

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.** : 195/MP/2022 along with IA No. 49/IA/2022

**Subject** : Petition under Section 79(1)(c), (d) and (f) read with 142 of the Electricity Act, 2003 seeking adjudication of disputes as well as compliance of order dated 14.3.2022 passed by the Commission in Petition No. 145/TT/2018.

**Date of Hearing** : 29.7.2022

**Coram** : Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K Singh, Member

**Petitioner** : Essar Power Transmission Corporation Limited (EPTCL)

**Respondents** : Mahan Energen Limited (MEL) formerly known as Essar Power M.P. Limited (EPMPL) & 7 others

**Parties present** : Shri Gopal Jain, Senior Advocate, EPTCL  
Shri Anand K. Ganesan, Advocate, EPTCL  
Shri Sanjay Sen, Senior Advocate, MEL  
Ms. Swapna Sheshadari, Advocate, EPTCL  
Shri Amal Nair, Advocate, EPTCL  
Ms. Sugandh Khanna, Advocate, EPTCL  
Shri Hemant Singh, Advocate, MEL  
Shri Robin Kumar, Advocate, MEL  
Shri M.R. Krishna Rao, MEL  
Shri Chintan Mankad, MEL  
Shri Vyom Shah, MEL  
Shri Tanmay Vyas, MEL  
Shri. Deepak Sharma, WRPC  
Shri P. S. Das, CTU  
Shri Ajay Upadhyay, CTU  
Shri Bhaskar Wagh, CTU  
Shri Pratyush Singh, CTU  
Shri Swapnil Verma, CTU  
Shri Siddharth Sharma, CTU  
Shri Ranjeet Singh Rajput, CTU  
Shri Anindya Khare, MPPMCL

**Record of Proceedings**

The matter was called out for virtual hearing.



2. The tariff from COD to 31.3.2019 for 400 kV D/C Mahan-Sipat Transmission Line along with associated bays at Mahan and Sipat and 2x50 MVAR line reactors at Sipat Pooling Sub-station, 2x50 MVAR line reactors at Mahan pooling Sub-station and 1x80 MVAR, 420 kV switchable bus reactor at Mahan TPS along with its associated 400 kV bay transmission line was approved vide order dated 14.3.2022 in Petition No. 145/TT/2018 wherein the Commission held that the transmission charges corresponding to 24% of capital cost shall be borne by Essar Power M.P. Limited (EPMPL) and tariff corresponding to the remaining 76% of the capital cost shall be included in PoC computation.

3. The learned senior counsel for the Petitioner submitted that Mahan Energen Limited (MEL) has not been paying the tariff corresponding to 24% of the capital cost of the transmission asset on the pretext that the order dated 14.3.2022 is not applicable to MEL, which is the successful applicant of CIRP process under the provisions of Insolvency and Bankruptcy Code, 2016 (IBC). MEL has relied on the judgement of the Hon'ble Supreme Court in Ghanshyam Mishra and Sons Pvt. Ltd. Vs Edelweiss Asset Reconstruction Company Limited (2021 SSC Online SC 313) which is not applicable in the instant case because the tariff determined by a statutory body can never be equated with the claim under IBC. The CIRP process was completed in November, 2021 while the tariff order was issued on 14.3.2022.

4. Learned senior counsel for the Petitioner further submitted that CTUIL has not been disbursing the transmission charges corresponding to 76% of the capital cost and hence the Petitioner has invoked the Commission's power under Section 142 of the Electricity Act, 2003 for initiating action against CTUIL for not complying with the directions of the Commission in order dated 14.3.2022. He pleaded that an interim arrangement has to be made to ensure payment of the transmission charges till the instant matter is decided, as the Petitioner is not getting any money from the PoC pool.

5. In response to the query of the Commission, the learned senior counsel for the Petitioner submitted that the resolution process was completed in November, 2021 and thereafter EPMPL was taken over by MEL. He submitted that the generator as well as the CTU is not paying the capital cost as decided by the Commission vide order dated 14.3.2022 in Petition No. 145/TT/2018.

6. The learned senior counsel for MEL submitted that it entered into the company through the resolution process, hence, for the period from September, 2018 to December, 2021, it is not liable to pay the transmission charges as the due has arisen after the resolution process. He further submitted that EPMPL had relinquished the LTA granted to it in 2017-18 and a claim towards relinquishment charges was made before the NCLT during the resolution process and it was not allowed. As EPMPL had relinquished its LTA and the same was allowed by PGCIL, there is no question of payment of transmission charges after relinquishment of the LTA.

7. The learned senior counsel for MEL further submitted that the demand of payment of transmission charges is made under the Sharing Regulations for the period from September, 2018 to December, 2021 and as per the Sharing Regulations transmission charges are payable only if there is a valid LTA. He further submitted



that the Petitioner has never raised any charges after the approval of the provisional tariff.

8. The representative of CTUIL has submitted that as per provisional tariff order for Stage-II of the project they had billed the PoC charges on the DISCOMs and received payments from them and passed it on to the Petitioner. After the order dated 14.3.2022, transmission charges for 24% of the capital cost has to be paid by MEL and 76% by the beneficiaries. Accordingly, a huge amount has to be recovered from the Petitioner. He further submitted that they have raised a bill of ₹291 crore on MEL, but they are not paying any amount. CTUIL is getting the transmission charges from the beneficiaries but not getting the bilateral transmission charges from MEL. Till now they have recovered ₹64 crore from the Petitioner and approximately ₹270 to 280 crore is yet to be recovered and payment to the Petitioner will be resumed after adjustment of the already paid excess amount.

9. The Commission took note of the IA No. 49/IA/2022 filed by the Petitioner to direct MEL to pay the invoice dated 23.5.2022 raised by CTUIL and also to direct CTUIL to maintain status quo with respect to disbursement of transmission charges from the PoC Pool and release the transmission charges as per the directions in order dated 14.3.2022 in Petition No. 145/TT/2018 without making any adjustments.

10. The Commission admitted the petition and directed to issue notice to the parties. The Commission also directed the Petitioner to clarify whether the Petitioner raised its claim for charges for quad moose line vis a vis triple conductor line at IRP. If so, the details thereof and the findings of NCLT. If no, the reasons thereof on affidavit with a copy to the Respondents by 17.8.2022.

11. The Commission further directed the Respondents to file their reply to the petition as well as the IA by 25.8.2022 and the Petitioner to file rejoinder, if any, by 2.9.2022. The Commission also directed the parties to comply with the directions with the specified time and observed that no extension of time shall be granted.

12. The Petition shall be listed for further hearing in due course for which a separate notice will be issued.

**By order of the Commission**

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

