

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 9/TT/2021
(On remand)**

- Subject** : Determination of transmission tariff for 2019-24 tariff block for **Asset-1**: Combined Asset of a) 400 kV D/C Bhadla (Powergrid) - Bhadla (RVPNL) Ckt-1 & 2 along with associated bays; b) 1 no. of 400 kV, 125 MVAR Bus Reactor along with associated bays at Bhadla (Powergrid) Sub-station; c) 400 kV, 500 MVA ICT-2 along with associated bays at Bhadla (Powergrid) Sub-station; d) 220 kV, Adani Bhadla (Pooling Station) line-1 bay at Bhadla (Powergrid) Sub-station; **Asset-2**: 220 kV Surya Urja line-2 Bay at Bhadla (Powergrid) Sub-station; **Asset-3**: 500 MVA ICT-3 along with associated bays at Bhadla (Powergrid) Sub-station; **Asset-4**: 500 MVA ICT-1 along with associated bays at Bhadla (Powergrid) Sub-station; **Asset-5**: 2 nos. 220 kV line bays (205 & 206) at Bhadla (Powergrid) Sub-station; **Asset-6**: 2 No. 400 kV line bays at Bhadla (Powergrid) Sub-station; **Asset-7**: Combined Asset of a) 765 kV D/C Bhadla (Powergrid)-Bikaner (Powergrid) along with 2 nos. 240 MVAR Switchable Line Reactors along with associated bays at Bhadla (Powergrid) Sub-station and 2 nos. 240 MVAR Switchable Line Reactors along with associated bays at Bikaner (Powergrid) Sub-station; b) 765/400 kV, 1500 MVA ICT-1, 2 and 3 alongwith associated bays at Bhadla (Powergrid) Sub-station; c) 1 no. of 240 MVAR Bus Reactor alongwith associated bays at Bhadla (Powergrid) Sub-station under "Transmission System for Solar Power Park at Bhadla" in the Northern Region.
- Petitioner** : Power Grid Corporation of India Ltd.
- Respondents** : Rajasthan Rajya Vidyut Prasaran Nigam Ltd. and 20 others
- Date of Hearing** : 26.7.2023
- Coram** : Shri Jishnu Barua, Chairperson
Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Parties present** : Ms. Swapna Seshadri, Advocate, PGCIL



Ms. Surbhi Gupta, Advocate, PGCIL
Shri Ravi Sinha, PGCIL
Shri Prashant Kumar, PGCIL
Shri Amit Kapur, Advocate, AREPRL
Ms. Sakshi Kapoor, Advocate, AREPRL
Shri Nimant Singh, Advocate, FBTL
Shri Lakshajit Bagdwal, Advocate, FBTL
Shri Robin Tomar, Advocate, FBTL

Record of Proceedings

In compliance with the directions of the Commission as per Record of Proceedings dated 22.5.2023, the Petitioner and Adani Renewable Energy Park Rajasthan Ltd. (AREPRL) have filed their respective written submissions.

2. Learned counsel for AREPRL made the following submissions:

- a) AREPRL is the developer of two Solar Parks in Rajasthan (i) Bhadla Solar Park for 250 MW and (ii) Fatehgarh Solar Park for 1000 MW. The Transmission System for the two Solar Parks comprises six of the seven assets of the Petitioner covered in the present petition, namely, Assset-1(c)&(d), Asset-3, Asset-4, Asset-5, Asset-6 and Asset-7.
- b) The Commission, vide order dated 11.6.2022, imposed the transmission charges on AREPRL for the period of mismatch between the COD of the Petitioner and AREPRL in the case of the four number of assets associated with AREPRL's two Solar Parks, which are as follows:

Liability with respect to Bhadla Solar Park:

- (i) Asset 1(c)&(d) transmission charges proportionate to 50 MW from 29.4.2019 to 26.7.2019;
- (ii) Asset 3: Transmission charges proportionate to 50 MW from 17.5.2019 to 26.7.2019; and
- (iii) Asset 4: Transmission charges proportionate to 50 MW from 1.6.2019 to 26.7.2019;

Liability with respect to Fatehgarh Solar Park:

- (iv) Asset 6: As on 31.7.2021 Associated Transmission System (ATS) for Fatehgarh Solar Park was ready. However, the generation plant under AREPRL was not ready, therefore, transmission charges for Asset-6 from 31.7.2021 till COD of generation under Fatehgarh Solar Park were ordered to be borne by AREPRL.
- c) APTEL, vide order dated 6.2.2023 in Appeal No. 363 of 2023, remanded the matter back to the Commission to consider the same afresh on condition that AREPRL makes payment of Rs.1.67 crore to the Petitioner subject to the final outcome of the petition before the Commission.



d) In terms of APTTEL's order dated 6.2.2022, AREPRL has paid Rs. 1.67 crore to the Petitioner.

e) On 17.10.2019, entire ATS for Bhadla Solar Park under the Petitioner's scope of work was executed, and LTA was operationalized on 27.10.2019, while 250 MW generation at Bhadla Solar Park under AREPRL was commissioned on 27.7.2019, which is well before the date of operationalization of LTA, i.e. 27.10.2019. The Petitioner is claiming recovery of transmission charges in terms of Regulation 8(5) of the 2010 Sharing Regulations. As per the settled legal position, under Regulation 8(5) of the 2010 Sharing Regulations, liability to pay transmission charges before the date of LTA operationalization arises in case there is a delay in the COD of the generating station beyond the LTA operationalization date. In the present case, there was no such delay in COD of the generating station. Accordingly, no legal liability can be fastened/imposed for the period prior to LTA operationalization.

f) On 5.7.2019, CEA approval was granted to the Petitioner for the LILO arrangement of Fatehgarh (TBCB)-Bhadla (Powergrid) 765 kV D/C (FBTB Line), i.e. ATS of Fatehgarh Solar Park, and later on 9.8.2019, the Commission granted regulatory approval to the Petitioner for the said LILO arrangement. With respect to Fatehgarh Solar Park, it is apparent that with effect from 5.7.2014, which is well before the COD of Asset-6, which is 27.9.2019, Asset-6 was no longer part of the ATS of its Solar Park owing to the implementation of the LILO arrangement in the FBTL line. Under these circumstances, no liability can be imposed on AREPRL with respect to Asset-6.

3) Learned counsel for the Petitioner made the following submissions:

a) The Transmission System was built for the evacuation of power from certain projects being set up for Solar Power after taking regulatory approval from the Commission. The Commission granted regulatory approval for implementation of the present transmission scheme vide order dated 31.3.2016 in Petition No. 1/MP/2016, wherein the Commission, in para 26 of its order referring to Regulation 7(1)(u) of the 2010 Sharing Regulations clarified that "No transmission charges for the use of the ISTS network shall be charged to solar based generation" is applicable only when the power is evacuated through the transmission system to the beneficiaries after the commercial operation of the generating station. Therefore, transmission charges for the delay in commissioning of solar power generators shall be payable by such solar generators/SPPD on the same lines as the liability for payment by the thermal and hydro generating stations in accordance with the 2014 Tariff Regulations.

b) The Commission also granted regulatory approval for implementation of the transmission scheme, including Asset-6 in the present petition, i.e. 2 nos. 400 kV bays at Bhadla Sub-station, vide order dated 17.10.2017, in Petition No. 3/MP/2017, wherein the Commission affirmed its clarification with reference to the liability of the generator in case of mismatch as was made by it in Petition No. 1/MP/2016.



- c) Since the commissioning of Asset-1(c) & (d), Asset-3, and Asset-4 at the Bhadla Sub-station of the Petitioner, 200 MW of AREPRL power was flowing through the system, and its recovery was included in the common pool as per tariff and sharing regulations notified by the Commission. It is only 50 MW of generation that was commissioned on 27.7.2019, and that is why AREPRL was made liable to pay the proportionate transmission charges for the mismatch period from COD of the respective transmission asset to 26.7.2019. The charges of the respective transmission asset, therefore, could not be recovered from the common pool, and the same needs to be paid by the generator whose generation was delayed as per the provisions of regulations and regulatory approvals.
- d) AREPRL is relying on the provisions of Regulation 8(5) of the 2010 Sharing Regulations, while the provisions of Regulation 8(6) of the 2010 Sharing Regulations are applicable in this case.
- e) With regard to the submissions of AREPRL that Asset-6 is no longer a part of Fatehgarh Solar Park, the Petitioner has submitted that Asset-6, i.e. 2 no. of 400 kV line bays at Bhadla (Powergrid) Sub-station, were ready from 27.9.2019 onwards. However, the 765-kV transmission line connecting to it was implemented by FBTL, which achieved COD on 31.7.2021, and as such, the Petitioner was granted deemed COD under Regulation 5(2) of the 2019 Tariff Regulations and directed FBTL to pay transmission charges till 30.7.2021, and from 31.7.2021 onwards, the transmission charges of Asset-6 are to be borne by AREPRL till COD of the generation under the control of AREPRL. AREPRL did not raise any objection, nor did it raise any issue regarding the contingency scheme and LILO arrangement of the FBTL line.
- f) It is denied that bays were not part of the existing Transmission System or not be utilized by AREPRL, and the Commission has rightly directed AREPRL to pay from 31.7.2021 till COD of generation by AREPRL as the bays remained unutilized due to AREPRL.
- g) The alternative plea of the Petitioner is that CTUIL filed IA No.1197 of 2022 in Appeal No.362 of 2022 before the APTEL, wherein it was submitted by it that owing to the LILO arrangement undertaken for utilization by other renewable generation projects at Fatehgarh-II Sub-station, the elements under Asset-6 were effectively de-linked from the connectivity transmission system of the AREPRL generation project at Fatehgarh (1000 MW) from 10.8.2021 (i.e. one bay utilized for inter-connection with Fatehgarh-II Sub-station) and 5.9.2021 (i.e. the other bay utilized for inter-connection with Bhadla-II Sub-station). Therefore, the liability to bear bilateral transmission charges for the period between 1.8.2021 and 10.8.2021 (for one bay) and up to 5.9.2021 (for the other bay) ought to be borne by the AREPRL generation project at Fatehgarh (1000 MW). The liability for the transmission charges of the said two 400 kV bays after 10.8.2021 and 5.9.2021 may be borne by DICs.



4. The Commission directed the CTUIL to furnish the following information on affidavit by 14.8.2023, along with its reply:

(a) Confirm as to whether entire system of FBTL or part thereof has been put to alternate use.

(b) Confirm whether the 2 nos. of 400 kV bays at Bhadla (PG) are used by other generators or if they are only for evacuation of power from the APERL generation project at Fatehgarh (1000 MW).

(c) The details of the connectivity system and LTA system associated with three generators, i.e. AREPRL, Saurya Urja Company of Rajasthan Ltd., Essel Saurya Urja Company of Rajasthan Ltd.

(d) The details of the billing raised on AREPRL.

5. The Commission directed the parties to comply with the directions within the specified time, and no extension of time will be granted.

6. Subject to the above, the Commission reserved its order in the matter.

By order of the Commission

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

