

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 727/MP/2020
(With I.A. Nos. 29/2022 & 19/2023)

- Subject** : Petition under section 79(1)(c) & section 79(1)(f) of the Electricity Act, 2003 read with regulation 32 and 33a Central Electricity Regulatory Commission (Grant of connectivity, long term and medium term open access in inter-State transmission and related matters) regulations, 2009 along with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking inter alia relaxation of clause 11.2 of the Detailed procedure issued by the Central Electricity Regulatory Commission for “Grant of connectivity to projects based on renewable sources to the inter-State transmission system” dated 15.5.2018 and adjudicating the dispute that has arisen in relation to the agreements entered between central transmission utility and the petitioner herein.
- Date of Hearing** : 23.8.2023
- Coram** : Shri Jishnu Barua, Chairperson
Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner** : Mytrah Energy (India) Private Limited (MEIPL)
- Respondent** : Central Transmission Utility of India Limited (CTUIL)
- Parties present** : Shri Suhael Butta, Advocate, MEIPL
Shri Vineet Kumar, Advocate, MEIPL
Shri Himangi Kapoor, Advocate, MEIPL
Ms. Suparna Srivastava, Advocate, CTUIL
Ms. Aastha Jain, Advocate, CTUIL
Shri Debasish Das, MEIPL
Shri Kavya Bhardwaj, CTUIL
Ms. Muskan Agarwal, CTUIL

Record of Proceedings

Mytrah Energy (India) Private Limited (MEIPL) has filed the instant petition seeking relaxation of Clause 11.2 of the Detailed Procedure issued by the Commission for “Grant



of Connectivity to Projects based on Renewable Sources to the inter-State Transmission System" dated 15.5.2018 and to issue direction that the Petitioner is not liable to pay any transmission charges and /or be subjected to any financial prejudice under the Transmission Agreement dated 8.8.2018, the Long Term Access Agreement dated 7.12.2018, and the Transmission Service Agreement 20.2.2015 and to return /release forthwith the Performance Bank Guarantees.

2. The learned counsel for the Petitioner made the following submissions:
 - a. Similar issue has been raised in Petition No.227/MP/2020 and the Commission, vide RoP dated 30.5.2023 has reserved the order in Petition No. 227/MP/2020. The Commission's decision in Petition No. 227/MP/2020 shall have direct bearing on the instant petition.
 - b. As per the directions of the Commission in RoP dated 6.3.2023, the Petitioner has amended the petition vide affidavit dated 25.5.2023. The Petitioner has also filed a rejoinder, vide affidavit dated 14.7.2023, to the amended reply filed by CTUIL.
 - c. CTUIL cannot claim any transmission charges from the Petitioner in the instant petition, filed by the Petitioner, and it may be directed to file a separate petition for claiming the transmission charges.
 - d. Grant of connectivity without LTA or the commencement of LTA is meaningless. CTUIL's contention that liability to pay transmission charges under the LTA Agreement starts from 29.2.2020, irrespective of the status of the commissioning of the Project is without any basis. The Petitioner is not liable to pay transmission charges for the period 29.2.2020 to 17.7.2020.
3. The learned counsel for CTUIL submitted that the Petitioner has not deposited the amount as directed in the RoP dated 6.3.2023. Therefore, CTUIL has invoked the Application Bank Guarantee of ₹30 lakh and Connectivity Bank Guarantee of ₹5 crore. Further, transmission charges of more than ₹40 crore and relinquishment charges of ₹158 crore are pending from the Petitioner.
4. The petition will be listed for a final hearing on 22.9.2023.

By order of the Commission

sd/-
(V. Sreenivas)
Joint Chief (Law)

