

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 92/MP/2014**

**Coram:**

**Shri Gireesh B. Pradhan, Chairperson**

**Shri M. Deena Dayalan, Member**

**Shri A.K. Singhal, Member**

**Shri A.S.Bakshi, Member**

**Date of Order: 5.9.2014**

**In the Matter of**

Petition under Section 79 (1) (c) of the Electricity Act, 2003 and Regulations-32 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-Term and medium term open access in inter-State transmission and related matters) Regulations, 2009, 'in the matter of arbitrary denial of Medium Term Open Access' violating the provisions of the regulations.

**And**

**In the matter of**

Kerala State Electricity Board Limited

**.....Petitioner**

**Vs**

1. Powergrid Corporation of India Limited, Gurgaon
2. PTC India Ltd., New Delhi
3. NTPC Vidyut Vyapar Nigam Limited, New Delhi
4. Jindal Power Ltd., Chhattisgarh

**....Respondents**

**ORDER**

Subsequent to the issue of the order dated 8.8.2014 directing the CTU to consider the applications for MTOA received during June, 2013, CTU vide its affidavit dated 22.8.2014 has sought clarification on the following issues:

- (a) Whether CTU can process MTOA applications received in June 2013 for MTOA starting later than one year violating Connectivity Regulations, 2009 as an exception to honour the order of the Commission? and

(b) Define the documents that can qualify as Sale Purchase Agreement.

2. As regards the first issue, it may be noted that since the applications made during May, 2013 were not considered by CTU as per 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 "Connectivity Regulations") and the Detailed Procedure, the Commission in para 41 of the order dated 8.8.2014 came to the following conclusion:

"41. In the light of our above discussion, we are of the view that the processing of the application of DB Power for the month of May 2013 without proper documents and grant of MTOA with effect from 1.6.2014 are in violation of the Connectivity Regulations and Detailed Procedure and hence are held to be invalid. Since the corridor was available with effect from 1.6.2014, CTU should consider the applications received for MTOA during June 2013 and decide the allocation of MTOA within a period of one week if the applicants otherwise meet the requirements of the Connectivity Regulations and Detailed Procedure."

3. The Commission in para 57 of the order issued the following directions:

"57. We direct that CTU shall process the applications received in June 2013 including the application of the petitioner in accordance with the existing Connectivity Regulations and Detailed Procedure. The applicants for MTOA shall be provided with detailed justification of the decision on their applications alongwith results of system study wherever required. This exercise should be completed within seven days, from the date of this order."

4. In view of the above, the applications for MTOA made during June 2013 are not being considered by CTU in normal course but in compliance with the directions of the Commission in the order dated 8.8.2014. Considering the fact that the period of one year as prescribed in Regulation 19 (2) of Connectivity Regulations for operationalisation of MTOA is over as on the date of consideration of the applications, we direct that as a special case, CTU shall allow a reasonable time of one week to the

successful applicant(s) after declaration of the result for operationalisation of MTOA. This is an exception in view of the findings and directions in our order dated 8.8.2014 and shall not be cited as precedent.

5. CTU shall also ensure that the Short Term Open Access granted on the corridor prior to 8.8.2014 is honored. The STOA granted after 8.8.2014 shall be curtailed, if required, to give effect to the MTOA.

6. As regards the clarification regarding the documents which shall qualify as the Sale Purchase Agreement, the issue will be dealt with in the final order.

Sd/-  
**(A.S. Bakshi)**  
Member

sd/-  
**(A.K. Singhal)**  
Member

sd/-  
**(M. Deena Dayalan)**  
Member

sd/-  
**(Gireesh B. Pradhan)**  
Chairperson