

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 106/MP/2015

- Subject : Petition under Section 79 (1) (c) and (f) and other applicable provision of the Electricity Act, 2003 read with Regulation 32 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term Access and Medium Term Open Access in the inter-State transmission and related matters) Regulations, 2009 against the action of the respondent in threatening to cancel the open access and encashment of bank guarantee.
- Date of hearing : 9.4.2015
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
- Petitioner : NSL Nagapatnam Infrastructure Private Limited
- Respondent : Power Grid Corporation of India Limited
- Parties present : Shri Anand K. Ganesan, Advocate for the petitioner

Record of Proceedings

Learned counsel for the petitioner mentioned the matter and submitted as under:

- (a) The petitioner proposed to set-up a 2x660 MW Thermal Power Plant (Project) at village Thalachangadu in the Nagapattinam District of Tamil Nadu.
- (b) The petitioner applied for connectivity and Long Term Access (LTA) to PGCIL on 15.2.2011 in accordance with Central Electricity Regulatory Commission (Grant of Connectivity, Long Term Access and Medium term Open Access) Regulations, 2009 (hereinafter 'Connectivity Regulations'). The application was accompanied ₹1,24,00,000 @ ₹10,000/MW as bank guarantee in accordance with the Procedure issued under the Connectivity Regulations. The said bank guarantee is presently valid till 1.8.2015.
- (c) On 17.8.2011, CTU granted LTA to the petitioner

(d) CTU vide letter dated 5.3.2015 directed the petitioner to sign the LTA Agreement within a period of 15 days failing which the bank guarantee shall be liable to be invoked and the LTA granted shall be liable to be cancelled.

(e) The petitioner could not sign the LTA due to the non-grant of distance exemption wrt to river Cauvery and consequently CRZ and Consent for Establishment (CFE) clearance.

(f) Learned counsel for the petitioner requested the Commission to stay the CTU `s letter dated 5.3.2015 till disposal of the petition.

2. Learned counsel for the petitioner submitted that the present petition may be listed for hearing along with Petition No. 96/MP/2015 having similar issues.

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

4. The Commission directed the petitioner to serve copy of the petition on the respondent immediately. The respondent was directed to file its reply by 24.4.2015 with an advance copy to the petitioner who may file its rejoinder, if any, by 30.4.2015.

5. The petition shall be listed for hearing on 5.5.2015.

By order of the Commission
Sd/-

(T. Rout)
Chief (Law)