

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 35/MP/2016

- Subject : Petition under Section 38(2) of the Electricity Act, 2003 read with Section 79 (1) (c) and Section 79 (1) (k) of the Electricity Act, 2003 along with (i) Central Electricity Regulatory Commission (Grant of Connectivity, Long Term and Medium Term Open Access to the Inter-State Transmission and Related Matters) Regulations, 2009; (ii) Central Electricity Regulatory Commission (Grant of Regulatory Approval for execution of Inter-State Transmission Scheme to Central Transmission Utility) Regulations, 2010 ; (iii) Regulations 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and (iv) Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 for signing of Long Term Access Agreement and grant of regulatory approval for execution of the Transmission System associated with Nabinagar-II STPP.
- Date of hearing : 29.3.2016
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Petitioner : Power Grid Corporation of India Limited
- Respondents : Nabinagar Power Generating Company Private Limited and others
- Parties present : Shri Amit Bhargava, PGCIL
Shri A.M. Pavgi, PGCIL
Shri Manoj Gupta, PGCIL
Ms. Poorva Saigal, Advocate, NPGCL
Shri Nishant Gupta, NPGCL
Shri Manoj Sharma, NPGCL
Shri S.K. Sinha, NPGCL
Shri V.K. Jain, NPGCL

Record of Proceedings

The representative of the petitioner submitted that the present petition has been filed seeking direction to the beneficiaries of Nabinagar-II STPP to sign the LTA Agreement. The representative of the petitioner further submitted as under:

(a) Nabinagar Power Generating Co. Pvt. Ltd. (NPGCPL), a Joint Venture company of NTPC and Bihar State Power Generation Co. Ltd. has planned to set up 1980 MW (3x660MW) generation project at Aurangabad district in the State of Bihar. PGCIL has been entrusted to undertake necessary action for development of associated transmission system matching with commissioning of generating unit at Nabinagar-II STPP for evacuation of power from this project.

(b) The major share (1294.52 MW) of the generation project has been allocated to the State of Bihar and remaining power has been allocated to other constituents of Eastern Region. However, despite all the requisite approvals, the transmission system could not be taken up for implementation due to delay in the generation project.

(c) The first unit of Nabinagar-II generation project is scheduled to be commissioned in August 2017.

(d) On 28.5.2015, CTU granted Connectivity and LTA to NPGCPL.

(e) Bihar, Jharkhand and Sikkim have signed LTA Agreement (approx. 73% of allocated power). However, DVC, Odisha and West Bengal proposed to surrender their shares from the generation project. Subsequently, Ministry of Power vide its letter dated 7.1.2016 allocated the shares of DVC and Odisha to Uttar Pradesh and directed Uttar Pradesh to sign the PPA with NPGCPL.

(f) In absence of signing the LTA agreement by all the beneficiaries, the petitioner is not in position to implement the project.

2. Learned counsel for the Nabinagar Power Generating Company Private Limited submitted that as per the provisions of Regulation 15 of the Connectivity Regulations and Clause 27.3 of the Detailed Procedure approved there under, the beneficiaries of the generating station should be directed to sign the LTA Agreement with CTU. Learned counsel requested for time to file reply to the petition.

3. After hearing the parties, the Commission directed to admit the petition and issue notice to the respondents.

4. The Commission directed NPGCPL to explain who will sign the PPA for unallocated power.

5. The Commission directed the petitioner to serve copy of the respondents immediately. The respondents were directed to file their replies by 8.4.2016 with an advance copy to the petitioner who may file its rejoinder, if any, by 19.4.2016.

6. The Commission directed the petitioner to facilitate signing of the LTA Agreement by States of UP and Bihar within a period of two weeks.

7. The Commission directed NPGCPL to submit the following information on affidavit by 8.4.2016:

- (a) List of beneficiaries with whom PPA has been signed and copy of the PPA;
and
- (b) Status of the project.

8. The petition shall be listed for hearing on 28.4.2016.

By order of the Commission

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