

COURT-II

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

Appeal No. 276 of 2013 & IA No. 441 of 2013

Dated : 18th December, 2013

**Present: Hon'ble Mr. Rakesh Nath, Technical Member
Hon'ble Mr. Justice Surendra Kumar, Judicial Member**

Corporate Power Ltd.

....Appellant(s)

Versus

Power Grid Corporation of India Ltd. & Ors.

....Respondent(s)

Counsel for the Appellant(s) : Mr. Sitesh Mukherjee
Mr. Hemant Singh

Counsel for the Respondent(s) : Ms. Suparna Srivastava for R.1

ORDER

The learned counsel for the Appellant has sought extension of time in complying with the undertaking dated 25.11.2013. The Appellant has approached its banks for opening the LC and furnishing a bank guarantee. However, the bank is in the process of undertaking the exercise for redetermining the entire credit facility of the Appellant whereby it is difficult for the said bank to issue the bank guarantee to the learned counsel midway during the said exercise. According to the Appellant, the bank has assured that the said bank guarantee and LC will be issued after the said exercise is over.

Accordingly, the Appellant seeks extension for one month for furnishing the bank guarantee and LC.

We have heard the learned counsel for the parties. We deem it appropriate to extend the time limit for furnishing the bank guarantee upto 15.1.2014. After 15.1.2014, if the bank guarantee and LC are not furnished in terms of the undertaking dated 25.11.2013, the Respondent No.1 will be at liberty to take necessary action as per the contract.

The learned counsel for the Appellant has pointed out that according to the power supply agreement based on the standard bidding document of Govt. of India, there is a provision for supplying power from the alternate source in the event of delay in commissioning of the Appellant's power plant. Accordingly, they were seeking a short term open access from an alternate power plant in the eastern region upto the injection point of the Appellant.

It is open for the Appellant to seek short term open access for supply of power from alternate source of power from such alternate source to the point of injection of the Appellant's power plant, which shall be considered and allowed by the appropriate authority as per the regulations.

Post the matter on **20.1.2014** for hearing. In the meantime, written submissions may be filed by both the learned counsel for the parties after serving copy on the other side.

(Justice Surendra Kumar)
Judicial Member

(Rakesh Nath)
Technical Member

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