

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 84/MP/2022

- Subject : Petition under Section 79(1)(c) read with Section 79(1)(f) of the Electricity Act, 2003 for seeking a direction against Respondent No.1 to extent the start date of LTA, as sought for by Petitioner No.1 vide its letter dated 10.1.2022, and further restrain Respondent No. 1 from taking any coercive and precipitative measures, including but not limited to levying any penalty/ charges etc. for non-operationalisation of 150 MW out of the total 300 MW, on the premise of start date of LTA being taken as 23.4.2022, till the final disposal of the present proceedings.
- Date of Hearing : 28.6.2022
- Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioners : Avaada Energy Private Limited (AEPL) and Anr.
- Respondents : Central Transmission Utility of India Limited (CTUIL) and Anr.
- Parties Present : Shri Deepak Khurana, Advocate, AEPL
Shri Ashwini Kumar Tak, Advocate, AEPL
Shri Swapnil Verma, CTUIL
Shri Kashish Bhambhani, CTUIL
Shri Yatin Sharma, CTUIL
Shri Siddharth Sharma, CTUIL
Shri Ranjit Singh Rajput, CTUIL
Shri Bhanu Prakash Pandey, CTUIL

Record of Proceedings

Case 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 No.1, CTUIL to extend the start date of Long-Term Access sought for by the Petitioner No.1 vide its letter dated 10.1.2022. Learned counsel for the Petitioners mainly submitted the following:

(a) The Petitioner No.1, after having been declared as a successful bidder in the competitive bid process conducted by the Respondent No.2 ,SECI, has set-up a 300 MW solar power project ('the Project') through its Project Company, Petitioner No.2.

(b) As per the Power Purchase Agreement entered into between the Petitioner No. 2 and SECI dated 8.6.2020, the Scheduled Commercial Operation Date ('SCOD') of the Project was 11.11.2021. However, owing to the outbreak of Covid-19 pandemic and consequent disruption in the supply chain, the SCOD, in terms of the various Office Memorandums of Ministry of New and Renewable Energy, was extended to 12.5.2022.

(c) Similarly, the start date of LTA obtained by the Petitioners for evacuation of power from the Project was initially 23.8.2021, which was subsequently extended to 23.4.2022.

(d) By the aforesaid date of operationalisation of LTA, the Petitioner had already commissioned 200 MW of the Project. However, since the Petitioner was yet to commission the balance 100 MW of the Project and in view of the extension in SCOD of the Project, the Petitioner No.1 vide its letter dated 10.1.2022 requested the Respondent No.1 CTUIL to extend the date of LTA operationalisation upto 12.5.2022. However, no reply has been received from CTUIL in this regard till date.

(e) The Petitioners achieved the commercial operation of the balance 100 MW of the Project on 11.5.2022 and thus, the concerned period for which the Petitioners are seeking extension of start date of LTA and relieve from the liability of transmission charges is only 18 days i.e. from 23.4.2022 to 11.5.2022.

(f) The Respondent No.1 has already raised the bills for transmission charges for the months of April, 2022 and May, 2022 and the former is falling due on 19.7.2022. Accordingly, the Petitioners have also prayed for an interim order restraining the Respondent No.1 from taking any coercive and precipitative measures, including but not limited to levying any penalty/charges, etc. during the pendency and till the final disposal of the present proceedings.

(g) In the Petition No. 86/MP/2022 filed by the Petitioner No.1 on the similar subject matter, albeit for extension of start date of MTOA instead of LTA, the Commission vide Record of Proceedings for the hearing dated 5.5.2022 did not consider the grant of interim reliefs prayed for by the Petitioner therein. However, the Appellate Tribunal for Electricity vide its order dated 12.5.2022 in IA No. 697 of 2022 has stayed the pending bills raised by CTUIL against the appellant therein for collection of transmission charges for the period in question till next date of hearing.

4. After hearing the learned counsel for the Petitioner, the Commission declined to issue any interim direction. Accordingly, order in the matter was reserved.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)