

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. MP/076/2014**

- Subject : Petition for reduction of long term open access from 60 MW to 30 MW (Unit-1, Unit-II 15 MW) and refund of the excess transmission charges paid by the petitioner as per the bulk power transmission agreement dated 30.4.2009 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.
- Date of hearing : 20.5.2014
- Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri M. Deena Dayalan, Member  
Shri A.K. Singhal, Member
- Petitioner : Spectrum Coal and Power Limited
- Respondent : Power Grid Corporation of India Limited
- Parties present : Shri Sanjay Sen, Sr. Advocate, SCPL  
Shri H.M Jain, SCPL  
Shri Matrugupta Mishra, Advocate, PGCIL  
Shri RVMM Rao, PGCIL

**Record of Proceedings**

Learned senior counsel for the petitioner submitted that the present petition has been filed for reduction of Long Term Open Access from 60 MW to 30 MW and refund of the excess transmission charges paid to the respondent. Learned senior counsel for the petitioner further submitted as under:

(a) The petitioner is in process of setting up 100 MW (2x50 MW) blended washery reject with raw coal based thermal power plant in the State of Chhattisgarh.

(b) On 15.2.2008, the petitioner applied to PGCIL for grant of Long Term Open Access (LTOA) for its generation project. PGCIL granted LTOA for 100 MW under its letter dated 16.2.2009 subject to fulfilling the certain conditions. The petitioner had applied LTOA for 60 MW. However, PGCIL granted LTOA for 100 MW and accordingly determined the transmission charges to be payable by the petitioner corresponding to 100 MW.

(c) Unit-I of 50 MW was commissioned in the month of March 2013 and the construction work of the Unit-II could not be commenced due to non-

availability of environmental clearance. However, the respondent raised the bills for LTOA charges for 100 MWs.

(d) On 6.11.2012, the petitioner requested PGCIL to reduce LTOA from 100 MW to 88 MW. Accordingly, the respondent reduced LTOA from 100 MW to 88 MW after considering the auxiliary consumption only.

(e) On 13.6.2013, the petitioner requested the respondent to reduce LTOA from 60 MW to 30 MW and to refund/adjust in the future bills of amount already paid for 100 MW. However, the respondent denied to reduce LTOA from 60 MW to 30 MW

(f) As per Regulation 18 of (Grant of Connectivity, Regulation Long term access and Medium term open access in inter-State Transmission and related matters) Regulations, 2009, a long term customer may relinquish the long term access rights fully or partly before the expiry of the full term of long term access, by making payment of compensation for stranded capacity. Since, there is no stranded capacity, the provision of compensation does not apply to the petitioner and the petitioner is entitled for reduction of LTOA from 60 MW to 30 MW.

(g) The transmission corridor availability in the WR area has affected the State of Chhattisgarh with regular constraints, due to which number of users have not been able to utilize their approved LTOA, MTOA and STOA quantity.

(h) Learned counsel for the petitioner requested the Commission to admit the petition and issue notice to the respondent.

2. The representative of the respondent submitted that in the 18<sup>th</sup> meeting of WR Constituents regarding connectivity and LTOA applications in ISTS held on 29.8.2013, the reduction of LTOA from 60 MW to 30 MW was not agreed. The representative of the respondent submitted that it would affect other DICs in the region.

3. After hearing the learned senior counsel, the Commission directed to issue notice to the respondent.

4. The Commission directed the petitioner to serve copy of the petition on the respondent by 30.5.2014. The respondent was directed to file its reply by 13.6.2014, with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 27.6.2014.

5. The petition shall be listed for hearing on 10.7.2014 on maintainability.

**By order of the Commission**

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