

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:
Shri Gireesh B. Pradhan, Chairperson
Shri A.K Singhal, Member
Shri A.S.Bakshi, Member
Dr. M.K.Iyer, Member

Date of Order : 22nd of December 2016

Petition No. 100/MP/2016

In the matter of

Petition for abeyance of long term access to the extent of 750 MW and consequent connectivity agreed under the Bulk Power Transmission Agreement dated 24.2.2010 under Regulation 32 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.

And

In the matter of

Essar Power (Jharkhand) Limited
Lower Ground Floor,
Hotel Conclave Boutique
A-20, Kailash Colony,
New Delhi-110 048

..... Petitioner

Vs

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

2. Central Electricity Authority
Seva Bhawan, RK.Puram,
New Delhi-110 066

....Respondents

**Petition No. 101/MP/2016
with IA No. 56 of 2016**

In the matter of

Petition for relinquishment of 350 MW of Long Term Access agreed under the Bulk Power Transmission Agreement dated 24.02.2010 under Regulation 32 of Central Electricity Regulatory Commission (Grant of Connectivity, Long-term and Medium-term Open Access in inter-state Transmission and related matters) Regulations, 2009, of the subject Transmission Lines by the Essar Power Jharkhand Limited (3x600 MW) Thermal Power Plant, Chandwa Tehsil, District Latehar in the State of Jharkhand.

And

In the matter of

Essar Power (Jharkhand) Limited
Lower Ground Floor,
Hotel Conclave Boutique
A-20, Kailash Colony,
New Delhi-110 048

..... **Petitioner**

Vs

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

2. Central Electricity Authority
Seva Bhawan, RK.Puram,
New Delhi-110 066.

....**Respondents**

Following were present:

Ms. Molshree Bhatnagar, Advocate, EPJL
Ms. Swapna Srivastava, Advocate, PGCIL

ORDER

The petitioner, Essar Power (Jharkhand) Limited, has filed the Petition No. 100/MP/2016 *inter alia* seeking direction to CTU to keep in abeyance the 750 MW LTA due to force majeure events.

2. The petitioner has filed Petition No. 101/MP/2016 seeking declaration that the petitioner is entitled to relinquish its 350 MW LTA without any liability for payment of relinquishment charges under Regulation 18 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.

3. The petitioner has filed Interlocutory Application No.56/2016 in Petition No. 101/MP/2016 seeking direction to PGCIL not to encash the Bank Guarantee till disposal of the petition.

4. During the course of hearing on 14.12.2016, learned counsel for the petitioner submitted that the petitioner has now decided to withdraw Petition No. 100/MP/2016 and make an application for relinquishment of 1100 MW LTA by amending Petition No. 101/MP/2016. Learned counsel sought permission to withdraw Petition No. 100/MP/2016 and file an amended petition in Petition No.101/MP/2016. Learned counsel for PGCIL submitted that the petitioner should withdraw both petitions, and file a consolidated petition for relinquishment of the intended capacity. Learned counsel for the petitioner further submitted that withdrawing both petitions and filing a fresh petition will involve payment of filing fee for the fresh petition which will be an additional burden on the petitioner.

5. During the hearing, we suggested to learned counsel for the petitioner whether the petitioner would withdraw both petitions and make a fresh petition for relinquishment of the intended capacity of LTA, if filing fee paid in Petition No.

101/MP/2016 is allowed to be adjusted against the filing fee of the fresh petition.
Learned counsel for the petitioner agreed to the said suggestion.

6. Taking note of the submission of learned counsel for the petitioner, Petition Nos. 100/MP/2016 and 101/MP/2016 are disposed of as withdrawn with liberty to the petitioner to make a fresh petition for relinquishment of LTA in accordance with law. If such an application is made, the filing fee paid in the Petition No. 101/MP/2016 shall be adjusted.

7. The Petition Nos. 100/MP/2016 and 101/MP/2016 along with IA No. 56/2016 are disposed of with the above.

Sd/-
(Dr. M.K.Iyer)
Member

Sd/-
(A.S.Bakshi)
Member

Sd/-
(A. K. Singhal)
Member

Sd/-
(Gireesh B. Pradhan)
Chairperson