

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 127/MP/2016

Subject : Petition under Section 79 of the Electricity Act, 2003 for adjudication of the matter between the parties in relation to non-release of Bank Guarantee furnished with respect to Long Term Open Access granted to the petitioner.

Date of hearing : 15.9.2016

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

Petitioner : Ind Barath Energy (Utkal) Limited

Respondents : Power Grid Corporation of India Limited.

Parties present : Shri J. Mohapatra, Advocate, IBEL
Shri Swapnil Verma, PGCIL

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed seeking direction to PGCIL to refund the Bank Guarantee (BG) with respect to 616 MW LTA granted to the petitioner.

2. Learned counsel for the petitioner further submitted that LTA for 500 MW has been operationalized and in this regard, the petitioner has opened the LC.

3. Learned counsel for the petitioner submitted that since the petitioner has opened the LC for transmission charges, PGCIL should discharge the construction BG. The petitioner is facing hardship due to the non-release of BG. Learned counsel for the petitioner further submitted that the petitioner would complete its transmission line very shortly.

4. The representative of PGCIL submitted that petitioner was granted LTA for 616 MW. However, it opened the LC only for 500 MW. The representative of PGCIL

further submitted that no payment of transmission charges has been made by the petitioner till date.

5. After hearing the learned counsel for the petitioner and the representative of PGCIL, the Commission admitted the petition and directed to issue notice to the respondent.

6. The Commission directed the petitioner to serve copy of the petition on the respondent immediately. The respondent was directed to file its reply by 23.9.2016 with an advance copy to the petitioner who may file its rejoinder, if any by 26.9.2016.

7. The Commission directed the petitioner to keep the LC alive till the next date of hearing.

8. The petition shall be listed for hearing on 27.9.2016.

By order of the Commission

Sd/-

**(T. Rout)
Chief (Legal)**