

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 92/MP/2014  
With I.A.No. 23/2004**

Subject : 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 and 'in the matter of arbitrary denial of Medium Term Open Access' violating the provisions of the regulations.

Date of hearing : 12.6.2014

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

Petitioner : Kerala State Electricity Board Ltd

Respondents : Power Grid Corporation of India Limited and others

Parties present : Shri Suparna Srivastava, Advocate for the petitioner  
Shri D.Dinesh, KSEB  
Shri Anurag Gupta, NVVN  
Ms. Ranjana Gupta, NVVN  
Shri Varun Pathank, Advocate, PTC  
Shri Bharat Sharma, PTC  
Shri Anil Kumar Meena, PGCIL

**Record of Proceedings**

Learned counsel for the petitioner submitted that the present petition has been filed for adjudication of the dispute on the arbitrary denial of Medium Term Open Access (MTOA) by Power Grid from NEW grid to Southern Grid for transmitting the power tied up through the traders. Learned counsel for the petitioner further submitted as under:

(a) The petitioner made several applications for Medium Term Open Access to CTU between April 2013 to February, 2014 which were rejected by CTU *inter-alia* on the ground that the entire ATC for import of power to SR region under MTOA has already been allocated for the period till November, 2015. However, PGCIL granted LTA to other

generator whose application was filed in the month of May, 2013 and PGCIL also is giving priority to LTA applications .

(b) PGCIL rejected the petitioner`s MTOA application made during the month of June, 2013 without proper system studies. There is no information available in public domain that on what basis the application has been processed and rejected.

(c) The system study, which is required to be done at the beginning of every year to determine the Available Transfer Capacity in accordance with Para 16.1 of the Procedure for making application for grant of grant of connectivity, long term and medium term open access in ISTS and related matters, has also not been done and not put in public domain.

(d) When the petitioner's application was being considered in a month along with other application, a long-term application comes for that is given priority. Among medium term, the petitioner's application has longest period. Only in case of curtailment, priority is given in terms of STOA, MTOA and LTOA. There is no *interse* priority in application. There are very fundamental issue of grant of MTOA and LTOA which are clashing now.

(e) If PGCIL had done proper system studies before refusing its application for the period from 1.3.214 to 28.2.2017, PGCIL should have granted MTOA for the entire quantum applied. However, there is no reasonable cause for denying MTOA in toto without considering the enhancement in ATC which is expected on account of the commissioning of the 765 kV Raichur Solapur-transmission line.

(f) Due to denial of MTOA application for the period from 1.3.2014 to 28.2.2017, the State of Kerala is facing severe power shortage which results in additional liability to the extent of ₹ 2240 crore annually on the petitioner.

(g) Learned counsel for the petitioner requested the Commission to direct PGCIL to grant MTOA from 1.8.2014 onwards based on the petitioner's applications dated 27.6.2013.

2. Learned counsel submitted that PGCIL is in the process of finalizing the LTA and requested the Commission to direct PGCIL not to publish the result of granted LTA for the corridor till the present petition is disposed of.

3. The representative of PGCIL submitted that PGCIL is complying with the Commission`s regulations while granting MOTA.

4. Learned counsel for PTC submitted that copy of the petition has not been served on PTC.

5. After hearing the learned counsels for the petitioner, PTC and representative of PGCIL, the Commission directed to admit the petition and issue notice to the respondents.

6. The Commission directed the petitioner to serve copy of the petition on the respondents immediately. The respondents were directed to file their replies by 23.6.2014 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 27.6.2014.

7. The Commission directed that the processing of the application and grant of LTA by PGCIL shall be subject to the outcome of this petition.

8. The petition shall be listed for hearing on 3.7.2014.

**By order of the Commission**

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