

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 311/MP/2014

- Subject : Petition under Section 79 (1) (c) of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and appropriate provisions of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Open Access in inter-State Transmission and related matters) Regulations, 2009; Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and losses) Regulations, 2010; Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014; Central Electricity Regulatory Commission (Grant of Regulatory Approval for execution of Inter-State transmission Scheme to Central Transmission Utility) Regulations, 2010.
- Date of hearing : 2.6.2015
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
- Petitioner : Power Grid Corporation of India Limited
- Respondents : NTPC Limited and others
- Parties present : Ms. Suparna Srivastava, Advocate, PGCIL
Shri A.M. Pavgi, PGCIL
Ms. Jyoti Prasad, PGCIL
Shri Rakesh Prasad, PGCIL
Shri Manju Gupta, PGCIL
Ms. Poorva Saigal, Advocate, NTPC
Ms. Anushree Bardhan, Advocate, NTPC
Shri V.K. Jain, NTPC
Shri Umesh Ambali, NTPC
Shri Nishant, NTPC

Record of Proceedings

Learned counsel for the petitioner submitted as under:

- (a) Bihar State Electricity Board and West Bengal State Electricity Board have signed the LTA agreements for evacuation of power from NTPC Darlipalli TPS.

(b) Jharkhand State Electricity Board and Power Department, Government of Sikkim have not signed LTA agreements.

(c) NTPC who is the applicant for grant of connectivity/LTA should come forward and sign the remaining LTA's since the beneficiaries are reluctant to sign the LTA agreement due to which the petitioner is unable to get investment approval for implementation of the scheme.

(d) The petitioner has no option for cancellation of LTA due to central allocation and also due to it being a facilitator for transmission system.

2. Learned counsel for the NTPC submitted as under:

(a) Sikkim has given in-principle approval during CEA's Standing Committee meeting held on 25.5.2015. Minutes of meeting of the said meeting is expected to be issued shortly. During the said meeting, Sikkim stated that it is in the process of obtaining internal approval for signing the LTA agreement.

(b) Jharkhand is in the process of signing the LTA agreement.

(c) NTPC is merely facilitating the process of timely implementation of the ATS for the Darlipalli project by applying for the grant of the LTA, on behalf of the beneficiaries. NTPC cannot be fastened with any legal obligation to sign the LTA agreement on account of the applications having been made on behalf of the beneficiaries.

3. After hearing the learned counsels for the parties, the Commission directed NTPC to submit a report on affidavit by 19.6.2015 stating that Jharkhand and Sikkim have signed the LTA agreements.

4. The Commission directed that due date of filing a report should be strictly complied with. Report filed after due date shall not be considered.

5. Subject to the above, order in the petition was reserved.

By order of the Commission

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