

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 14/RP/2019 Alongwith I.A No. 80/2019**

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulation 103(1) of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, read with order 47 Rule 1 of the Code of Civil Procedure, 1908 for review of Order dated 9.4.2019 on in Petition No. 318/MP/2018.

Petitioner : Power Grid Corporation of India Limited

Respondent : SEI Sunshine Power Private Limited

Date of hearing : 6.11.2019

Coram : Shri P.K. Pujari, Chairperson  
Dr. M.K. Iyer, Member

Parties present : Ms Suparna Srivastava, Advocate, PGCIL  
Ms. Jyoti Prasad, PGCIL  
Shri K.K Jain, PGCIL  
Shri Hemant Singh, Advocate, SEI Sunshine Power (P) Ltd.  
Shri Lakshyajit Singh, Advocate, SEI Sunshine Power (P) Ltd.

**Record of Proceedings**

Learned counsel for the Review Petitioner submitted that the present Review Petition has been filed seeking review of the Commission's order dated 9.4.2019 in Petition No. 318/MP/2019 for rectification of the errors apparent that have occurred in the following findings:

- (i) LTA grant to the Respondent has been with a transmission system which has not been developed for the Respondent and the LTA has been accommodated on transmission capacity relinquished by some other LTA grantees;
- (ii) Provisions of Regulation 8(5) of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 (Sharing Regulations) are not applicable to the Respondent;
- (iii) Operationalization of long-term access granted by the Review Petitioner can take place only when the last of the elements comprised in the identified transmission system for it as recorded in the LTA grant and the LTA Agreement is commissioned; and
- (iv) 5th Amendment to the Sharing Regulations provide an "extension" to the earlier dispensation in the said Regulations as regards exemption from payment of transmission charges by solar power generators and as such, operates retrospectively.

2. Learned counsel for the Respondent submitted that since there is delay in filing the Review Petition, the same is not maintainable.

3. Learned counsel for the Review Petitioner submitted that there has been no delay in filing the Review Petition and the same has been filed within the prescribed period of limitation of 45 days. The objection of the Respondent as regards the maintainability of the Review Petition on this ground is not maintainable.

4. After hearing the leaned counsel for the parties, the Commission reserved order on the admissibility of the Review Petition.

**By order of the Commission**  
**Sd/-**  
**(T. D. Pant)**  
**Deputy Chief (Law**