

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

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

**No. L-1/250/2019/CERC**

**Date of Order: 30<sup>th</sup> December, 2022**

**In the matter of**

Removal of difficulties to extend certain provisions of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020.

**ORDER**

The Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 (hereinafter referred to as “the 2020 Sharing Regulations”) were notified on 4<sup>th</sup> May, 2020. These Regulations have come into effect from 1.11.2020.

2. Regulation 13(1) (c) of the 2020 Sharing Regulations provides for waiver of transmission charges as follows:

*“(1) No transmission charges and losses for the use of ISTS shall be payable for:*

*.....*

*(c) generation based on solar or wind power resources, for a period of 25 years from the date of commercial operation, fulfilling the following conditions:*

*(i) Such generation capacity has been awarded through competitive*

*bidding process in accordance with the guidelines issued by the Central Government; and*

*(ii) Such generation capacity has been declared under commercial operation during the period from 13.2.2018 to 31.12.2022; and*

*(iii) Power Purchase Agreement(s) have been executed for sale of such generation capacity to all entities including Distribution Companies for compliance of their renewable purchase obligations.”*

3. As per the aforesaid provision of the 2020 Sharing Regulations, the generations based on solar and wind power sources are eligible for waiver of transmission charges if such generation capacity has been declared under commercial operation during the period between 13.02.2018 to 31.12.2022 subject to other conditions as provided for in the said regulation.

4. The aforesaid time line of 31.12.2022 for achieving the commercial operation to be eligible for waiver of Transmission charges is under consideration for further extension under Draft Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) (First Amendment) Regulations, 2022 notified vide notification dated 01.06.2022 and Draft Supplementary Amendment dated 18.08.2022 to the First Amendment.

5. Since finalization of First Amendment to the Sharing Regulations and its notification will require some more time, there is a need to provide clarity with regard to the waiver of Transmission Charges to the generators based on solar or wind sources through appropriate regulatory measures till the proposed draft amendment

is finalised.

6. Regulation 28 of the 2020 Sharing Regulations vests the Commission with the power to remove difficulty under certain circumstances. Regulation 28 is extracted below:

*“28. Power to Remove Difficulties*

*If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, by general or specific order, make such provisions not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.”*

7. In exercise of power under Regulation 28 of the 2020 Sharing Regulations, we hereby extend the timeline of 31.12.2022 for achieving the commercial operation as stipulated under Regulation 13 (1)(c)(ii) of the 2020 Sharing Regulations till 30.06.2023 or the notification and effectiveness of the First Amendment to the 2020 Sharing Regulations, whichever is earlier.

Sd/  
**(P.K. Singh)**  
Member

Sd/  
**(Arun Goyal)**  
Member

Sd/  
**(I.S. Jha)**  
Member