

COURT-I
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)
IA NO. 1647 OF 2019 IN IA NO. 1646 OF 2019 IN
APPEAL NO. 252 OF 2019 &
IA NOS. 782, 781 & 1562 OF 2019

Dated: 2nd September, 2019

Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. S.D. Dubey, Technical Member

In the matter of:

Jindal India Thermal Power Limited ... **Appellant(s)**
Versus
Power Grid Corporation of India Limited & Ors. ... **Respondent(s)**

Counsel for the Appellant(s) : Mr. Hemant Singh
Mr. Nishant Kumar
Mr. Ambuj Dixit

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

Mr. Mukund P Unni for KSEB/R-3

Ms. Swapna Seshadri
Mr. Anand K. Ganesan for R-8

Mr. Shreshth Sharma for R-20

Mr. Nitish Gupta
Ms. Molshree Bhatnagar for R-23 & 26

ORDER
[IA No 1647 of 2019 for Urgent Listing]

We have heard learned counsel for the appellant. For the reasons stated in the application, the IA is allowed and disposed of.

ORDER
[IA No 1646 of 2019 For Directions]

Heard learned counsel for the Appellant as well as learned counsel for the Respondents on interim directions sought.

According to Appellant, inspite of undertaking dated 04.07.2019, Respondent Corporation is pressing the matter before the Central Electricity Regulatory Commission and the matter is listed on 03.09.2019. Since, the mentioning was allowed, he, further, contends that the matter may be listed on 03.09.2019 and Respondent Commission may pass an order prejudicing the interest of the Appellant contrary to the undertaking given by the Respondent/Power Grid.

Learned counsel for the Respondent/Power Grid brings to our notice that what exactly was the reason for mentioning before the Central Commission and the direction sought by them has nothing to do with the undertaking given before this Tribunal pertaining to coercive steps. She, further, submits that only after finalization of calculations, such steps could be invoked. We reproduce below paras 7, 8 & 9 of the mentioning application before the Central Commission which is in the nature of general directions asking for the methodology how to proceed with the matter.

“7. That moreover, several LTTC’s vide letters addressed to CTU started raising grievances regarding the calculations posted on the website and sought inter alia following details/information relating to primary source data for computation of stranded capacity and resultant relinquishment charges Annexure-B (Colly) from CTU:

- *Base line data provided by POSOCO and base line data as taken by CTU in the studies.*
- *Assumptions made in Step-2 of the CTU document (i.e. relinquished scenario) in reduction of relinquished quantum.*
- *Various generating stations in the region where generation has been increased correspondingly with quantum at each generating station.*
- *Results of the study showing stranded capacity o the identified transmission system and computation of stranded capacity and relinquishment charges.*
- *Reasons why relinquishment charges have been worked out to be more as compared to other LTTC’s with comparable quantum of LTA in the same Region.*

8. That the Petitioner submits the CTU has attempted to redress the concern of the aggrieved parties, and has provided replies to the letters so received from LTTC’s Annexure-C (Colly) describing the methodology, assumptions etc. explained in the information published by CTU on its

website. However, the information relating to study results, up/down time relating to generation, line-wise stranded capacity etc. has not been shared with the entities by CTU, as the same are not as per the directions of the Hon'ble Commission vide Order dated 8.3.2019.

9. That the CTU is thus facing difficulty in satisfying the relinquishing LTTC's despite just and proper compliance of the Order dated 8.3.2019 passed by the Hon'ble Commission in Petition No. 92/MP/2015."

Learned counsel for the Respondent/Power Grid, further, submits that once the calculation based on the data now furnished is finalized, i.e. mode of calculation then they would be able to raise the bills.

In that view of the matter, at this stage, we are of the opinion that no interim directions are required. Accordingly, IA is disposed of

**APPEAL NO. 252 OF 2019 &
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List the matter on **30.10.2019**.

(S. D. Dubey)
Technical Member

(Justice Manjula Chellur)
Chairperson

vt/mkj