

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.701/MP/2020  
along with I.A 72/2020**

- Subject** : Petition under Section 79 of the Electricity Act, 2003 seeking declaration that the Transmission Service Agreement dated 28.8.2019, Transmission Connectivity Agreement dated 5.3.2019 and Long-Term Access Agreement dated 28.8.2019 are rendered impossible to perform and thereby void and directions to restrain the Respondent from invoking the bank guarantees and return the same to the Petitioner.
- Date of Hearing** : 27.3.2023
- Coram** : Shri Jisnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri A.K Goyal, Member  
Shri P.K. Singh, Member
- Petitioner** : Shapoorji Pallonji Infrastructure Limited (SPICCP)
- Respondent** : Power Grid Corporation of India Limited (PGCIL)
- Parties present** : Shri Mohd Munish Siddique, Advocate, SPICCP  
Ms. Suparna Srivastava Advocate, PGCIL  
Shri Tushar Mathur, Advocate, PGCIL  
Ms. Divya Sharma, Advocate, PGCIL  
Ms. Priyansi Jadiya, PGCIL  
Shri Ankush Patel, PGCIL  
Shri Swapnil Sharma, PGCIL  
Shri Ranjeet Singh Rajput, PGCIL

**Record of Proceedings**

Learned proxy counsel for the Petitioner sought time to file additional affidavit in order to bring on record certain new developments which have taken place in the matter.

2. In response to a query of the Commission, the learned counsel appearing on behalf of PGCIL submitted that LTA and Connectivity of 250 MW granted to the Petitioner for its Project was revoked w.e.f. 8.10.2020 and relinquishment charges for the same were also computed. Referring to Clause 5 of the Revised Procedure, she submitted that the Commission has prescribed distinct treatment for Stage-II Connectivity and Bank Guarantee (BG) for entities which were granted Stage-II Connectivity under the Pre-revised Procedure i.e. any action already initiated for



revocation or encashment of BG prior to the issue of the Revised Procedure shall be completed under the Pre-revised Procedure. In the instant case, Stage-II connectivity was granted under the Pre-revised Procedure and the same had already been revoked. Therefore, the connectivity BG of ₹5 crore is encashable. However, no action has been taken towards encashment, in view of the interim protection granted to the Petitioner by the Hon'ble APTEL, which further stood extended by the Commission until further orders vide RoP dated 4.6.2021.

3. The Petitioner also filed I.A. No.72/IA/2020 for restraining PGCIL from encashing the BG or taking any other coercive or precipitative action against the Petitioner. The interim protection granted by the Commission vide RoP dated 4.6.2021 is extended till the next date of hearing. Accordingly, the I.A. No.72/IA/2020 stands disposed of.

4. The learned counsel for the Petitioner referring to letter dated 28.12.2021 issued by PGCIL to the Petitioner submitted that an option was given by PGCIL for reduction in amount of Conn BG from ₹5 crore to ₹0.5 crore.

5. In response, the learned counsel for PGCIL submitted that the letter dated 28.12.2021 was generic in nature and was given to all the entities after notification of the Revised Procedure.

6. As a last opportunity, the Commission directed the Petitioner to make its submissions on affidavit, with an advance copy to the Petitioner, by 13.4.2023 and the Respondents to file their reply/comments on the submissions of the Petitioner, if any, on affidavit by 27.4.2023. The Commission further directed the parties to comply with the directions within the timeline specified and observed that no extension of time shall be granted.

7. The matter shall be listed for hearing on 11.5.2023.

**By order of the Commission**

**Sd/-**  
(V. Sreenivas)  
Joint Chief (Law)

