

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 153/MP/2018**

Subject : Petition under Section 79 of the Act to adjudicate the dispute between the Petitioner and the Respondent, Electricity Department of Dadra and Nagar Haveli, as per the Bulk Power Transmission Agreement dated 6.9.2011.

Petitioner : Maharashtra State Electricity Transmission Company Limited (MSETCL)

Respondents : Electricity Department of Dadra and Nagar Haveli (EDN) and 3 Ors.

**Petition No. 154/MP/2018**

Subject : Petition under Section 79 of the Act to adjudicate the dispute between the Petitioner and the Respondent, State of Goa, as per the Bulk Power Transmission Agreement dated 21.11.2011.

Petitioner : Maharashtra State Electricity Transmission Company Limited (MSETCL)

Respondents : State of Goa and 3 Ors.

Date of Hearing : 11.8.2020

Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member

Parties present : Shri Sudhanshu S. Choudhari, Advocate, MSETCL  
Shri Yogesh S Kolte, Advocate, MSETCL  
Shri M. G. Ramachandran, Advocate, RGPPL  
Ms. Poorva Saigal, Advocate, RGPPL  
Ms. Swapna Seshadri, Advocate, EDN  
Ms. Poonam Verma, Advocate, PD Goa  
Ms. Sakshi Kapoor, Advocate, PD Goa  
Shri Arvind Jhalani, RGPPL  
Shri Arshad Jilani, RGPPL

**Record of Proceedings**

The matters were heard through video conferencing.



2. Learned counsel for the Petitioner and learned counsels for the Respondents, Electricity Department of Dadra & Nagar Haveli and Government of Goa advanced extensive arguments relying upon the various provisions of the Bulk Power Transfer Agreement (BPTA) and reiterated the submissions made in their respective pleadings.
3. Learned counsel for the Respondents submitted that in terms of Clause 7.2.1 of BPTA, the transmission charges are to be paid for the 'access and use' of the transmission system and in absence of any actual use/scheduling of power from Ratnagiri Gas and Power Private Limited (RGPPL), the Respondents are not liable to pay the transmission charges. In response, learned counsel for the Petitioner submitted that in terms of Clause 3.1 of the BPTA, the Petitioner was under obligation to make available the transmission capacity to the Respondents for evacuation of power from RGGPL and upon fulfilment of such obligation by the Petitioner, the Respondents are liable to pay the transmission charges as per the BPTA notwithstanding the non-availability of power from RGPPL.
4. Learned senior counsel for the Respondent, RGPPL, reiterated the submissions made in the pleadings.
5. Based on the request of the learned counsel for the parties, the Commission directed the Petitioner and the Respondents to file their written submissions, if any by 28.8.2020, with copy to each other.
6. Subject to the above, the Commission reserved order in the Petitions.

**By order of the Commission**

**Sd/-  
(T.D. Pant)  
Deputy Chief (Law)**

