

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 76/MP/2014**

- Subject : Petition for reduction of long term open access from 60 MW to 30 MW (Unit-1, Unit-II 15 MW) and refund of the excess transmission charges paid by the petitioner as per the bulk power transmission agreement dated 30.4.2009 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 : 19.5.2015
- Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member
- Petitioner : Spectrum Coal and Power Limited
- Respondent : Power Grid Corporation of India Limited
- Parties present : Shri Sanjey Sen, Senior Advocate, SCPL  
Shri Matrugupta Mishra, Advocate, SCPL  
Shri Hemant Singh, Advocate, SCPL  
Shri Tavrez Malawat, Advocate, SCPL  
Shri H.M. Jain, SCPL  
Shri Satish Sharma, SCPL  
Shri Bhasker Wagh, PGCIL  
Ms. Jyoti Prasad, PGCIL

**Record of Proceedings**

Learned senior counsel for the petitioner submitted as under:

(a) On 15.2.2008, the petitioner applied to CTU for grant of Long Term Open Access (LTOA) for 60 MW. However, CTU granted LTOA for 100 MW and accordingly determined the transmission charges to be payable by the petitioner corresponding to 100 MW.

(b) On 13.6.2013, the petitioner requested the CTU to reduce LTOA from 60 MW to 30 MW and to refund/adjust in the future bills of amount already paid for 100 MW. However, CTU denied to reduce LTOA from 60 MW to 30 MW.

(c) As per the MoU signed between the petitioner and the Govt. of Chhattisgarh, Govt. of Chhattisgarh had promised to buy 5% power at

variable cost and 30% of the aggregate capacity of the power station. However, later it conveyed its inability to purchase of 30% of power available to it under first right to purchase.

(d) CTU did not create any additional infrastructure for providing LTOA to the petitioner. The transmission systems developed by the CTU beyond pooling point were coming under system strengthening scheme WRSS X and WRSS XI. Since the petitioner's LTA was adjusted in the existing capacity, the reduction of LTOA from 60 MW to 30 MW will not leave any capacity stranded.

2. The representative of the CTU submitted that the petitioner's application for LTOA of 60 MW was discussed in the 10<sup>th</sup> Open Access Meeting of WR constituents held on 6.12.2008 and accordingly, LTOA of 100 MW was granted to the petitioner which was accepted by the petitioner.

3. In response to the Commission's query as to whether CTU can determine stranded capacity in the present case, the representative of CTU submitted that it is not possible to determine stranded capacity in a messed network.

4. After hearing the learned counsel for the petitioner and representative of the CTU, the Commission directed the CTU to submit the following information/clarification on affidavit latest by 5.6.2015.

(a) Under which regulations LTOA of 100 MW was granted instead of 60 MW, as the petitioner had applied for only 60 MW and further revised it to 88 MW and then to 60 MW.

(b) Whether the CTU has considered the stranded capacity while revising the LTOA quantum from 100 MW to 88 MW and then to 60 MW and clarify the issue of stranded capacity in Western Region and also the congestion, if so, at Sipat Pooling Station or in evacuation of power by ACB.

(c) Reasons for not indicating date while granting LTA to the petitioner on 16.3.2009?

5. The Commission directed the petitioner to clarify on affidavit by 5.6.2015 whether necessary notification under Force Majeure clause was issued by it to CTU within stipulated time of 30 days.

6. Subject to above, the Commission reserved the order in the petition.

By order of the Commission

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