

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 389/MP/2018

Subject : Petition for recovery of charges from PGCIL under Clause 6.0(d) of the Bulk Power Transmission Agreement dated 24.02.2010 read with 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.

Date of Hearing : 12.7.2022

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : GMR Kamalanga Energy Limited (GKEL)

Respondent : Power Grid Corporation of India Limited (PGCIL)

Parties Present : Shri Matrugupta Mishra, Advocate, GKEL
Ms. Ritika Singhal, Advocate, GKEL
Ms. Suparna Srivastava, Advocate, CTUIL
Ms. Soumya Singh, Advocate, CTUIL
Shri Tushar Mathur, Advocate, CTUIL
Shri Rajesh Kumar, CTUIL
Shri Manish Ranjan Keshari, CTUIL
Shri Anupam Kumar, CTUIL
Shri Swapnil Verma, CTUIL
Ms. Kavya, CTUIL
Shri Siddharth Sharma, CTUIL
Shri Ranjeet Singh Rajput, CTUIL

Record of Proceedings

The order in the present petition was reserved on 11.11.2021. However, the order could not be passed prior to the Chairperson Shri P. K. Pujari demitting the office. Accordingly, the matter is listed for hearing today through video conferencing.

2. Learned counsel for the Petitioner submitted that under the present Petition, the Petitioner has sought direction to PGCIL/CTUIL to pay Rs. 4.68 crore to the Petitioner towards liability of PGCIL under Clause 6.0(d) of the Bulk Power Transmission Agreement (BPTA) dated 24.2.2010 for delay in commencement of Long Term Access (LTA) along with interest. Learned counsel further submitted that in support of above prayer, the Petitioner has contended, *inter alia*, that LILO of Meramundli- Bolangir/Jeypor 400 kV S/C line at Angul cannot be considered as 'alternate arrangement' as envisaged in the BPTA, that provision of Short-Term Open Access cannot be equated with LTA granted to the Petitioner and that vide order dated 10.5.2019 in Petition No. 96/MP/2018, the Commission has in the past directed PGCIL to compensate the generator in case of delay in operationalization of LTA as



per Clause 6.0(d) of the BPTA. Learned counsel submitted that the Petitioner has also contended that in view of the BPTA already providing for genuine pre-estimate of compensation payable by the parties in case of default by either party to meet timeline, there is no requirement of proving loss sustained by the Petitioner on account of delay in operationalisation of LTA. However, if the Commission is of the view that there is need of ascertaining the losses incurred to the Petitioner, the Petitioner may be permitted to place on record an additional affidavit to substantiate or prove the actual loss suffered to it.

3. Learned counsel for the Respondent, CTUIL submitted that the aforesaid submissions have already been made by the Petitioner on the previous hearing of the matter and in the event, the Petitioner intends to place on record any additional submissions, the Petitioner may be directed to file such submissions on an affidavit and the Respondent may also be permitted to file its response thereon.

4. After hearing the learned counsel for the parties, the Commission permitted the Petitioner to file an additional affidavit within two days after serving the copy of the same to the Respondent, who may file its response thereon, if any, within two days thereafter.

5. Subject to the above, the Commission reserved order in the matter.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**