014 and 5.9.2014.

6. After hearing the learned senior counsel and learned counsels for the parties, the Commission directed to issue notice in the IA Nos 54 and 56 in Petition No. 92/MP/2014, Petition Nos. 393/MP/2014 and 25/RP/2014. The petitioners were directed to serve copies of the petitions on the respondents.

7. The Commission directed to list the petitions along with IAs on 15.10.2014.

**By order of the Commission**

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