

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 259/MP/2021

Subject : Petition under Sections 79(1)(c), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003, seeking deferment of operationalization of Long-Term Access (LTA) granted by the Central Transmission Utility (CTU) to the Petitioner.

Date of Hearing : 24.5.2022

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

Petitioner : SBSR Power Cleantech Eleven Private Limited (SPCEPL)

Respondents : Central Transmission Utility of India Limited (CTUIL) and 2 Ors.

Parties Present : Shri Hemant Singh, Advocate, SPCEPL
Shri Lakshyjit Singh Bagdwal, Advocate, SPCEPL
Ms. Lavanya Panwar, Advocate, SPCEPL
Shri Rajeev Lochan, SPCEPL
Shri Ravi Shankar Sinha, SPCEPL
Shri Kashish Bhambhani, CTUIL
Shri Yatin Sharma, CTUIL
Shri Swapnil Verma, CTUIL
Shri Siddharth Sharma, CTUIL
Shri Ranjeet Singh Rajpur, CTUIL
Shri Akshayvat Kislay, CTUIL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed by the Petitioner, *inter-alia*, seeking appropriate direction from the Commission for extension/deferment of operationalization of Long-Term Access (LTA) granted by CTUL, in terms of the LTA Agreement dated 26.11.2019. Learned counsel further referred to the Petition and made a brief submission in the matter. Learned counsel submitted that the Petitioner in Petition No. 192/MP/2021 filed seeking extension of Scheduled Commercial Operation Date ('SCOD') of its Project had also sought deferment of LTA granted to the Petitioner. However, in view of the observation of the Commission therein vide Record of Proceedings for the hearing dated 16.10.2021 that the Petitioner ought to file a separate Petition for deferment of LTA granted to it, the Petitioner has filed the present Petition. He further referred to the provisions of the Petitioner's PPA executed with SECI dated 20.6.2019, PSAs executed between SECI and TPDDL dated 26.6.2019, SECI and BYPL dated 17.9.2019 and LTA Agreement and submitted that the commencement of LTA has to be co-ordinated with SCOD/revised SCOD of the Project.

3. In response to the specific query of the Commission with regard to the relevant provisions of LTA agreement under which the relief(s) has been sought by

the Petitioner and consequently the admissibility of the Petition, learned counsel for the Petitioner submitted that the Petitioner has relied upon the Sections 38 of the Electricity Act, 2003 ('the Act') under which the CTUIL is required to discharge the functions of planning and co-ordination relating to ISTS with the generating companies, amongst others. Learned counsel submitted that the Petitioner has relied upon the Notification issued by the Ministry of Power in regard to deferment of the LTA operationalization in the event of extension of SCOD of the Project on account of force majeure events.

4. The representative of the CTUIL accepted the notice and sought liberty to file reply in the matter. He further submitted that the reliance placed by the Petitioner on Section 38 of the Act in support of its prayer is entirely misplaced.

5. In rebuttal, learned counsel for the Petitioner submitted that the Petitioner has invoked Section 79 (1)(c) of the Act under which the Commission is required to discharge the function of regulating the inter-State transmission of electricity and any issue(s) relating to the subject matter including deferment of LTA operationalization is required to be adjudicated by the Commission under Section 79(1)(f) of the Act. Learned counsel sought liberty to file written submission on the aspect of admissibility of the Petition.

6. After hearing the learned counsel for the Petitioner and the representative of the Respondent, the Commission permitted the Petitioner to file short written submissions not exceeding three pages within a week with copy to CTUIL who may file its short-written submissions within a week thereafter.

7. Subject to the above, the Commission reserved the order on 'admissibility' of the Petition.

By order of the Commission

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