

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 41/MP/2016

- Subject : Petition seeking modification in the quantum of Long Term Access granted under the Bulk Power Transmission Agreement dated 24.2.2010 from 800 MW to 647 MW in the light of the discussions recorded in the Minutes of the meeting held with Eastern Region constituents on 5.1.2013 and 27.8.2013 read with Section 38 and 79(1) (c) of the Electricity Act, 2003.
- Date of hearing : 26.5.2016
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Petitioner : M/s GMR Kamalanga Energy Limited
- Respondents : Power Grid Corporation of India Limited
Central Electricity Authority
- Parties present : Shri Matru Gupta Mishra, Advocate, GMR Ltd.
Shri Hemant Singh, Advocate, GMR Ltd.
Ms. Suparna Srivastava, Advocate, PGCIL
Shri Swapnil Verma, PGCIL
Ms. Jyoti Prasad, PGCIL

Record of Proceedings

Learned counsel for the petitioner submitted as under:

(a) Pursuant to the Commission's direction dated 12.4.2016 opening the Letter of Credit for 647 MW, the petitioner has relinquished 413 MW out of the total LTA quantum of 800 MW. Accordingly, the petitioner has opened the Letter of Credit for 387 MW.

(b) The said relinquishment was communicated to PGCIL vide letters dated 22.4.2016 and 12.5.2016 in terms of Regulation 18 of the Central Electricity Regulatory Commission (Grant of Connectivity, long term access and medium term open access in inter-State Transmission related matters) Regulations, 2009.

2. Learned counsel for PGCIL submitted as under:
 - (a) The petitioner's LTA quantum is 800 MW. However, a direction had been issued to the petitioner for opening an LC only for 647 MW, which has not been complied with.
 - (b) As per the prayers in the petition, the petitioner has sought to have the LTA quantum revised from 800 MW to 647 MW.
 - (c) CTU has not acceded to the petitioner's alleged relinquishment of 413 MW vide letter's dated 22.4.2016 and 11.5.2016.
 - (d) The petitioner has been repeatedly switching its stance with respect to its LTA quantum and it is only subsequent to the directions for opening of LC that the petitioner has chosen to relinquish 413 MW, which are not in consonance with the prayers in the petition.
 - (e) The prayers in the petition need to be amended, as the petitioner is seeking to alter its position and the petitioner should be directed to comply with the directions for opening of LC for 647 MW.
3. Learned counsel for the petitioner sought permission to file amended petition which was allowed by the Commission.
4. The Commission observed that despite specific directions to the petitioner to open LC for 647 MW, the same has not been complied with. The Commission directed the petitioner to open an LC for 647 MW as per earlier direction dated 12.4.2016.
5. The Commission directed the petitioner to file amended petition on or before 10.6.2016 with an advance copy to the respondents. The Commission directed the respondents to file their replies by 17.6.2016 with an advance copy to the petitioner who may file its rejoinder, if any, by 30.6.2016.
6. The petition shall be listed for hearing on 7.7.2016.

By order of the Commission
SD/-

(T. Rout)
Chief (Law)