

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 162/MP/2017

Subject : Petition under Section 79 (1)(c), (d) & (f) and other applicable provisions of the Electricity Act, 2003 seeking directions against the Respondents in relation to the Medium Term Open Access for transfer of power from the Western Region to the Northern Region.

Date of hearing : 7.9.2017

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

Petitioner : KSK Mahanadi Power Company Limited (KMPCL)

Respondents : PGCIL and Others

Parties present : Ms. Swapna Seshadri, Advocate, KSKMPCL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed *inter-alia* for seeking directions to restrain PGCIL from claiming the PoC charges for the quantum not allowed for scheduling by WRLDC despite operationalization by PGCIL. Learned counsel for the Petitioner further submitted as under:

- (a) The Petitioner is setting up a 3600 MW (6x600 MW) coal based generating station at Village Nariyara, Akaltara Tehsil, Janjgir Champa district in the State of Chhattisgarh. Two units of the generating station have been declared under commercial operation and balance four units are at advanced stage of commissioning.
- (b) On 26.2.2014, the Petitioner entered into a PPA with UP Discoms for supply of 1000 MW power. The Petitioner made an application to PGCIL for grant of 1000 MW LTA with the start date of 30.10.2016. Since, the LTA was not available from the intended start date of 30.10.2016, the Petitioner made an application on 7.10.2015 for grant of 1000 MW MTOA with start date of 30.10.2016 in accordance with the directions of the Ministry of Power dated 7.5.2015.
- (c) On 10.12.2015, PGCIL granted MTOA to the Petitioner for transfer of 1000 MW power from KSK Mahanadi to UP Discoms. However, PGCIL operationalized 505 MW MTOA only. WRLDC vide its letter dated 13.12.2016 intimated the Petitioner and PGCIL that the capacity of upto 258.5 MW can only commence scheduling as against the 505 MW MTOA.

(d) Subsequently, PGCIL raised bills for 505 MW MTOA. Since, only 258.5 MW of MTOA was operationalized, PGCIL cannot raise the bill for 505 MW MTOA.

(e) Learned counsel for the Petitioner requested to restrain PGCIL from claiming the PoC charges for the quantum not operationalized and not allowed for scheduling power by WRLDC.

2. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondents.

3. The Commission directed the Petitioner to serve the copy of the Petition on the Respondents immediately, if not served already. The Commission directed the Respondents to file their replies, by 29.9.2017, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 18.10.2017. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

4. The Petition shall be listed for hearing on 26.10.2017.

By order of the Commission

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