

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 129/MP/2017
Along with IA. No. 37/2017**

Subject : Petition seeking surrender of 146 MW (135 MW in WR and 11 MW in SR) out of the total LTA quantum of 546 MW granted under the Bulk Power Transmission Agreements dated 24.2.2010 read with Annexure-I as modified vide amendments dated 2.1.2012 and 17.10.2012.

Date of hearing : 20.6.2017

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

Petitioner : Simhapuri Energy Limited.

Respondent : Power Grid Corporation of India Limited.

Parties present : Shri Ramjee Srinivasan, Senior Advocate, SEL
Shri Matrugupta Mishra, Advocate, SEL
Shri Nishant Kumar, Advocate, SEL
Shri Hemant Singh, Advocate, SEL

Record of Proceedings

Learned senior counsel for the Petitioner mentioned the matter and submitted that the present petition has been filed for seeking declaration that the LTA of 146 MW granted under BPTA dated 24.2.2010 stands surrendered with effect from 28.4.2017 without any liability upon the Petitioner and for directions to the Respondent not to raise any demand upon the Petitioner for opening of Letter of Credit (LC). Learned senior counsel for the Petitioner further submitted as under:

(a) The Petitioner has set up a 600 MW (4X150 MW) power plant at villages Tamminapatnam and Mommidi, district Chillakur Mandal, SPSR Nellore in the State of Andhra Pradesh. The Petitioner entered into a BPTA on 24.2.2010 for the purpose of evacuation of 491 MW power which was amended on 2.1.2012 and 17.10.2012. After such amendments, 546 MW LTA (411 MW for SR and 135 MW for WR) was allocated to the Petitioner.

(b) Since, the Petitioner could not sign the long term PPAs in WR and SR, the Petitioner vide its letter dated 28.4.2017 surrendered the 146 MW LTA. Subsequently, PGCIL vide its letter dated 22.5.2017 requested the Petitioner to renew/open a new LC towards payment security mechanism for PoC charges raised upon the Petitioner.

(c) No PoC or transmission charges can be imposed upon the Petitioner after it surrendered 146 MW of LTA vide its letter dated 28.4.2017 and also there is no requirement for furnishing the LC over and above the amount for the LTA quantum of 400 MW which comes to around Rs. 13.96 crore which has already been furnished by the petitioner vide its LC dated 1.2.2017 for an amount of Rs. 14.91 crore and the same is valid till 29.1.2018.

(d) At present, there is no liability on the Petitioner to make payment of any transmission charges since the same are subject to the adjudication of the Petition No. 103/MP/2017, filed by the petitioner.

2. Learned senior counsel submitted that the Petitioner has also filed an IA for restraining the Respondent from taking any coercive actions against the Petitioner till decision is taken in Petition No. 103/MP/2017 on the issue of payment of PoC charges. The Commission declined to issue any direction in this regard without hearing the respondent.

3. After hearing the learned senior counsel for the Petitioner, the Commission directed to issue notice to the Respondent.

4. The Commission directed the Petitioner to serve copy of the petition on the Respondent immediately, if not served already. The Respondent was directed to file its reply, on affidavit, by 5.7.2017 with an advance copy to the petitioner who may file its rejoinder by 17.7.2017. The Commission directed that due date of filing reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The Petition along with IA shall be listed for hearing on 20.7.2017.

By order of the Commission

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

