

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No.269/MP/2017
Along with IA No. 98/2017**

Subject : Petition under Section 79 (1) (c) and Section 79 (1) (f) of the Electricity Act, 2003 read with Clause 9 of the BPTA, Clause 11 of the TSA and Regulation 32 of CERC (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 for deferment of operationalization of LTA on account of Force majeure events.

Date of Hearing : 30.1.2018

Coram : Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : Korba West Power Company Limited

Respondents : Power Grid Corporation of India Limited and Others

Parties present : Shri. Sanjay Sen, Senior Advocate, KWPCCL
Shri Hemant Singh, Advocate, KWPCCL
Shri S. Haridas, KWPCCL
Ms. Ankita Bafna, KWPCCL
Ms. Suparna Srivastava, advocate, PGCIL

Record of Proceedings

Learned senior counsel for the petitioner submitted that the present petition has been filed for deferment of operationalization of Long Term Open Access on account of Force majeure event under the Bulk Power Transmission Agreement (BPTA) dated 24.02.2010 executed between the petitioner and Power Grid Corporation of India Limited. Learned senior counsel further submitted that due to major accident on 22.5.2017, the generating station has been shut down. Learned senior counsel submitted that pursuant to the major accident, the repair work is expected to be completed within 10 to 12 months.

2. Learned senior counsel for the petitioner further submitted that the petitioner has filed an IA and requested the Commission to restrain the respondents from levying transmission charges under the BPTA dated 24.2.2010 and TSA dated 7.12.2010 till the pendency of the petition.

3. After hearing the learned senior counsel for the petitioner, the Commission admitted the petition and issued notices to the respondents on the petition and IA. Learned counsel for PGCIL accepted the notice.

4. The Commission did not issue any direction on the IA filed by the petitioner.

5. The Commission directed the petitioner to serve copy of the petition and IA on the respondents immediately, if not already served already. The Commission directed the respondents to file their reply, on or before 14.2.2018 with an advance copy to the petitioner, who may file the rejoinder, if any, on or before 28.2.2018. The Commission directed that due date of filing reply and rejoinder should be strictly complied with. No extension shall be granted on this account.

6. The petition shall be listed for hearing on 15.3.2018.

By order of the Commission

(T. Rout)
Chief (Legal)