

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 312/MP/2015

Subject : Petition under Section 79(1)(f) of the Electricity Act, qua adjudication over payment of transmission charges and other liabilities under the Bulk Power Transmission Agreement between Meenakshi Energy Private Limited, a generating company, and Power Grid Corporation of India Limited, the Central Transmission Utility.

Date of hearing : 4.2.2016

Coram : Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : Meenakshi Energy Private Limited

Respondent : Power Grid Corporation of India Limited

Parties present : Shri Mazag Andrabi, Advocate, MEPL
Shri Jafar Alam, Advocate, MEPL
Shri Himanshu Mishra, MEPL

Record of Proceedings

Learned counsel for the petitioner, Meenakshi Energy Private Limited submitted that the present petition has been filed seeking exemption from payment of transmission charges and other liabilities under the Bulk Power Transmission Agreement on account of force majeure events. Learned counsel for the petitioner further submitted as under:

(a) The petitioner owns and operates 600 MW (2x300 MW) coal-based thermal power generations consisting near Krishnapatnam Port, Nellore District, Andhra Pradesh.

(b) On 24.2.2010, the petitioner entered a Bulk Power Transmission Agreement with PGCIL for total LTA capacity of 546 MW. The petitioner has successfully commissioned Phase I of the generating station and is selling power through short term open access or medium term open access to the Southern Grid. However, due to force majeure events the commissioning of Phase-II of the generating station has been delayed.

(c) The petitioner vide its letters dated 25.6.2013, 9.8.2013 and 24.7.2014 requested PGCIL to revise the commissioning schedule set out in the BPTA. However, PGCIL vide its letters dated 25.9.2013, 20.8.2014 and 1.10.2014 did not accept the petitioner request and advised the petitioner to establish payment security mechanism.

(d) As per clause 9 of the BPTA, the petitioner is not liable to pay any transmission charges to PGCIL or create any security for the payment of transmission charges for the period by which the commissioning of Phase II has been delayed on account of Force Majeure events.

2. After hearing the parties, the Commission admitted the petition and directed to issue notice to the respondent.

3. The Commission directed the petitioner to serve copy of the petition on the respondent by 12.2.2016. The respondent was directed to file its reply, on affidavit, by 29.2.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 16.3.2016. The Commission directed PGCIL to submit the following information on affidavit by 29.2.2016:

- (a) Status of associated transmission scheme; and
- (b) Whether LTA for Phase-I has been operationalized.

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

5. The petition shall be listed for hearing on 31.3.2016.

By order of the Commission

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