

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

IA No. 91/2023 in Petition No. 242/TT/2021

Subject : Application seeking directions under Section 94(2) of the Electricity Act, 2003 read with Regulation 68 of the Central Electricity Regulatory Commission (Conduct of Business Regulations, 1999) on behalf of the Petitioner – Power Grid Corporation of India Limited.

Petitioner : Power Grid Corporation of India Limited

Respondent : Tamil Nadu Generation and Distribution Corporation Limited & Ors.

IA No. 92/2023 in Petition No. 173/TT/2021

Subject : Application seeking directions under Section 94(2) of the Electricity Act, 2003 read with Regulation 68 of the Central Electricity Regulatory Commission (Conduct of Business Regulations, 1999) on behalf of the Petitioner – Power Grid Corporation of India Limited.

Petitioner : Power Grid Corporation of India Limited

Respondent : Tamil Nadu Generation and Distribution Corporation Limited & Ors.

Date of Hearing : 15.12.2023

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Parties present : Ms. Swapna Seshadri, Advocate, PGCIL
Shri Utkarsh Singh, Advocate, PGCIL
Shri Prabhas Bajaj, Advocate, KSEBL
Shri Priyanshu Tyagi, Advocate, KSEBL
Shri S. Vallinayagam, Advocate, TANGEDCO
Shri Zafrul Hassan, PGCIL



Record of Proceedings

The learned counsel for the Petitioner submitted that the Petitioner has filed the instant IA No. 91/2023 in Petition No. 242/TT/2021 and IA No. 92/2023 in Petition No. 173/TT/2021 seeking directions to the Respondents to not make any unilateral adjustments of the transmission charges pending adjudication of the main petitions in terms of the APTEL's orders dated 3.10.2023 in Appeal Nos. 775 and 776 of 2023.

2. Learned counsel for the Petitioner submitted that when the IAs were filed, Telangana and TANGEDCO were making unilateral adjustments of the transmission charges payable to the Petitioner and after the Commission's order dated 30.10.2023 in Petition No. 685/TT/2020 (on remand), Telangana stopped making unilateral adjustments and made the payments. However, TANGEDCO has already adjusted the money for the past period, and by the time the revised bills are issued, TANGEDCO has filed a writ petition before the Hon'ble Madras High Court challenging the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) (Third Amendment) Regulations, 2023, which is scheduled for further hearing on 4.1.2023.

3. In response to the Commission's query, learned counsel for TANGEDCO submitted that the instant IAs are basically for recovery of the transmission tariff in terms of the Commission's earlier orders dated 16.2.2023 and 22.2.2023 in Petition Nos. 242/TT/2021 and 173/TT/2021 respectively. The said orders have been set aside by APTEL, and as such, there is no tariff order as on date. He submitted that the Hon'ble Madras High Court referring to the APTEL's order dated 3.10.2023 in Appeal Nos. 775 and 776 of 2023 observed that the Commission's orders are no longer valid. Therefore, the Petitioner cannot raise any invoice, till the Commission passes an order in terms of the APTEL's order.

4. In response to the Commission's query, the learned counsel for the Petitioner submitted that the Petitioner is not pressing the IAs at this stage and requested to take up the main matters, which are on remand. She submitted that the Commission, in the related Petition No. 685/TT/2020, issued an order dated 30.10.2023 on remand. The issues in Petition No. 173/TT/2021 and Petition No. 242/TT/2021, are identical to those of Petition No. 685/TT/2020 and submitted that a similar order could be passed in the instant two matters. She requested to take up Petition No. 173/TT/2021 and Petition No. 242/TT/2021 at the earliest.

5. The Commission directed the Respondents to file their reply in Petition No. 173/TT/2021 and Petition No. 242/TT/2021 (on remand) on affidavit by 29.12.2023, with an advance copy to the Petitioner and the Petitioner, to file its rejoinder, if any, on an affidavit by 5.1.2024. The Commission further directed the parties to strictly comply with the above direction within the specified timeline and observed that no extension of time would be granted.



6. Petition No. 173/TT/2021 and Petition No. 242/TT/2021 will be listed for further hearing on 9.1.2024.

By order of the Commission

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

