

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.190/MP/2016**

Subject : Petition for seeking directions in respect of LTA granted for Budhil Hydro Electric Project in terms thereof.

Petitioner : Greenko Budhil Hydro Power Pvt. Ltd.

Respondents :Power Grid Corporation of IndiaLtd. & Others

Date of hearing : 27.10.2016

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

Parties present : Shri Sanjay Sen, Senior Advocate, GBHPPL  
Shri Prashanto Chandra Sen, Advocate, GBHPPL  
Shri Shivanshu Singh, Advocate, GBHPPL  
Shri Akshaya Babu. V, GBHPPL

**Record of Proceedings**

Learned senior counsel for the petitioner submitted that the present petition has been filed inter-alia seeking declaration that the petitioner is not liable to pay the transmission charges from May, 2012 onwards. Learned senior counsel for the petitioner further submitted as under:

- (a) The petitioner has set up a 70 MW Hydro Power Plant at Village Budhil, Chamba district in the State of Himachal Pradesh.
- (b) On 30.3.2005, the petitioner entered into a Long term PPA with PTC India Ltd. and on 21.9.2006, PTC entered into a back to back PSA with Haryana Power Generation Corporation Ltd. (HPGCL).
- (c) On 18.10.2007 a Bulk Power Transmission Agreement was entered into between PTC India Limited, Lanco Green Power Private Limited (subsequently renamed as Greenko Budhil Power Private Limited) and PGCIL. As per the provision of BPTA, the transmission system for the pooling stations along with its connectivity with Chemera-II shall be built by PGCIL and transmission charges therefore shall be paid by PTC/Lanco till the line becomes the part of regional system.
- (d) The petitioner`s generating station was commissioned on 30.5.2012 and the petitioner has paid the transmission charges for LTA in terms of the BPTA from April 2014 to February, 2017.

- (e) The petitioner made an application on 15.3.2016 to PGCIL to change the Drawee Utility from HPGCL to UPCL. PGCIL vide its letter dated 11.4.2016 sought comments from PTC on the request of the petitioner to which PTC vide its letter dated 18.4.2016 replied that since the PPA between PTC and Lanco Budhil has been terminated which is presently under the Hon`ble Supreme Court, the subject LTA granted to PTC for Budhil Hydro Electric Project may be changed in favour of Lanco without any liability on PTC. PGCIL vide its letter dated 14.6.2016 did not agree to change the name of drawee utility.
- (f) PGCIL vide its demand letter dated 20.9.2016 raised POC bills for the months of March, 2016 to August, 2016. Subsequently, PGCIL vide its email dated 28.9.2016 threatened the petitioner for encashment of Letter of Credit (LC) in case of non-payment of POC bills.

2. Learned senior counsel for the petitioner requested the Commission to restrain PGCIL from taking any coercive steps for recovery of LTA charges from the petitioner in terms of demand letter dated 20.9.2016. The Commission declined to issue any direction in this regard without hearing the parties.

3. After hearing the learned senior counsel for the petitioner, the Commission admitted the petition and directed to issue notices to the respondents.

4. The Commission directed the petitioner to serve copy of the petition on the respondents immediately. The respondents were directed to file their replies, on affidavit, by 10.11.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 17.11.2016.

5. The Commission directed the petitioner to place on record the copy of the Civil Appeals filed by PTC and HPGCL before the Supreme Court on jurisdiction. The Commission directed the petitioner and the respondents that due date of filing the information, replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

6. The petition shall be listed for hearing on 24.11.2016.

**By order of the Commission**

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