

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 491/MP/2020

- Subject : Petition seeking release of Bank Guarantee issued in favour of Respondent No.1 owing to frustration of the Long-Term Access Agreement dated 1.11.2012 between the Petitioner No.1 and Respondent No.1 in exercise of powers under Regulation 33A 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 read with Section 79(1)(c) of the Electricity Act, 2003.
- Date of Hearing : 22.8.2022
- Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : SEW Nafra Power Corporation Ltd. (SNPCL) and Anr.
- Respondents : Powergrid Corporation of India Limited (PGCIL) and Anr.
- Parties Present : Shri Sushil Verma, Advocate, SNPCL
Shri Samrat Sengupta, Advocate, SNPCL
Shri Sayan Ray, Advocate, SNPCL
Ms. Namrata Saraogi, Advocate, SNPCL
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Soumya Singh, Advocate, PGCIL
Shri Tushar Mathur, Advocate, PGCIL
Shri Manish Ranjan Keshari, CTUIL
Shri Shyam Sunder Goyal, CTUIL
Shri Swapnil Verma, CTUIL
Shri Siddarth Sharma, CTUIL
Shri Ranjeet Singh Rajput, CTUIL
Ms. Priyanshi Jadiya, CTUIL

Record of Proceedings

Case was called out for virtual hearing.

2. At the outset, learned counsel for the Petitioner prayed for an adjournment on the ground of non-availability of the arguing counsel in the matter. Learned counsel requested that a similar Petition bearing No. 261/MP/2020 filed by another developer, namely, Dirang Energy Limited may also be taken up for hearing along with the present Petition.
3. Learned counsel for the Respondent, PGCIL submitted that the present Petition involves the question of treatment of Bank Guarantee furnished under the LTA agreement in the event when LTA has not been operationalized and the transmission



system envisaged for evacuation of power from the above Hydro Electric Projects has already been de-notified.

4. The Commission observed that the issue of the treatment of Bank Guarantee in the event when the project has not come up and at the same time PGCIL/CTUIL has not incurred any expenditure towards transmission system for evacuation of power from such project, has already been considered by the Commission in the previous orders. Accordingly, the Commission directed CTUIL to convene a meeting with the aforesaid Hydro Electric Projects (Petitioner herein and Dirang Energy Limited) to discuss & resolve the issue involved in terms of the orders of this Commission on the subject matter and the applicable regulatory framework. The Commission also directed the parties that in the event the issue is resolved, the Petitioner and CTUIL may file a joint affidavit to this effect within a month. If the parties are unable to resolve the issue, the Petitioner and CTUIL are at liberty to file their respective comments on affidavit within three weeks.

By order of the Commission

**SD/-
(T.D. Pant)
Joint Chief (Law)**