

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 11/MP/2016**

- Subject : Petition under Section 79(1) (c) and (f) of the Electricity Act, 2003 read with Regulations 10, 19, and 23 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 read with Regulations 110, 111,112 and 115 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999.
- Date of hearing : 8.3.2016
- Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member  
Dr. M.K. Iyer, Member
- Petitioners : National Energy Trading & Services Limited  
Lanco Anpara Power Ltd.
- Respondents : Power Grid Corporation of India Limited and others
- Parties present : Shri Sanjay Sen, Senior Advocate  
Shri Avijeet Lala, LANCO

**Record of Proceedings**

Learned senior counsel for the petitioner submitted that the present petition has been filed seeking direction to the respondent to grant MTOA on priority to the Petitioner No. 1 for supply of 100 MW power to TANGEDCO for the balance period of the PPA i.e. for the period from 1.6.2016 to 31.1.2017, either as a fresh MTOA or in continuation of the MTOA originally granted with effect from 1.6.2015 to 31.1.2017 and execute the Transmission Service Agreement. Learned senior counsel for the petitioner further submitted as under:

- (a) On 10.6.2011, TANGEDCO initiated competitive bidding process for purchase of power on medium term basis as per the competitive bidding guidelines.
- (b) Pursuant to competitive bidding process, the petitioner entered into the PPA with TANGEDCO for supply of 100 MW from Lanco Anpara thermal power

plant for the period of 5 years from 1.2.2012 to 31.1.2017. As per the PPA, the Petitioner No. 1 was responsible for obtaining open access for transmission of the 100 MW power from the injection point to the delivery point.

(c) On 27.6.2012, Petitioner No. 1 made an application to CTU for grant of MTOA. On 6.8.2012, CTU granted MTOA to the Petitioner No. 1 for 100 MW for the period from 16.6.2013 to 31.5.2016 i.e for about three years (being the maximum period of MTOA which can be sought at a time by the application under Connectivity Regulations).

(d) Petitioner No. 1 had committed to the supply of 100 MW power to TANGEDCO for the period of five years (1.2.2012 to 31.1.2017) but it was granted MTOA for the period of about three years. Accordingly, on 18.12.2015, Petitioner No. 1 made fresh application to CTU for grant of MTOA for the period from 1.6.2016 to 31.1.2017. However, no response was received from CTU.

(e) Petitioner No. 1 vide its letter dated 28.12.2015 requested CTU to grant MTOA for the remaining period. In response, PGCIL vide its letter dated 5.1.2016 informed the Petitioner No.1 that as per Regulation 23 of the Connectivity Regulations, no preference can be extended during processing its application for grant of MTOA on the basis of earlier MTOA or duration of the PPA.

(f) Since there is no preference to the medium term customer for renewal after expiry of the period of MTOA, the petitioner has been put into disadvantage.

(f) The petitioner requires MTOA for additional eight months. Even if the petitioner had applied for MTOA in June, 2015, there was least possibility of the petitioner to get MTOA for 8 months as per second proviso to Regulation 10 (1) of the Connectivity Regulations, the applicant seeking access for a longer period would have higher priority.

(g) Learned senior counsel requested the Commission to relax the provision of the Connectivity Regulations to the extent it prevents the Petitioner No. 1 for continuing MTOA for the remaining period of PPA i.e eight months from 1.6.2016 to 31.1.2017.

2. After hearing the learned senior counsel for the petitioner, the Commission directed to admit the petition and issue notice to the respondent.

3. The Commission directed the petitioner to serve copy of the petition on the respondents immediately. The respondent was directed to file its reply by 15.3.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 20.3.2016. The Commission directed that due date of filing the reply and rejoinder should be strictly complied with.

4. The petition shall be listed for hearing on 31.3.2016.

**By order of the Commission**

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