

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**I.A. No. 11/2015 in
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 : 31.3.2015

Coram : Shri Gireesh B. Pradhan, Chairperson
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 Ganesan, Advocate, KSK

Record of Proceedings

Learned senior counsel mentioned the matter and submitted as under:

(a) The Commission vide order dated 16.2.2015 had directed CTU to decide the issue of allocation of capacity for Long Term Open Access by 15.3.2015. The Commission also held that capacity already decided to be allocated to long term applicants cannot be used for Government of India allocations.

(b) On 18.3.2015, CTU convened a meeting for deciding on the allocation of LTOA. During the said meeting, CTU informed that a communication has been received from Ministry of Power to the effect that the MoP allocation of 693 MW from ISSTPS, Jhajjar to Southern States is being extended for further period.

(c) Ministry of Power vide its letter dated 19.3.2015 addressed to CEA has allocated the surrendered share by Government of NCT of Delhi from IGSTPS, Jhajjar (693MW) of Aravali Power Company Private Limited to the States of Andhra Pradesh, Telangana and Kerala up to 31.3.2016.

(d) The Commission had already decided that no such allocation can be made unilaterally and operationalized. The Commission has already held that

unless CTU allocates the capacity, open access cannot be granted or operationalised. When the capacity is already earmarked for the month of November, 2013 LTA applicants, it cannot be used for other purposes including MoP allocation. The entire process, apart from being contrary to the specific findings, decisions and directions of this Commission, is being made to the severe prejudice of the other stakeholders who have been waiting for the allotment of corridor for transfer of power.

(e) Learned senior counsel requested the Commission to direct CTU to maintain status quo with regard to transmission capacity allocation/operationalisation/scheduling particularly the allocation sought to be made by the Ministry of Power from 1.4.2015 pending the decision on the allocation to November, 2013 applicants.

2. The Commission reiterated its direction made in the ROP dated 26.3.2015 in Petition No.99/MP/2015 that operationalization of allocation of power by Ministry of Power shall be subject to the outcome of the petition. The Commission further directed that since the Petition Nos. 92/MP/2015 and 99/MP/2015 are listed for hearing on 9.4.2015, no final decision shall be taken by CTU for grant of long term open access till that date.

3. The Commission directed to list the IA on 9.4.2015.

By order of the Commission

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