

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 69/MP/2014

Subject : Petition for the relinquishment of the long term open access under the Bulk Power Transmission Agreement dated 29.7.2009 under Regulation 18 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 : 8.7.2014

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

Petitioner : Aryan MP Power Generation Pvt. Ltd.

Respondent : Power Grid Corporation of India Ltd, New Delhi
Central Electricity Authority, New Delhi .

Parties present : Shri Sitesh Mukherjee, Advocate for the petitioner
Shri Satish Sharma, AMPPGPL

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed for the relinquishment of the Long Term Open Access (LTOA) and seeking direction to Respondent, PGCIL to return bank guarantee accordingly. Learned counsel for the petitioner further submitted as under:

- (a) The petitioner is setting up of 1200 MW thermal power generating station at Amelia, District Siddhi in the State of Madhya Pradesh.
- (b) On 29.7.2009, PGCIL granted LTOA to the petitioner for evacuation of power from its project and on 24.2.2010 BPTA was signed with PGCIL.
- (c) As per BPTA, the transmission system under scope of PGCIL shall be built, owned and operated by PGCIL and the common transmission system shall be shared by Maruti Clean Coal and Power Limited, Dheeru Powergen, Jaiprakash Power Ventures Ltd., Aryan M.P.Power Generation Pvt. Ltd., Bina

Power, Chhattisgarh State Power Trading Co. Ltd. in proportion to allocation to Western Region.

(d) The generation project has got delayed due to non-availability of coal linkage by Ministry of Coal and deferment in the grant of environmental clearances which are beyond the control of the petitioner and are in the nature of force measure events within the meaning of Clause 9 of BPTA.

(e) The petitioner appraised PGCIL regarding the progress of the project vide its letter dated 27.7.2014 and also in the fourth and fifth Coordination Committee meetings held on 9.7.2012 and 19.2.2013 respectively.

(f) Learned counsel for the petitioner requested the Commission to direct the respondent to clarify whether there is any stranded capacity on account of the relinquishment of LTA by the petitioner.

2. After hearing learned senior counsel for the petitioner, the Commission directed to issue notice to PGCIL.

3. The petitioner was directed to serve copy of the petition on PGCIL immediately. PGCIL was directed to file its response on or before 23.7.2014 with an advance copy to the petitioner who may file its rejoinder, if any, by 8.8.2014.

4. The Commission directed PGCIL to examine whether transmission capacity will be stranded on account of the proposed relinquishment of the LTA by the petitioner and include the same in its reply. The Commission directed that the due dates for filing the reply and rejoinder should be strictly complied with.

5. The petition shall be listed for hearing on 14.8.2014 on the admissibility of the petition.

By order of the Commission

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