

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. : **628/MP/2020**

Subject : Petition under Section 79(1)(c), Section 79(1)(f) and Section 79(1)(k) of the Electricity Act, 2003 seeking directions from this Commission to Power Grid Corporation of India Limited to extend the Long-Term Access start date and extend the deadline for completion of the dedicated transmission line and pooling sub-station.

Date of Hearing : 13.1.2022

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

Petitioner : Azure Power India Private Limited and 3 Ors.(Azure Power)

Respondents : Power Grid Corporation of India Limited (PGCIL)

Parties present : Shri Buddy Ranganadhan, Advocate, Azure Power
Shri Shashwat Kumar, Advocate, Azure Power
Shri Rahul Chouhan, Advocate, Azure Power
Ms. Suparna Srivastava, Advocate, CTUIL
Mr. Tushar Mathur, Advocate, CTUIL
Ms. Soumya Singh, Advocate, CTUIL

Record of Proceedings

The matter was called out for virtual hearing.

2. Learned counsel for the Petitioners submitted that the present petition has been filed, inter alia, seeking direction to the Respondent, PGCIL to extend the Long-term Access ('LTA') start date and to align it with the Scheduled Commercial Operation Dates ('SCODs') of the Projects of the Petitioners. The gist of the submissions made by the learned counsel for the Petitioner are as follows:

a. The 2010 Sharing Regulations does not deal with the eventualities faced by the Petitioner. Rule 5 of the Ministry of Power's Rules on Electricity (Transmission System Planning, Development and Recovery of Inter-state Transmission Charges) Rules, 2021 ("2021 Rules") provides for "Recovery of Inter-State Transmission charges" and Rule 5(12) further provides that the Central Government may, if it is satisfied, waive Inter-State Transmission



System (ISTS) charges and losses for notified sources of energy for a specified duration.

b. Pursuant to the 2021 Rules, Central Government in accordance with para 6.4(6) of the Tariff Policy, 2016 and Rule 5(12) of the 2021 Rules issued orders dated 23.11.2021 and 30.11.2021 which provides for waiver of ISTS transmission charges and losses for solar power and wind power.

c. The MoP order dated 30.11.2021 further provides that a Renewable Energy generation capacity which is eligible for ISTS waiver in terms of the extant orders is granted an extension in COD by the competent authority, the commencement and the period of LTA shall also get extended accordingly, and it will be deemed that the period of ISTS waiver is extended by the said period. Accordingly, in the absence of any specific provisions in the Sharing Regulations, the Rules framed by the Central Government be given effect and applied in facts and circumstances of the cases.

d. MoP orders dated 23.11.2021 and 30.11.2021 may be regarded as rules under Section 176 of the Electricity Act, 2003 ('2003 Act') and as per Section 178 of the 2003 Act, the regulations framed by the Commission has to be consistent with the 2003 Act and the rules. Therefore, in the absence of the provisions in the Sharing Regulations, the reliefs as sought in the instant petition may be granted under the MoP orders.

3. The learned counsel for CTUIL submitted that the Petitioner has been granted Stage-II Connectivity and LTA for 600 MW each at Bhadla (PG) Sub-station and Bikaner (PG) Sub-station. She submitted that the dedicated transmission system has achieved COD and 50 MW at Bhadla Pooling Station is yet to be operationalized. She further submitted that the dedicated transmission system was put into commercial operation with a time over-run of 3 months from the start date of LTA i.e. 15.6.2021. She submitted that for connectivity at Bhadla Pooling Station, 200 MW, 50 MW, 200 MW and 100 MW was operationalised on 1.9.2021, 1.9.2021, 1.9.2021 and 1.9.2021, respectively. As regards connectivity at Bikaner Pooling Station, 300 MW, 100 MW and 200 MW was operationalised on 25.9.2021, 25.9.2021 and 1.11.2021, respectively. Therefore, only 50 MW at Bhadla Pooling Station is yet to operationalised.

4. In response to a query of the Commission, the representative of the CTUIL submitted that the transmission lines for evacuation of power from the solar power park of the Petitioners are being implemented under the TBCB route by transmission licensees and ICTs are implemented by PGCIL under the RTM.

5. The learned counsel for CTUIL sought one-week time to submit the information regarding LTA capacity operationalized, capacities which have been operationalized within and beyond the extended SCOD of the Petitioner's Projects and the liability of the TBCB licensees towards transmission charges.

6. After hearing the parties, the Commission observed that SCOD, COD and extended COD of the Petitioner's Projects, SCOD and COD of the TBCB lines and



PGCIL's transmission assets are required to be considered together for a comprehensive adjudication of the liability of transmission charges for the transmission system constructed for evacuation of the power from the Projects. Accordingly, the Commission directed the Petitioners to implead the transmission licensees and PGCIL as Respondents and file a revised "Memo of Parties" and serve a copy of the petition on them by 27.1.2022.

7. The Commission directed CTUIL to submit the information as per the table attached, on affidavit, by 30.1.2022 with a copy to the Petitioner, transmission licensees and PGCIL. The Respondents, transmission licensees and PGCIL are directed to file their reply by 12.2.2022 and the Petitioner to file its rejoinder, if any, by 26.2.2022.

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

By order of the Commission

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(V. Sreenivas)
Joint Chief (Legal)

Petition No.	SCOD of Generation Project as per PPA	Extended SCOD of Generation Project, if any	Actual COD of Generation Project	Start date of Connectivity	LTA start date as per LTAA & LTA on existing system or through augmentation	LTA extended, if any	Schedule for completion of ATS	Actual COD of ATS	Status of LTA (operational/ relinquished, in part or full)	Whether CTUIL raised bill during the period of mismatch between COD of Generation & ATS	Remarks

