

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 99/MP/2015**

Subject : Petition for directions in regard to the allocation and operationalisation of long term open access by Power Grid Corporation of India Limited, CTU for applications received in November, 2013.

Date of hearing : 26.3.2015

Coram : Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member

Petitioner : KSK Mahanadi Power Company Limited

Respondent : Power Grid Corporation of India Limited

Parties present : Shri Sanjey Sen, Senior Advocate, KSK  
Shri Anand K.Ganesan, Advocate, KSK

**Record of Proceedings**

Learned senior counsel for the petitioner mentioned the matter and submitted that the present petition has been filled for seeking direction in regard to the allocation and operationalisation of Long Term Open Access by CTU for the applications received in the month of November, 2013. Learned senior counsel for the petitioner further submitted as under:

- (a) The Commission vide order dated 16.2.2015 had held that the ATC becoming available while considering the November 2013 applicants is to be considered for allocation.
- (b) Capacity for consideration from 1.8.2014 was 1250 MW (new capacity) plus about 316 MW (existing capacity getting freed) aggregating to more than 1550 MW. However, CTU has, in its Agenda for processing of Long Term Access and Medium Term Open Access applications received during November, 2013, wrongly proceeded on the basis that the Available Transmission Capacity for consideration of the LTOA allocation for November, 2013 applicants is only 900 MW.
- (c) CTU has informed that the ATC of 900 MW and 1197 MW shall be available from 1.4.2015 and 1.6.2015 respectively for allocation to LTA and

MTOA applications received during the months of November 2013. This decision of CTU is contrary to the Commission's decision dated 16.2.2015 wherein the capacity as communicated on 9.12.2013 for the LTA applicants is to be considered.

2. Learned senior counsel for the petitioner requested the Commission to pass an ad-interim order restraining any allocation/operationalization to be made including any proposed allocation/further extension/operationalization by the Ministry of Power till pending decision in the petition.
3. The Commission observed that CTU has also filed Petition No. 92/MP/2015 seeking clarification on the Commission's order dated 16.2.2015 which is listed for hearing on 9.4.2015. In the said petition, notice has been issued to the respondents and reply is awaited from the respondents. The Commission observed that the present petition should be taken up along with the petition filed by CTU
4. The Commission directed that operationalization of allocation of power by Ministry of Power, if any, shall be subject to the outcome of this petition.
5. The Commission directed to admit the petition and issue notice to the respondent. The Commission directed the petitioner to implead Ministry of Power, CEA and POSOCO as parties to the petition and file revised memo of parties.
6. The Commission directed the petitioner to serve copy of the petition on the respondents immediately who may file their replies by 6.4.2015 and the petitioner to file its rejoinder, if any, by 8.4.2015.
7. The petition shall be listed for hearing on 9.4.2015.

**By order of the Commission**

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