

**2CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 249/MP/2015

- Subject** : Petition under Section 79(1)(c) and 79(l)(f) of the Electricity Act, 2003 and Regulation 32 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, seeking intervention of Hon'ble Commission 'in the matter of non-grant of LTA from the start date sought for in the LTA applications made in December 2014 with firm PPAs executed under DBFOO bidding framework between Generators and KSEB Ltd., despite availability of ATC during the time frame sought for in the LTA application, by reserving ATC in favour of very old target region LTA customers who failed to submit firm PPAs to the intended regions within a reasonable period, causing irreparable financial loss to KSEB Ltd. and other related matters.
- Date of hearing** : 18.2.2016
- Coram** : Shri Gireesh B. Pradhan, Chairperson
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Petitioner** : Kerala State Electricity Board Limited
- Respondents** : Power Grid Corporation of India Limited and others
- Parties present** : Ms. Suparna Srivastava, Advocate, KSEBL
Shri B. Pradeep, KSEBL
Shri S.R. Prasad, KSEBL
Shri Sitesh Mukherjee, Advocate, PGCIL
Ms. Akansha Tyagi, Advocate, PGCIL
Ms. Jyoti Prasad, PGCIL
Shri Matrugupta Mishra, Advocate, JITPL, BALCO and Sterlite
Shri Tushar Nagar, Advocate, JITPL, BALCO and Sterlite
Shri Rahul Singh, Advocate, MIEL
Shri Vijaya Durga Velamati, Jhabua Power
Shri Ganesh Chaudhary, Jindal Power Limited
Ms. Divya Chaturvedi, Jindal Power Limited
Shri Yashish Chandra, Advocate, JPPVL
Ms. Divya Joshi, Vedanta Limited
Ms. Swapna Seshadari, Advocate, KSK Mahanadi

Record of Proceedings

Learned counsel for the petitioner submitted that during the last hearing, the Commission directed the respondents to file their replies. However, only Monnet Power Company Ltd. and CTU have filed their replies. She further submitted that Monnet Power Company Ltd. intends to utilize the corridor allocated to it as and when the generating station would achieve COD. Learned counsel for the petitioner submitted that Sterlite has made an application for relinquishment of LTA and Karcham Wangtoo and GMR have filed applications for change in regions.

2. Learned counsel for CTU submitted that CTU has received requests from the generators for relinquishment of LTA of 488 MW (200 MW from GMR, 88 MW from Karcham Wangtoo and 200 MW from Sterlite). Learned counsel for CTU further submitted that CTU is ready to give an affidavit to the effect that any capacity available by relinquishment or any other means shall only be used to accommodate LTA applications received in the month of December, 2014.

3. Learned counsel for Sterlite and Bharat Aluminum requested for time to bring the facts on record by filing their replies to some pleadings made by the petitioner which are factually not correct. He further submitted that Sterlite has already relinquished its LTA.

4. Learned counsel for KSK Mahanadi submitted that KSK Mahanadi has been granted open access to supply power to the State of Andhra Pradesh on 7.9.2015 for 347 MW for the period from 16.6.2016 to 15.6.2019 and on 10.12.2015 for 14.5 MW for the period from 16.6.2016 to 15.6.2019. The open access has been fully operationalised and power is being supplied to the State of Andhra Pradesh. Therefore, such open access granted is a vested right accrued to it.

5. The representative of Jindal Power Limited submitted that the apprehension with regard to LTA is not limited to Southern region but is applicable for all regions.

6. After hearing the learned counsels and representative of the parties, the Commission directed the respondents to file their replies as a last chance, by 18.3.2016 with an advance copy to the petitioner who may file its rejoinder, if any, by 31.3.2016.

7. The Commission directed CTU to clarify the status of capacity available by 18.3.2016 after taking into consideration the capacity surrender by the generators.

8. The Commission directed that due date of filing the information, replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

9. The petition shall be listed for hearing on 12.4.2016.

By order of the Commission

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