

**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 : 4.5.2016
- 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 for petitioner
Ms. Puja Priyadarshini, Advocate, LAPL
Ms. Shreya Mukerjee, Advocate, LAPL
Shri Avijeet Lala, Advocate, LAPL
Shri Arun Tholia, LAPL
Shri Ruth Elwin, LAPL
Ms. Jyoti Prasad, PGCIL
Shri Swapnil Verma, PGCIL

Record of Proceedings

At the outset, learned senior counsel for the petitioner 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.

(g) 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.

(h) 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. The representative of PGCIL submitted as under:

(a) The System Strengthening Scheme is being implemented by PGCIL and certain capacity enhancement is likely to be expected by September, 2016.

(b) As per the provisions of Connectivity Regulations, there is no solution for overriding preference.

(c) The petitioner has made an application on 10.5.2016 for grant of MTOA which would be considered as per the provisions of the Connectivity Regulations

(d) CTU is in the process of granting MTOA w.e.f 1.9.2016 till 31.1.2017.

3. In response to the Commission's query as to grant of STOA to the petitioner for the months of June, July and August, 2016, the representative of PGCIL submitted that if STOA is granted to the petitioner, there can be possibility of similar demand from the anticipated customers, who may feel aggravated. He further submitted that STOA is granted by RLDC and PGCIL can provide the status in this regard. The representative of PGCIL submitted that the petitioner may seek clarification from RLDC for grant of STOA.

4. After hearing the parties, the Commission directed to POSOCO to be present in the next date of hearing with regard to grant of STOA to the petitioner.

5. The petition shall be listed for hearing on 12.5.2016.

By order of the Commission

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