

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 269/MP/2017
Alongwith IA No. 41/2019**

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 Central Electricity Regulatory Commission (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.

Petitioner : Korba West Power Company Limited

Respondents : Power Grid Corporation of India Limited and Others

Date of hearing : 4.7.2019

Coram : Shri P.K. Pujari, Chairperson
Dr. M.K. Iyer, Member
Shri I.S. Jha, Member

Parties present : Shri Hemant Singh, Advocate, KWPCIL
Shri Shakiq Ahmed, Advocate, KWPCIL
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Nehul Sharma, Advocate, PGCIL
Dr. V.N. Paranjape, PGCIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the Commission vide RoP dated 27.2.2019 had granted permission to the Petitioner to file an IA for amendment of pleadings. Accordingly, the Petitioner has filed IA No.41/2019 for seeking amendment of the present Petition in order to place on record the subsequent developments that took place after filing the Petition. Learned counsel requested to allow the IA.

2. Learned counsel for PGCIL submitted that the Petitioner has filed the IA for amendment of Petition during the pendency of NCLT proceedings and vide order dated 24.6.2019, NCLT has approved the Resolution Plan for the Petitioner company. Learned counsel submitted that transmission system has been commissioned and NCLT process will not come in the way of operationalization of LTA. Learned counsel submitted that the Petitioner is required to clarify as to whether it is relinquishing the LTA or is ready to pay the transmission charges.

3. On a specific query of the Commission regarding what survives in the Petition subsequent to the Resolution Plan approved by the NCLT, Learned counsel for the Petitioner sought time to seek instructions in the matter.

4. After hearing the learned counsels for the Petitioner and PGCIL, the Commission

directed PGCIL to operationalize the LTA and to complete other associated formalities as per the provisions of the Connectivity Regulations and Detailed Procedure made thereunder. Accordingly, the Commission disposed of the IA No.41/2019.

5. The Petition shall be listed for hearing in due course for which notice will be issued separately.

By order of the Commission

**Sd/-
(T.D. Pant)
Deputy Chief (Law)**