

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 226/MP/2015

Subject : Petition under section 79 (1) (c) and 79 (1) (k) of the Electricity Act, 2003 seeking appropriate directions for operationalisation of the LTA dated 14.9.2010 read with letter dated 27.12.2013.

Date of hearing : 4.2.2016

Coram : Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : TRN Energy Private Limited

Respondent : Power Grid Corporation of India Limited

Parties present : Shri Sanjay Sen, Senior Advocate, TRN Energy Pvt. Ltd
Shri Matrugupta Mishra, Advocate, TRN Energy Pvt. Ltd.
Shri Tabre zMalawat, Advocate, TRNEPL
Shri Satish Sharma, TRN Energy Pvt. Ltd.
Shri Atul Jain, TRN Energy Pvt. Ltd.
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Jyoti Prasad, PGCIL
Shri H.M. Jain, PGCIL

Record of Proceedings

The Commission observed that since the petitioner has entered into the PPA with UPPCL for supply of 390 MW power, it should be impleaded as party the petition.

2. Learned senior counsel for the petitioner opposed the same and submitted as under:

(a) Obtaining LTA is a condition subsequent under the PPA, which needs to be complied with by the Seller (the petitioner herein) within a period of one year from the date of execution of the PPA.

(b) As per the PPA, the same has already been complied with by the petitioner. UPPCL is ready and willing to even pre-pone the date of commencement of supply of power.

(c) No purpose will be served in the process of adjudication with the presence of UPPCL. Rather the same will delay the final adjudication of the matter, which would expose the petitioner to a liability of Rs. 56 crore in the form of Bank Guarantee.

3. Learned counsel for the petitioner submitted that she will file reply to the petition during the course of the day.

4. After hearing the learned senior counsel for the petitioner and learned counsel for the respondent, the Commission observed that since UPPTCL would be involved in facilitating MTOA/LTA as its transmission lines through which the UPPCL is connected to the CTU transmission system, it is necessary to hear the views of UPPTCL. Accordingly, the Commission directed the petitioner to implead UPPTCL as party to the petition and serve copy of the petition on it immediately. The Commission directed the petitioner to file revised memo of parties by 19.2.2016.

5. The Commission directed UPPCL to file its reply by 24.2.2016 with an advance copy to the petitioner who may file its rejoinder, if any, by 11.3.2016. The Commission directed that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account

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

By order of the Commission
Sd/-

(T. Rout)
Chief (Law)