

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

**Review Petition No. 4/RP/2021
in Petition No. 68/MP/2017**

Coram:

**Shri P.K.Pujari, Chairperson
Shri I.S.Jha, Member**

Date of Order : 28.06.2021

In the matter of:

Review petition under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, seeking review of order dated 21.1.2020 in Petition No. 68/MP/2017.

And in the matter of:

Central Transmission Utility (CTU),
(Power Grid Corporation of India Limited),
"Saudamini", Plot No. 2,
Sector 29, Gurgaon-122001.

.....Petitioner

Versus

DB Power (Madhya Pradesh) Limited,
3rd Floor, Nariman Corporation Link,
Bandra-Kurla Complex,
Bandra East, Mumbai-4000051.

.....Respondent

For Petitioner: Ms. Suparna Srivastava, Advocate, CTU.
For Respondent :None.

ORDER

The Review Petitioner, Central Transmission Utility (CTU) has filed the instant review petition seeking review of the order dated 21.1.2020 in Petition No. 68/MP/2017, under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, wherein the Commission



directed the Review Petitioner to return the application bank guarantee (BG) of ₹81 lakh to DB Power (Madhya Pradesh) Limited (DBPMPL).

Background

2. The brief facts of the matter are as follows:

(a) The Respondent, DBPMPL, proposed to set-up a 1320 MW (2x660 MW) thermal power project in Singrauli District, Madhya Pradesh. For evacuating power from its generating station, DBPMPL approached CTU for grant of connectivity for 1320 MW and Long Term Access (LTA) for 810 MW to ISTS (inter-State transmission system) on 6.10.2010 and 8.10.2010 respectively and furnished a BG dated 18.10.2010 of ₹81 lakh to CTU as stipulated under Regulation 12(4) of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and Related matters) Regulations, 2009 (hereinafter referred to as 'the 2009 Connectivity Regulations'). The said applications for connectivity and LTA were discussed in the 14th Meeting of Western Region constituents held on 13.5.2011 and DBPMPL was granted connectivity and LTA vide intimation dated 5.8.2011. The said intimation provided that the connectivity and LTA was subject to signing of requisite Connection Agreement/ Bulk Power Transmission Agreement (BPTA) and fulfilment of other conditions as mentioned therein. The connectivity to ISTS was granted to DBPMPL at 400/765 kV Vindhychal Pooling Station and the start date of the connectivity was intimated as March, 2014 or commissioning of the connectivity system whichever was later.

(b) Due to non-signing of BPTA and non-fulfilment of other conditions by DBPMPL, the Review Petitioner invoked and encashed the application BG of ₹81 lakh furnished by DBPMPL.

(c) DBPMPL filed Petition No. 68/MP/2017 for setting aside/ quashing the invocation and encashment of the application BG by CTU. The Commission vide order dated 21.1.2020 disposed of Petition No. 68/MP/2017, wherein it was held as follows:

"33. In our view, the treatment of Petitioner's case will be covered under Clause 23.16 of the Detailed Procedure made under of the Connectivity Regulations, 2009.



34. The Detailed Procedure was amended on 17.2.2016; the Para 23.16 of the amended Detailed Procedure provides as follows:

“23.16 CTU shall not hold any LTA application in abeyance and process the applications within the timeline prescribed in Regulation 7 of the Connectivity Regulations. If any LTA applicant requests CTU in writing for deferment of consideration of its applications or does not participate in the LTA meetings despite being invited by CTU, the application shall not be further processed. CTU shall in such cases close the applications and return the bank guarantee. In respect of applications which are already pending with CTU on request of the applicants or for their non-participation in the LTA meetings, CTU may give a notice of 15 days in writing to the concerned LTA applicants about the closure of the application. If any applicant is willing to pursue his application the same shall be processed in the next LTA meeting. If the applicant seeks further deferment of extension of application or does not respond to the notice, CTU may proceed to close the applications and return the bank guarantee”

35. Further, vide order dated 14.2.2019 in Petition No. 166/MP/2018 the following has been observed:

“23. The Commission thereafter issued amendment to the Detailed Procedure dated 17.2.2016 and added Para 23.16 to deal with the situation wherein, the LTA application has been kept in abeyance. The relevant portions of the Para 23.16 is extracted as under:

“23.16 CTU shall not hold any LTA application in abeyance and process the applications within the timeline prescribed in Regulation 7 of the Connectivity Regulations. If any LTA applicant requests CTU in writing for deferment of consideration of its applications or does not participate in the LTA meetings despite being invited by CTU, the application shall not be further processed. CTU shall in such cases close the applications and return the bank guarantee. In respect of applications which are already pending with CTU on request of the applicants or for their non-participation in the LTA meetings, CTU may give a notice of 15 days in writing to the concerned LTA applicants about the closure of the application. If any applicant is willing to pursue his application the same shall be processed in the next LTA meeting. If the applicant seeks further deferment of extension of application or does not respond to the notice, CTU may proceed to close the applications and return the bank guarantee”

As per the above provisions, if any LTA applicant seeks for deferment or abeyance of its applications or does not participate in the LTA meetings then the nodal agency shall close the applications and return the bank guarantee to the applicant.”

36. Keeping in view the provisions specified in Clause 23.16 of the Detailed Procedure made under Connectivity Regulations, 2009 and in line with the Commission's order dated 14.2.2019 in Petition No. 166/MP/2018, we are of the view that the Application BG of the Petitioner should be returned. Accordingly, PGCIL/ CTU is directed to return the encashed BG of the Petitioner along with the interest earned thereon, if any, within 15 days of issue of this Order.”

3. Aggrieved with the said order, CTU has filed the instant Review Petition. The Review Petitioner has made the following prayers:



“a. admit the present Review Petition and review and modify the Order dated 21.1.2020 to the extent it directs the Review Petitioner to return the amount of Rs.81 lakh under application bank guarantee dated 18.10.2010 encashed by the Review Petitioner alongwith interest earned thereon;

b. pass such further and other order(s) as this Hon’ble Commission may deem fit and proper in the facts and circumstances of the present case.”

4. The impugned order dated 21.1.2020 was heard by coram of Chairperson, Dr. M.K.Iyer, Member, and Shri I.S.Jha, Member. Dr. M.K.Iyer, Member has demitted office. Hence, the instant review petition is heard by coram of Chairperson and Shri I.S. Jha, Member.

5. The matter was heard through video conference on 18.6.2021 and the order was reserved on admission.

Submissions of the Review Petitioner

6. The submissions made by the Review Petitioner are as follows:

(a) The Commission has passed the above order by ignoring the specific provisions under the Detailed Procedure notified under Regulation 27 of the 2009 Connectivity Regulations and the previous orders dated 7.9.2016 in Petition No.106/MP/2015 and dated 8.3.2017 in Petition No. 96/MP/2015 which require the Review Petitioner to cancel all such LTAs and encash application BGs of such LTA grantees who, despite being granted LTA, have failed to sign the LTA Agreement with the Review Petitioner within 30 days of the said grant.

(b) The order dated 21.1.2020 is erroneous as the Review Petitioner, who has acted in compliance of the directions of the Commission, has been penalised and has been directed to refund the proceeds of the encashed BG of DBPMPL along with interest. The Review Petitioner is seeking rectification of the said error in order dated 21.1.2020 by considering the regulatory provisions and the earlier orders on the subject matter.

(c) So far as LTA granted to DBPMPL is concerned, the same was on target region basis (405 MW each to Western Region and Northern Region) with the start date as 30.3.2014 or commissioning of the identified system strengthening scheme,



whichever was later. Upon grant of LTA, DBPMPL ceased to be an LTA 'applicant' as open access rights accrued in favour of DBPMPL and ISTS capacity came to be reserved in its favour from the start date of LTA. All further open access grants were then to be made by the Review Petitioner taking into account the capacity reserved for DBPMPL.

(d) After the LTA grant intimation was issued to DBPMPL, it was required to sign the LTA Agreement with the Review Petitioner so as to become contractually bound to share the transmission charges for servicing the transmission assets of the Review Petitioner. Non-signing of LTA Agreement was bound to result in a situation where ISTS capacity under the LTA remained reserved for DBPMPL without any corresponding undertaking/ obligation on part of DBPMPL to pay the transmission charges, which was in violation of the provisions of Section 38 of the Electricity Act, 2003. It was in this context that the requirement for application BG as a means for ensuring seriousness of an LTA application has been provided for in the 2009 Connectivity Regulations.

(e) After the LTA grant, DBPMPL failed to sign the LTA Agreement within the stipulated period of 30 days and also did not furnish the required construction phase bank guarantee. Instead, vide its letter dated 7.2.2012, DBPMPL requested the Review Petitioner to change the pooling station from which connectivity was granted to it to a location closer to its generation project site.

(f) DBPMPL vide its letter dated 18.9.2012 to the Review Petitioner, requested for extension of the time period for signing the LTA Agreement. This request was made by DBPMPL on account of its stated delay in obtaining environmental clearance for its 2nd unit which was on hold for want of coal linkage from the Ministry of Coal, Government of India. Meanwhile, in the 36th Meeting of Standing Committee on Power System Planning in Western Region held on 29.8.2013, the establishment of new 2x1500, 765/400 kV Dhanwahi Pooling Station in Village Dhanwahi (Tehsil Sarai) District Singrauli, Madhya Pradesh was approved as a part of additional transmission system strengthening to enhance the redundancy in the Sipat evacuation system. Thereafter, vide its letter dated 17.12.2013, DBPMPL referring to the deliberations in the said meeting, requested the Review Petitioner to modify the connectivity granted to it from



400/765 kV Vindhyachal Pooling Station to the new proposed Dhanwahi Pooling Station and also to extend the time for signing of LTA Agreement till the time the change in the pooling sub-station was approved.

(g) Notwithstanding any pending request for modification of connectivity, signing of an LTA Agreement was not only a mandatory condition subsequent of LTA grant to DBPMPL but was also a statutory requirement under the 2009 Connectivity Regulations and the Detailed Procedure made thereunder. As such, DBPMPL was bound to execute the LTA Agreement with the Review Petitioner as required under the grant. However, DBPMPL kept on delaying the signing of the LTA agreement indefinitely pending its request for change of the pooling station. The Review Petitioner even sent reminder letters dated 24.9.2012, 21.11.2012 and 26.6.2013 wherein it repeatedly requested DBPMPL to sign the LTA Agreement and also the Transmission Service Agreement (TSA) but DBPMPL failed to do so. In these circumstances, the Review Petitioner was constrained to issue a letter dated 20.9.2013 wherein, DBPMPL was informed that non-signing of LTA Agreement and TSA would lead to adverse consequences for which the DBPMPL was to be solely liable. Similar letters were again sent to DBPMPL on 14.10.2013 and 18.11.2013 but to no avail. The Review Petitioner, vide its letter dated 21.1.2014, even intimated DBPMPL that any changes in the quantum of LTA or the point of connection as requested by DBPMPL could be incorporated in the LTA Agreement subsequently and pendency of such requests could never be a reason for non-signing of the LTA Agreement and the same was to be done as per the applicable Regulations.

(h) Despite the repeated reminders issued by the Review Petitioner, DBPMPL failed to execute the LTA Agreement. DBPMPL, vide its letter dated 4.3.2014, once again requested the Review Petitioner to modify the connectivity granted to it to the 765/400 kV Dhanwahi Pooling Station which was expected to be put into commercial operation by the end of April, 2014. In the said letter, DBPMPL, in complete defiance of the applicable Regulations and the timelines prescribed therein, stated that once connectivity was granted to the new Dhanwahi Pooling Station, it would immediately initiate the process of signing the LTA Agreement. In the 19th Meeting of Western Region constituents regarding connectivity/ open access applications held on 5.9.2014, the request of DBPMPL for modification of connectivity granted to it was also discussed



and it was clarified that the Dhanwahi Pooling Station which was planned under Additional Transmission System for Sipat TPS was reviewed and it is now not being implemented. As such, the connectivity of DBPMPL was to be retained at Vindhychal Pooling Station. Thus, with the non-implementation of Dhanwahi Pooling Station by the Review Petitioner, the request of DBPMPL for modification of its connectivity to the said proposed pooling station became infructuous. Meanwhile, DBPMPL continued to remain liable to sign the LTA Agreement with the Review Petitioner as per the LTA grant.

(i) While the issue was being deliberated, DBPMPL vide its letter dated 27.5.2014 informed the Review Petitioner that on 23.5.2014, Madhya Pradesh Power Management Company Limited (MPPMCL), the beneficiary of the generation project of DBPMPL, revised the scheduled commercial operation date (SCOD) of Unit-1 of the project of DBPMPL to 1.10.2018. It was further stated that this revision in SCOD was done due to non-availability of coal linkage and environmental clearance for Unit-2 of the generation project of DBPMPL and as soon as the above said formal approval on revision of SCOD was received by DBPMPL, the same was to be submitted before the Commission for its approval and necessary modifications were to be carried out in Implementation Agreement/ Power Purchase Agreement executed by DBPMPL with the Government of Madhya Pradesh and MPPMCL and once again requested for extension of time to sign the LTA Agreement.

(j) DBPMPL vide its letter dated 3.11.2014 informed the Review Petitioner that on account of non-availability of coal linkage leading to revision in SCOD of the generation project, de-allocation of coal blocks by the Hon'ble Supreme Court and non-implementation of the new proposed Dhanwahi Pooling Station, DBPMPL is required to rework and revise its plan for connectivity. DBPMPL further stated that once the revised SCOD was formally approved and DBPMPL was able to revise its plan for connectivity, the required documents would be submitted to the Review Petitioner and DBPMPL was stated to not be in a position to initiate the action of signing the LTA Agreement. Subsequently, without executing any LTA Agreement or TSA with the Review Petitioner, DBPMPL, vide its letter dated 30.1.2015, requested that the dedicated transmission line from its generating station to the connected pooling station may be considered under coordinated transmission planning of Western Region to be



implemented by the Review Petitioner. Thus, having been granted connectivity in August 2011, DBPMPL came up with the said request only in January 2015, i.e. almost 4 years after the grant. DBPMPL was only looking for a pretext to further delay the signing of the LTA Agreement by seeking a change in implementing agency for its dedicated line.

(k) Owing to the continued inaction on part of DBPMPL to sign the requisite agreements, the Review Petitioner was constrained to discuss the issue in the 20th Meeting of Western Region constituents regarding connectivity/ open access application held on 17.2.2015 wherein it was decided that a revised LTA intimation was required to be issued by the Review Petitioner and DBPMPL was required to sign the LTA Agreement/ TSA strictly following the timelines prescribed in the extant Regulations. The Review Petitioner was only required to 'revise' the LTA intimation and was not directed to issue a fresh LTA grant altogether. Such a revision was also envisaged in the Detailed Procedure and cannot be regarded as a deliberation for issuance of a fresh LTA grant. Even otherwise, it is a standard practice of the Review Petitioner that when certain technical details were to be modified subsequent to the grant of an LTA or even after signing of the LTA Agreement based on mid-course correction carried out in consultation with various stakeholders, the same was done either by issuing modified or revised LTA intimations or by signing a modified annexure to the LTA Agreement, as the case may be. In the instant case of DBPMPL, since the LTA Agreement was yet to be signed after the LTA grant, the Review Petitioner was required to only issue a modified/ altered intimation for the already granted LTA by incorporating the changes in the transmission system strengthening for LTA. Just because of consideration of modifications in the transmission system, DBPMPL is not entitled for issuance of a 'new' or 'fresh' LTA intimation and thus be entitled for a fresh lease of time period for signing of LTA Agreement.

(l) The terms and conditions of the original LTA grant, including mandatory requirement of signing of the LTA agreement, did not cease to exist and DBPMPL did not become an LTA 'applicant' merely because certain modification in the transmission system were considered. The modifications in the transmission system were only mooted, considered and found agreeable in the 20th Meeting of Western Region constituents regarding connectivity/ open access application held on 17.2.2015 and as



such no 'new' LTA intimation was issued to the DBPMPL. Merely because the modification in the transmission system was considered, DBPMPL cannot assume the status of an 'applicant'. Pending issuance of the modified LTA intimation, DBPMPL continued to remain an LTA grantee and is under the regulatory obligation to sign the LTA Agreement with the Review Petitioner.

(m) The issues raised by DBPMPL repeatedly were deliberated in the 20th and 21st Meeting of Western Region Constituents dated 17.02.2015 and 17.7.2015 respectively and it was decided that its LTA Application shall be closed.

(n) During the period of about 4 years from the date of grant of LTA grant (i.e. 5.8.2011) and the decision of revocation of LTA communicated vide Minutes of 21st WR Meeting dated 17.7.2015, DBPMPL continued to claim a lien on the same without performing any corresponding liabilities whether of regulatory nature or commercial. DBPMPL was seeking to retain its rights without complying with any regulatory requirements. DBPMPL is thus not just a classic case of a non-serious LTA grantee, but was also abusing the regulatory process to gain open access rights without taking upon itself the corresponding obligations to pay transmission charges. As such, when DBPMPL once again failed to sign the Agreements on account of stated "genuine difficulty", it was decided on 17.7.2015 to close the LTA of DBPMPL. However, vide its letter dated 23.7.2015, DBPMPL made a completely misplaced request of keeping its "LTA application" in abeyance, which could not be accepted for the following reasons:

(i) After the grant of LTA on 5.8.2011, DBPMPL had ceased to be a mere applicant for LTA and cannot contend that even after four years of grant of LTA and connectivity, its 'application' was to be kept in abeyance by the Review Petitioner;

(ii) The ostensible reasons given by DBPMPL for non-signing of the LTA Agreement and to defer its 'LTA application' were attributable only to DBPMPL or its procurers and their inter-se issues could never be regarded as a factor for the Review Petitioner to keep the mandatory requirement for signing of LTA Agreement in abeyance; and



(iii) Even otherwise, there was no provision in the extant regulatory framework for the LTA grantee to delay the signing of the LTA Agreement and the TSA after the grant of the LTA.

Hearing dated 18.6.2021

7. During the hearing on 18.6.2021, learned counsel of the Review Petitioner made the following submissions:

a. Clause 23.16 of the Detailed Procedure specified under the 2009 Connectivity Regulations and amended on 17.12.2016 pertains and deals with the LTA applicants and it is not applicable to DBPMPL, which has already been granted LTA on 5.8.2011.

b. DBPMPL did not sign the LTA Agreement and TSA and sought change in inter-connecting pooling point from Vindhychal Pooling Station to Dhanwahi Pooling Station. DBPMPL was deliberately delaying signing of LTA seeking connection to Dhanwahi Pooling Station which was initially planned and later dropped.

c. Order dated 14.2.2019 in Petition No. 166/MP/2018 is not applicable to the instant case, as the instant case is about LTA that has already been granted whereas Petition No.166/MP/2018 pertains to LTA applicants. However, the decision in order dated 21.2.2020 is wrongly applied in the instant case.

d. Further, treatment of LTA applications under 'abeyance' was notified only on 17.2.2016 whereas the DBPMPL's default in not signing the LTA Agreement had been established as soon as the 30 days' timeline had expired on the day of grant of LTA intimation (i.e. 5.8.2011). Therefore, Clause 23.16 of the Detailed Procedure cannot be applied retrospectively to the present case.

e. The Review Petitioner's action to invoke and encash the application BG is in accordance with the extant Regulations and the directions of the Commission in various orders.

f. If the impugned order is not reviewed/ modified, it may become precedence for LTA applicants and the Review Petitioner may be put to loss due to inaction by the applicants.



Analysis and Decision

8. We have considered the submissions of the Review Petitioner and perused the material available on record.

9. The Review Petitioner has contended that DBPMPL was granted connectivity and LTA on 5.8.2011 on the basis of the decision taken in the 14th Open Access Meeting held on 13.5.2011. But DBPMPL did not sign the LTA Agreement and kept on postponing the same for almost four years up to 2015 on some pretext or the other. Thus, DBPMPL's application for grant of LTA cannot be considered to be "under progress". However, the Commission in order dated 21.1.2020 came to the erroneous decision that DBPMPL's application for grant of LTA is "under progress". On the basis of the erroneous decision and relying on Clause 23.16 of the Detailed Procedure specified under the 2009 Connectivity Regulations and referring to the Commission's order dated 14.2.2019 in Petition No. 166/MP/2018, the Commission directed the Review Petitioner to return the application BG amounting to Rs.81 lakh to DBPMPL which is an apparent error that requires to be reviewed. The Review Petitioner has further contended that Clause 23.16 of the Detailed Procedure and the order dated 14.2.2019 in Petition No.166/MP/2018 is applicable to "applicants" for grant of LTA grants and, therefore, applying them to DBPMPL, which is a LTA grantee was wrong.

10. The Commission had pronounced the impugned order after having perused the minutes of the 20th meeting of Western Region Constituents regarding Connectivity/ Open Access held on 17.2.2015, wherein the Review Petitioner captured the whole sequence of events starting from the date of DBPMPL's application for grant of LTA in 2010 to the 20th Meeting of WR constituents on 17.2.2015 and decided to issue revised LTA to DBPMPL. Based on that, the Commission had come to the conclusion that the status of DBPMPL



changed from “LTA granted” to “LTA application under process”. The relevant extract from the order dated 21.1.2020 is as under:

“26. The minutes of 20th meeting of WR constituents regarding Connectivity/ Open Access dated 17.2.2015, are as follows:

“17.0 Request of DB Power M.P. Ltd. for change in implementation agency for Connectivity transmission system.

CTU informed that M/s DB Power M.P. Ltd. (DBMPL) is implementing a 2x660 MW thermal generation project near Vindhyachal in Madhya Pradesh. DBMPL had applied for Connectivity and LTA to CTU in October, 2010. In the 14th Open Access meeting held on 13.05.2011, Connectivity and LTA was granted to M/s DB Power (MP) Ltd. for 810 MW vide letter dated 05.08.2011. The transmission system for Connectivity is given as below:

- DBPMPL TPS - Vindhyachal Pooling station 400kV D/c (Quad) line*

The Connectivity transmission line was agreed to be implemented by the generation developer.

Subsequently, M/s DBMPL, requested for change in point of connectivity from Vindhyachal Pooling station to Dhanwahi Pooling station. The proposal was discussed in the 19th Open access meeting held on 5.09.2014 in Mumbai. In the meeting, it was informed to M/s DB Power Ltd. that proposal of Dhanwahi Pooling station has been dropped.

Now, DBMPL vide letter dated 30.01.2015, has requested that the connectivity line which was to be implemented by the generation developer (DBPMPL) may be taken up for implementation under the coordinated transmission planning.

In this regard, it may be mentioned that LTA has been granted long back and DBMPL is yet to sign the LTA Agreement. If the immediate evacuation system is to be implemented through TBCB, the applicant has to sign necessary agreements in line with CERC regulations. Therefore, DBMPL shall have to sign “Transmission Agreement” for the connectivity line strictly following time line as per regulation / detailed procedure, failing which connectivity application shall be closed. The representative from M/S DBMPL stated that they will revert back to CTU shortly.

Further, Transmission system strengthening for LTA indicated in LTA intimation for DBMPL is as below:

- 1. Transmission System strengthening in WR (to be shared with other IPPs)*
 - Vindhyachal Pooling station - Jabalpur Pooling station 765kV D/c line (to be implemented through TBCB)*
 - Jabalpur Pooling station - Bina 765kV S/c line (3rd) (under implementation through pvt. Sector)*
- 2. Transmission System strengthening in WR-NR tr. corridor (to be shared with other IPPs)*
 - Jabalpur Pooling station - Orai 765kV D/c line (one ckt)*
 - Orai - Bulandshahar - Sonipat 765kV D/c line (one ckt)*
 - Sonipat - Kaithal 400kV D/c (Quad) line.*



In this regard, it is to mention that the transmission system mentioned at Sl. 2 above has been revised in 31st / 34th SCM in Northern Region dated 02.01.2013 / 08.08.2014 and noted in 37th SCM in Western Region dated 05.09.2014. The revised system is as below:

- *Jabalpur Pooling station - Orai (GIS) 765kV D/c line*
- *Orai (GIS) - Aligarh (GIS) 765kV D/c line*
- *Orai (GIS) - Orai (UPPTCL) 400kV D/c (Quad) line*
- *LILO of one ckt of Satna - Gwalior 765kV 2xS/c at Orai (GIS) S/s*
- *LILO of Agra-Meerut 765kV S/c at Aligarh (GIS)*
- *LILO of Kanpur - Jhatikara 765kV S/c at Aligarh (GIS)*
- *Establishment of 2x1000MVA, 765/400kV GIS Substation at Orai*
- *Establishment of 765kV GIS Substation at Aligarh*

Accordingly, it was decided to issue the revised LTA intimation. DBMPL may sign the LTA agreement as per the modified intimation in-line with regulation / detailed procedure.”

27. Thus, PGCIL/CTU was required to issue revised LTA intimation to the Petitioner and accordingly, the Petitioner was to sign the LTA Agreement as per modified intimation. We observe that CTU did not issue any such revised intimation. Once the CTU agreed to issue revised LTA intimation, in our view the status of the Petitioner changed from “LTA granted” to “LTA application under process”.

11. The Commission taking into consideration the minutes of the 20th meeting of the WR constituents on 17.2.2015, took note of the following decision taken in the said meeting:

“XXX

Accordingly, it was decided to issue the revised LTA intimation. DBMPL may sign the LTA agreement as per the modified intimation in-line with regulation / detailed procedure.”

12. Based on the above decision of the 20th meeting of the WR constituents on 17.2.2015 to issue revised LTA intimation to DBPMPL, wherein CTU was also present, the Commission came to the conclusion that the status of DBPMPL changed from “LTA granted” to “LTA application under process”. The Commission’s decision to consider DBPMPL as an “applicant” was based purely on the Review Petitioner’s decision to issue revised LTA intimation to DBPMPL. After having come to the conclusion that DBPMPL’s status changed to “LTA applicant”, the Commission applied the relevant Clause 23.16 of the Detailed Procedure and relying on the earlier order dated 14.2.2019 in Petition No. 166/MP/2018 directed the Review Petitioner to return the application BG of Rs.81 lakh to DBPMPL.



13. Therefore, we are of view that there is no error in the order dated 21.10.2020 in Petition No.68/MP/2017 and accordingly the instant review petition is liable to be dismissed at the stage of admission.

14. In view of the above findings and discussions, Review Petition No. 4/RP/2021 is disposed of at admission stage.

sd/-
(I.S. Jha)
Member

sd/-
(P. K. Pujari)
Chairperson

