

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 293/MP/2015

Subject : Petition under Section 79 (1) (c) of the Electricity Act, 2003 read with Regulations 18 and 32 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 for keeping in abeyance the long term open access of 775.5 MW granted to Jaypee Nigrie Super Thermal Power Plant.

Petition No. 98/MP/2015

Subject : Petition under Section 79 (1) (c) of the Electricity Act, 2003 read with Regulations 18 and 32 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 for relinquishment of long term open access from 265.35 MW to 0 MW.

Date of Hearing : 28.1.2016

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

Petitioner : Jaiprakash Power Ventures Limited (JPVL)

Respondents : Power Grid Corporation of India Limited (PGCIL)

Parties present : Shri Vishal Gupta, Advocate, JPVL
Shri Sanon K. Goel, JPVL
Shri Ashok Shukla, JPVL
Shri Sitesh Mukherjee, Advocate, PGCIL
Ms. Akanksha Tyagi, Advocate, PGCIL
Shri Rakesh Prasad, PGCIL

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed seeking direction to PGCIL to keep in abeyance the long term open access of 775.5 MW granted to Jaypee Nigrie Super Thermal Power Plant till the time the petitioner`s inability to enter into long term PPA persists or till PGCIL grants

open access of the said capacity to some other long term transmission customer, whichever is earlier. Learned counsel for the petitioner further submitted as under:

(a) The petitioner has set up a 1320 MW (2 X 660 MW) super thermal power plant (generating station) at district Nigrie, Madhya Pradesh. The generating station was set up by the petitioner on the basis of it being selected as the successful bidder for developing Amelia (North) Coal block allotted to MP State Mining Corporation Limited. The said mine was capable of catering to approximately 50% of coal requirement of the plant, the balance was linked to Dongri Taal -II.

(b) Government of Madhya Pradesh and MP State Mining Corporation Ltd also selected the petitioner to develop Dongri Taal-II coal mine from which coal was to cater the balance approximately 50% of the plant capacity.

(c) The Hon'ble Supreme Court vide its judgment dated 24.9.2014 quashed all the coal allocations made since 1993 which included the Amelia (North) and Dongri Taal Coal Blocks. Thereafter, the Government classified and marked Amelia (North) Coal Block for power sector and the Dongri Taal-II coal block marked for non-power sector.

(d) The petitioner participated in the bid for auction of Amelia (North) coal block and was declared as the successful bidder at an additional premium of 612 per MT which was in addition to Rs. 100/- per MT stipulated by Government of India.

(e) On 24.2.2010, the petitioner entered into the BPTA with PGCIL and petitioner was granted LTA for 1240 MW. The LTA to the extent of 37.5% was later transferred to Madhya Pradesh Power Management Company Limited (MPPMCL) as 37.5% of the power from the generating station was to be supplied to MPPMCL.

(f) The petitioner was left with LTOA of 775.5MW. On 1.9.2014 the petitioner entered into a Transmission Service Agreement with PGCIL.

(g) Since the coal availability due to cancellation of Dongri Taal-II coal mines got reduced to 50%, the petitioner found it impossible to generate more power than 50% of the plant capacity.

(h) The petitioner vide letter dated 17.8.2015 requested PGCIL to keep LTA of 775.5 MW in abeyance till the time the petitioner is in a position to tie up long term power. However, PGCIL did not consider the said request of the petitioner. PGCIL vide its legal notice dated 9.10.2015 directed the petitioner to open the Letter of Credit.

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

3. The Commission directed the petitioner to serve copy of the petition on the respondent immediately. The respondent was directed to file its reply by 12.2.2016

with an advance copy to the petitioner who may file its rejoinder, if any, by 18.2.2016. The Commission directed that due date of filing the reply and rejoinder should be strictly complied with.

Petition No. 98/MP/2015

4. Learned counsel for the petitioner submitted that the matter related to Nigrie power Plant of the petitioner in Petition No. 293/MP/2015 is similar on legal principles with the present petition. He further submitted that it would be proper that both the matters are heard together to avoid repetition of arguments which will save the precious time of the Commission. Learned counsel for the respondent submitted that he has no objection in this regard.

5. The Commission directed to list the both petitions on 23.2.2016 at 2.30 P.M

By order of the Commission

Sd/-

**(T. Rout)
Chief (Law)**