

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 157/MP/2021

Coram:

**Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri P. K. Singh, Member**

Date of Order: 10.05.2024

In the matter of:

Petition filed under Section 79 (1) (f), (c) and (k) and other applicable provisions of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations 1999 along with Regulation 12 read with Regulation 32 and Regulation 33A 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, against the arbitrary acts and omissions of Power Grid Corporation of India Limited, Respondent *inter-alia* towards cancellation of the Agreement for Long Term Access dated 31.07.2020 and the encashment of Application Bank Guarantee No. 0479119BG0000167 dated 30.05.2019 of Rs. 2.8 Crores furnished by Petitioner to the Respondent.

And in the matter of:

Nuclear Power Corporation of India Limited
16th Floor, Centre-I, World Trade Centre,
Cuffe Parade, Colaba,
Mumbai, Maharashtra- 400 005.

....**Petitioner**

Versus

Power Grid Corporation of India Limited
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi- 110 016.

...**Respondent**

ORDER

Nuclear Power Corporation of India Limited has filed the instant petition against the cancellation of the LTA Agreement dated 31.7.2020 and encashment of Application Bank Guarantee dated 30.5.2019 amounting to ₹2.8 crore by the PGCIL.



2. The Petitioner has made the following prayers in the instant petition:

“(a) Declare that the letter dated 22.01.2021 issued by the Petitioner to the Respondent as illegal and null and void and set aside the same;

(b) Direct the restoration of the Long Term Access Agreement dated 31.07.2020, without any liability on the Petitioner;

(c) Declare that the letter of invocation of the Application Bank Guarantee vide Letter dated 22.01.2021 and thereafter, encashment of the Application Bank Guarantee ABG No. 0479119BG0000167 dated 30.05.2019 for an amount of Rs. 2.8 Crores, issued by the State Bank of India, Overseas Branch, Mumbai, Maharashtra as void, non-est and bad in law;

(d) Direct the Respondent to return amount encashed under the Application Bank Guarantee ABG No. 0479119BG0000167 dated 30.05.2019 for an amount of Rs. 2.8 Crores, issued by the State Bank of India, Overseas Branch, Mumbai, Maharashtra on behalf of the Petitioner, with interest @ 18% p. a. from the date of encashment till the date of payment;

(e) Direct the Respondent to accept the Construction Bank Guarantee bearing No CBG No. 0479121BG0000022 dated 28.01.2021 for an amount of Rs. 140 Crores, issued by State Bank of India, Overseas Branch, Mumbai, Maharashtra on behalf of the Petitioner to the Respondent in terms of the LTAA;

(f) Issue an interim stay of the Respondent’s Letter dated 22.02.2021 seeking cancellation of the LTA Agreement;

(g) Award the cost of this Petition; and

(h) Pass such further order or orders as this Hon’ble Commission may deem just and proper in the circumstances of the case.”

3. The counsel for the Petitioner, vide letter dated 4.5.2024, has sought permission to withdraw the instant petition. The contents of the said letter are as follows:

“Subject: Withdrawal of Petition No. 157/MP/2021 titled as Nuclear Power Corporation of India Limited (NPCIL) Vs. Power Grid Corporation of India Limited (PGCIL).

Dear Sir,

The subject matter is pending for adjudication before Hon’ble CERC and was last listed on 14.02.2024 and on the said date the Hon’ble Commission has granted the Petitioner to file its rejoinder. It is submitted that as per change in regulations wherein the scheme



was discussed in 22nd consultation meeting for evolving transmission (CMET) schemes in Northern region dated 21.08.2023 the LTA is no more valid.

Therefore, on the instructions of the client and due to the abovementioned reason, we undertake to withdraw the present petition pending before the Hon'ble CERC. Therefore, it is most respectfully prayed that this Hon'ble Commission may be pleased to permit us to withdraw the said petition as no prejudice will be caused to the other side if the same is allowed"

4. Accordingly, we allow the Petitioner to withdraw the petition.
5. Petition No. 157/MP/2021 is disposed of as withdrawn.

**sd/-
(P. K. Singh)
Member**

**sd/-
(Arun Goyal)
Member**

**sd/-
(Jishnu Barua)
Chairperson**

