

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 167/MP/2016
alongwith I.A. 42/2016**

- Subject : Petition for the relinquishment of Long Term Open Access under the Bulk Power transmission Agreement dated 24.2.2010 under Regulation 18 read with Regulation 32 of the CERC (Grant of Connectivity, Long Term Access and Medium Term Open Access in inter-state transmission and related matters) Regulations, 2009.
- Date of hearing : 19.1.2017
- Coram : Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Petitioner : Adhunik Power and Natural Resources Limited (APNRL).
- Respondents : Power Grid Corporation of India Limited and others
- Parties present : Shri Sanjay Sen, Senior Advocate, APNRL
Shri Parinay D. Shah, Advocate, APNRL
Shri Saransh Shaw, Advocate, APNRL
Shri Vineet Sarawagi, APNRL
Shri Sitiesh Mukherjee, Advocate, PGCIL
Shri Gautam Chawla, Advocate, PGCIL
Ms. Akansha Tyagi, Advocate, PGCIL
Ms. Jyoti Prasad, PGCIL
Shri Swapnil Verma, PGCIL

Record of Proceedings

Learned senior counsel for the petitioner submitted that the petitioner has relinquished 250 MW out of total 450 MW on 23.8.2016 due to Force Majeure Event. Learned senior counsel further submitted that since 200 MW LTA has already been operationalized, PGCIL is liable to return the Bank Guarantee to the petitioner.

2. Learned counsel for PGCIL submitted that if the petitioner seeks to relinquish 250 MW LTA, it is liable to pay the relinquishment charges in terms of Regulation 18 of the Connectivity Regulations. Learned counsel further submitted that the purpose of relinquishment charges is to act as deterrence against relinquishment of LTA when the transmission elements required for catering to the LTA requirement have been or are being commissioned by the transmission licensees.

3. Learned senior counsel for the petitioner submitted that the liability for relinquishment charges of the petitioner is to be decided in terms of the order in the light of the decision taken by the Commission on the basis of recommendations of the Committee constituted in Petition No. 92/MP/2015 for assessment/determination of relinquishment charges in terms of the provisions of the Connectivity Regulations. Therefore, at this stage, it is not appropriate to advance arguments on the issue of Force Majeure event.

4. The Commission observed that in the present case, since the petitioner has relinquished 250 MW LTA, the capacity should be utilized for granting the LTA to the pending applications so that capacity does not remain unutilized and accordingly directed CTU to take necessary action in this regard. The liability for relinquishment charges of the petitioner will be decided in terms of the order in the petition, and the relinquishment charges will be decided in the light of the decision taken on the basis of the recommendations of the Committee constituted in Petition No. 92/MP/2015 for assessment/determination of stranded transmission capacity with regard to relinquishment of LTA rights by a long term customer and relinquishment charges in terms of the provisions of the Connectivity Regulations.

5. After hearing the learned senior counsel for the petitioner and learned counsel for PGCIL, the Commission directed to list the petitions for hearing, if required after the decision in Petition No. 92/MP/2015.

By order of the Commission

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