

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.20/MP/2017**

Subject :Petition under Section 79(1)(c) of the Electricity Act, 2003 with Central Electricity Regulatory Commission (Grant of Connectivity, Long Term Access and Medium Term Access in inter-State transmission and related matters) Regulations, 2009 and Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2010

Date of hearing : 14.2.2017

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

Petitioner : Kanti Bijli Utpadan Nigam Limited (KBUNL)

Respondents :Central Transmission Utility and Others

Parties present : Ms. Swapna Seshadri, Advocate, KBUNL  
Shri R.P. Singh, KBUNL  
Shri Shankar Saran, KBUNL  
Ms. Suparna Srivastava, Advocate, PGCIL  
Ms. Jyoti Prasad, PGCIL  
Ms. Gitanjali Sharma, PGCIL  
Shri V.K. Jain, NTPC

**Record of Proceedings**

Learned counsel for the petitioner submitted that the present petition has been filed *inter-alia* seeking direction to Central Transmission Utility (CTU)not to cancel 121.6 MW LTA granted for MTPS Stage-II of KUBNL. Learned counsel for the petitioner further submitted as under:

- (a) On 26.4.2012, CTU granted 121.6 MW LTA to MTPS Stage-II of KUBNL.
- (b) As per Regulation 15 of the Connectivity Regulations, the applicants are required to sign the agreement for long term access with CTU. Since, the sale of power is at the bus-bar of the generating station, the beneficiaries of the generating station have obligation to sign the LTA Agreement.
- (c) The petitioner vide its letters dated 28.4.2015 and 5.1.2017 requested the beneficiaries to sign LTA Agreement so that power can be evacuated without any hindrance. However, none of the beneficiaries except Jharkhand have signed the LTA Agreement.
- (d) Subsequently, CTU vide its notice dated 25.1.2017 directed the petitioner to get the LTA agreement signed by the beneficiaries within 15

days failing which LTA granted to KBUNL shall be liable to be cancelled.

(e) During the ERPC meeting held on 25.1.2017 it was unanimously decided that SLDC Bihar may be allowed to do the scheduling for MTPS Stage-II keeping in mind the operational expediency and uniqueness of switchyard in terms of Generating switchyard as well as a grid sub-station for Bihar intra-State network. Accordingly, the petitioner is seeking approval of control area jurisdiction in line with Regulation 6.4 of Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 which provides that irrespective of the control area jurisdiction, if a generating station is connected both to the ISTS and the STU, the load dispatch centre of the control area under whose jurisdiction the generating station falls, shall take into account grid security implication in the control area of the other load dispatch centre.

2. Learned counsel for CTU submitted that the status of MTPS Stage-II as Central Generating Station or as inter-State Generating Station has not been clearly defined. Therefore, for full load testing whether only one CTU line is to be considered or all lines including State lines to be considered are not clear. The nature of Kanti bus is not clear whether to consider it as a bus or an ISTS. Learned counsel for CTU further submitted that if the bus is considered as ISTS bus then Bihar may have to pay PoC charges and if the bus is considered as a STU then other beneficiaries of MTPS Stage-II may have to pay the wheeling charges. Learned counsel submitted that as per ERPC meeting held on 25.1.2017, Odisha, West Bengal and DVC have taken up with concerned authorities for surrender of their respective shares and therefore have not signed the LTA Agreement.

3. After hearing the learned counsels for the petitioner and CTU, the Commission admitted the petition and directed to issue notice to all the beneficiaries.

4. The Commission directed the petitioner to serve copy of the petition on the respondents, if already not served. The respondents were directed to file their replies, on affidavit, by 17.3.2017 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before, 31.3.2017. The Commission directed the petitioner and the respondents that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The Commission directed CTU not to take any coercive action for cancellation of LTA till next date of hearing.

6. The Commission observed that some of the distribution companies taken up the matter with Ministry of Power for surrender of the allocation from the generating stations and requested the Ministry of Power to take a decision regarding firm allocation from the generating stations on the basis of which extension of the LTA could be facilitated.

7. The petition shall be listed for hearing on 18.4.2017.

**By order of the Commission**

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