

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 153/MP/2016

Subject : Petition for seeking declaration that no relinquishment charges are payable for surrendering the MTOA dated 22.7.2015 granted to the petitioner by PGCIL.

Petitioner : GMR Warora Energy Limited

Respondents : Power Grid Corporation of India Ltd. and Others

Date of hearing : 2.5.2017

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

Parties present : Shri Ramji Srinivasan, Senior Advocate, GMRWEL
Shri Matrugupta Mishra, Advocate, GMRWEL
Shri Hemant Singh, Advocate, GMRWEL
Ms. Shikha Ohri, Advocate, GMRWEL
Shri Piyush Singh, Advocate, GMRWEL
Shri Ajaya Kumar Nathani, GMRWEL
Ms. Suparna Srivastava, Advocate, PGCIL
Shri Swapnil Verma, PGCIL

Record of Proceedings

Learned senior counsel for the petitioner submitted that the present petition has been filed seeking declaration that no relinquishment charges are payable for surrendering the MTOA granted to the petitioner by CTU. Learned senior counsel for the petitioner further submitted that the petitioner applied to CTU for grant of MTOA for 150 MW on 27.11.2013. On 22.7.2015, CTU granted MTOA to the petitioner. Learned senior counsel for the petitioner submitted that the petitioner vide letter dated 22.7.2015 applied for grant of LTA in order to secure the corridor. In response, CTU directed the petitioner to surrender the already granted MTOA. Accordingly, the petitioner vide its letter dated 30.10.2015 surrendered MTOA, granted to it. Based on the said surrendered MTOA, CTU granted LTA of 150 MW to the petitioner for supply of power to TANGEDCO.

2. Learned senior counsel for the petitioner placed its reliance on Commission's order dated 16.2.2015 in Petition No. 92/MP/2014 and Hon'ble Appellate Tribunal for Electricity order in Appeal Nos. 81 and 94 of 2015 and submitted that there has been only a promotion in terms of the period for which the petitioner has a vested right to source power to TANGEDCO. Learned senior counsel for the petitioner further submitted that even if the said increase in the period of access from Medium term to Long term grants a

higher priority of access to the petitioner, the same does not result in vacation/ abandonment of the said access rights accrued to the petitioner in favour of any other entity or the said rights revert back to the CTU. Therefore, the transfer of access rights to a 3rd party or entity or the reversion of the said rights to the nodal agency is the fundamental test whether relinquishment of MTOA has happened or not and the switching from MTOA to LTA cannot be termed as relinquishment.

3. Learned counsel for CTU submitted that the present petition and Petition No. 240/MP/2016 are related to MTOA and should be listed together.

4. The Commission directed to list the present petition alongwith the Petition No. 240/MP/2016 on 6.7.2017.

By order of the Commission

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