

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 189/MP/2012

Subject : Petition under Section 79 (1) (c) read with Section 79 (1) (f) of the Electricity Act, 2003 seeking a direction from Commission that no transmission charges shall be payable by it to UPPTCL for scheduling of 100 MW of power on medium term and/or short term open access as the transmission system of UPPTCL will not be used for such open access.

Date of hearing : 11.10.2012

Coram : Dr. Pramod Deo, Chairperson
Shri S.Jayaraman, Member
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Petitioner : Lanco Anpara Power Limited, Hyderabad

Respondents : U.P. Power Transmission Corporation Limited, Lucknow
UP State Load Despatch Centre, Lucknow
Power Grid Corporation of India Limited, New Delhi
Power System Operation Corporation Limited, Bangalore

Parties present : Shri Vishal Gupta , Advocate for the petitioner
Miss Taruna A. Prasad, Advocate for the UPPTCL
Shri Mohit Garg, Advocate, UPPTCL

Record of Proceedings

Learned counsel for the petitioner submitted that petitioner, Lanco Anpara Power Limited, has set up a 1200 MW (2x600 MW) thermal generating station in Anpara at Uttar Pradesh. The petitioner has entered into Power Purchase Agreement for supply of power for 1100 MW with UP Power Corporation Limited (UPPCL). Since remaining 100 MW was available for evacuation to third party, the petitioner had applied on 18.1.2010 for Long Term Open Access (LTOA) for ISTS to PGCIL .

2. Learned counsel submitted that STU vide its letter dated 22.5.2010 has granted concurrence and no objection certificate for LTOA as per prescribed format LTA-3 and it was stated by the STU that no transmission charges and losses for State transmission and distribution network for seeking and availing of open access through the ISTS of PGCIL for 100 MW of power, would have to be paid or borne by the petitioner.

3. Learned counsel for the petitioner submitted that it has entered into BPTA for 25 years with PGCIL. Further, Open Access was also granted to it w.e.f 26.3.2011. Despite all arrangement for such supply of 100 MW power through LTA to third party in place, the petitioner was unable to get a contract for Long term supply using existing LTOA to ISTS. The petitioner has tied up to supply of 100 MW power through short term open access to TANGEDCO through National Energy Trading and Services Pvt. Ltd. The petitioner approached the SLDC for occurrence/no objection for apply for STOA which was refused on the ground that the petitioner was required to pay transmission charges and losses for utilizing the State transmission network.

4. In response to query of the Commission as to whether the bus-bar of its generating station is directly connected to CTU, learned counsel submitted that bus-bar is connected to the network of CTU as well as STU.

5. Learned counsel for the UPPTCL submitted that petition is not maintainable as the issue relates to payment of intra State transmission charges.

6. After hearing of the learned counsels, the Commission directed to admit the petition and issue notices to the respondents. Miss Taruna A. Prasad accepted notice on behalf of UPPTCL.

7. Accordingly, the petitioner was directed to serve the copy of the petition on the respondents by 26.10.2012. The respondents may file their responses by 16.11.2012 and the petitioner may file its rejoinder, if any, by 29.11.2012.

8. The petition shall be listed for hearing on 6.12.2012.

By the order of the Commission,

**Sd/-
(T. Rout)
Joint Chief (Law)**