

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 167/MP/2016
alongwith I.A. 42/2016**

Subject : Petition for the relinquishment of Long Term Open Access under the Bulk Power Transmission Agreement dated 24.2.2010 under Regulation 18 read with Regulation 32 of the CERC (Grant of Connectivity, Long Term Access and Medium Term Open Access in inter-state Transmission and related matters) Regulations, 2009.

Date of hearing : 3.11.2016

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : Adhunik Power and Natural Resources Limited (APNRL)

Respondents : Power Grid Corporation of India Ltd. and others.

Parties present : Shri Sanjay Sen, Senior Advocate, APNRL
Shri Parinaydeep Shah, Advocate, APNRL
Shri Saransh Shaw, Advocate, APNRL
Shri Vineet Sarawagi, APNRL
Shri Sitiesh Mukherjee, Advocate, PGCIL
Ms. Akanksha Tyagi, Advocate, PGCIL
Shri Gautam Chawla, Advocate, PGCIL
Ms. Jyoti Prasad, PGCIL

Record of Proceedings

Learned counsel of PGCIL requested for two weeks time to file reply. Request was allowed by the Commission.

2. Learned counsel for the petitioner submitted that due to force majeure event, the petitioner has relinquished 250 MW LTA out of 450 MW LTA granted to the petitioner. Learned counsel for the petitioner submitted that PGCIL has no right to claim charges for the stranded capacity as there is no stranded capacity in the transmission system in terms of the load flow data which can be attributed to the relinquishment of LTA by the petitioner.

3. Learned counsel for PGCIL submitted that the petitioner has no right to relinquish the LTA if the planning and implementation of a transmission line requires a longer period of time as the execution date can be extended/ postponed as per the agreement between the parties. Learned counsel for PGCIL further submitted that the petitioner

cannot be allowed to absolve itself from the charges on account of non-commissioning of the transmission system by PGCIL though the Commission can permit the petitioner to relinquish the remaining 250 MW of LTA subject to payment of relinquishment charges.

4. The Commission directed PGCIL to file on affidavit, by 18.11.2016, the status of LTA as well as the status of transmission scheme.

5. The Commission directed PGCIL to file its reply, on affidavit, by 16.11.2016 with an advance copy to the petitioner, who may file its rejoinder on or before 21.11.2016. The Commission directed that due date of filing the information and reply should be strictly complied with. No extension shall be granted on that account.

6. The Commission directed to list the petition for hearing on 24.11.2016.

By order of the Commission

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