

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 76/MP/2022 along with IA No.8/2022**

Subject : Petition under Sections 79(1)(c), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003 inter alia seeking directions against the Central Transmission Utility of India Limited to extend the commencement of the Petitioner's Long-Term Access under the Long-Term Access Agreement dated 20.09.2018 to coincide with the revised Scheduled Commissioning Date under the Petitioner's Power Purchase Agreement dated 04.09.2018.

Date of Hearing : 29.7.2022

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

Petitioner : Vivid Solaire Energy Private Limited (VSEPL)

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

Parties Present : Shri Jafar Alam, Advocate, VSEPL  
Ms. Harneet Kaur, Advocate, VSEPL  
Shri Prashant Pranjal, VSEPL  
Ms. Suparna Srivastava, Advocate, CTUIL  
Shri Tushar Mathur, Advocate, CTUIL  
Ms. Soumya Singh, Advocate, CTUIL  
Shri Anil Kr Meena, CTUIL  
Shri Swapnil Verma, CTUIL  
Shri Siddharth Sharma, CTUIL  
Shri Ranjeet Singh Rajput, CTUIL  
Ms. Kavya Bhardwaj, 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, *inter-alia*, seeking a direction against CTUIL to comply with the Ministry of Power's Orders bearing No. 23/12/2016-R&R dated 23.11.2021 and dated 30.11.2021 and consequently extend the period and commencement of the Petitioner's Long-Term Access (LTA) under the Long Term Access Agreement dated 20.9.2018 to coincide with the revised Scheduled Commissioning Date (SCD) under Power Purchase Agreement dated 4.9.2018. Learned counsel submitted that the aforesaid orders of Ministry of Power have been issued under Para 6.4(6) of the National Tariff Policy and sub-Rule 12 of Rule 5 of the Electricity (Transmission System Planning, Development and Recovery of Inter-State Transmission Charges) Rules, 2021 dated 1.10.2021 which empowers the Central Government to waive ISTS charges and losses for notified sources or energy for a specified duration. Learned counsel added that the Petitioner is also relying upon the directions of Ministry of Power dated 15.1.2021 issued under Section 107 of the Act on subject matter.



3. In response to the Commission's observations that a view has already been taken by the Commission on the subject matter in its earlier orders, learned counsel for the Petitioner submitted the such order as passed by the Commission has been stayed by the Appellate Tribunal for Electricity ('APTEL') and referred to the order of APTEL dated 14.7.2022 in Appeal No.236 of 2022 (Sprng Renewable Energy Pvt. Ltd. v CERC and Ors.). Learned counsel, accordingly, requested that the Commission may consider issuing notice in the matter and keep the matter pending till the outcome of the said appeal. Learned counsel added that in the event the Commission decides not to admit the matter, liberty may be granted to the Petitioner to approach the Commission after the outcome of the appeal pending before the APTEL and the Petitioner's filling fees may be suitably adjusted.

4. Learned counsel for the Respondent, CTUIL submitted that the Petitioner had already approached this Commission seeking similar relief of realignment of date of operationalization of LTA with scheduled commissioning under the PPAs in Petition No. 195/MP/2019, which was decided by the Commission vide order dated 5.2.2020 and pursuant to which the Petitioner had paid the transmission charges from the original commencement date of LTA. Hence, the said issue qua the Petitioner stands settled. Learned counsel submitted that proceedings pending before the APTEL will not apply to the present case.

5. After hearing the learned counsel for the parties, the Commission reserved the matter on 'maintainability' of the Petition.

**By order of the Commission**

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