

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 303/MP/2015

Subject : Petition for relinquishment of the Long Term Open Access under the Bulk Power Transmission Agreement dated 5.1.2011 under Regulation 18 read with Regulation 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.

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

Petitioner : M/s Vedanta Limited

Respondents : Power Grid Corporation of India Limited and another

Parties present : Shri Matrugupta Mishra, Advocate for petitioner
Shri Sitesh Mukherjee, Advocate, PGCIL
Ms. Jyoti Prasad, PGCIL
Shri Swapnil Verma, PGCIL
Shri Gautam Chawala, PGCIL

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed for relinquishment of the Long Term Open Access under Bulk Power Transmission Agreement dated 5.1.2011 under Regulation 18 read with Regulation 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 (Connectivity Regulations). Learned counsel for the petitioner further submitted the petitioner is ready to relinquish entire capacity under LTA subject to outcome of the recommendation of the Committee constituted in Petition No. 92/MP/2015 for assessment/determination of stranded transmission capacity with regard to relinquishment of LTA right by a long term customers.

2. Learned counsel for CTU requested for time to file reply to the petition. Learned counsel for CTU further submitted that the present petition is based on two limbs of

arguments. The first one is the right of the petitioner to seek relinquishment of the LTA as per the provisions of the Connectivity Regulations and second limb of argument squarely rests on the fact that in case of force majeure events, within meaning of clause 9 of the BPTA, there shall not be any liability whatsoever qua the petitioner and the petitioner shall be discharged from all its obligations under the BPTA without any liability.

3. The Commission observed that in the present case, since the petitioner is ready to relinquish entire capacity under LTA, the capacity should be utilized for granting the LTA to the pending applications so that capacity does not remain unutilized. The liability for relinquishment charges of the petitioner will be decided in terms of the order in the petition, and if the petitioner is held liable to pay the relinquishment charges, the quantum of relinquishment charges will be decided in the light of the decision taken on the basis of the recommendations of the Committee constituted in Petition No. 92/MP/2015 for assessment/determination of stranded transmission capacity with regard to relinquishment of LTA right by a long term customer and relinquishment charges in terms of the provisions of the Connectivity Regulations. The petitioner agreed for the above. The Commission directed CTU to initiate action to allot relinquished LTA to other parties in accordance with prevailing Regulations. The Commission directed the petitioner to keep the Bank Guarantee alive till the issue of relinquishment charges is decided in the light of the recommendations of the Committee.

4. The Commission directed CTU to file its reply by 31.3.2016 with an advance copy to the petitioner who may file its rejoinder, if any, by 11.4.2016. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

5. The petition shall be listed for hearing on 21.4.2016.

By order of the Commission

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