

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.198/MP/2023 along with IA No.43/2023

- Subject : Petition under Section 79 of the Electricity Act, 2003 inter alia seeking quashing of the letter dated 23.02.2023 issued by the CTU to the Petitioner No. 1 and issuance of a declaration that the Petitioners are not liable to pay any bilateral / transmission charges on account of the failure of Solar Energy Corporation of India Limited to execute the Power Purchase Agreement.
- Date of Hearing : **15.9.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : AMP Energy Green Private Limited (AEGPL) and Anr.
- Respondents : Solar Energy Corporation of India Limited (SECI) and 2 Ors.
- Parties Present : Shri Vishrov Mukerjee, Advocate, AEGPL
Shri Girik Bhalla, Advocate, AEGPL
Ms. Harneet Kaur, Advocate, AEGPL
Shri Raghav Malhotra, Advocate, AEGPL
Shri Kashish Bhambhani, CTUIL
Shri Yatin Sharma, CTUIL
Shri Ranjeet Singh, CTUIL
Shri Lashit Sharma, CTUIL

Record of Proceedings

Learned counsel for the Petitioners submitted that the present Petition has been filed challenging the letter dated 23.2.2023 issued by the Respondent, CTUIL, to the Petitioner No.1 pursuant to which it is seeking to impose bilateral transmission charges under Regulation 13(3) and Regulation 13(12) of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 for the alleged delay by Petitioner No.1 in utilizing the Stage-II Connectivity granted to it. Learned counsel submitted that the alleged delay is on account of the non-execution of the Power Purchase Agreement by the Respondent, SECI, with Petitioner No.2, which has made it impossible for the Petitioners to implement the Project and utilize the connectivity. Learned counsel submitted in the above circumstances, no liabilities can be imposed on the Petitioners for such non-utilization, and SECI is liable for any financial implication arising out of the Petitioner's alleged failure to utilize the connectivity.

2. Learned counsel for the Petitioners further submitted that in the present case the Petitioner No.1 had applied for Stage II connectivity based on the Letter of Award issued by SECI in terms of Clause 9.2.1 of the Detailed Procedure for "Grant of Connectivity to the Projects based on Renewable Sources to inter-State Transmission System" dated 15.5.2018 as issued under the Connectivity Regulations, 2009. However, keeping in view that the PPA for the said LoA is yet to be executed by SECI



and that extant regulatory provisions do not permit the transfer of connectivity obtained under LoA route, the Petitioners have also filed Petition No. 273/MP/2023 before the Commission, *inter alia*, seeking the exercise of the Commission's Power to Relax and Power to Remove Difficulties and to allow the Petitioners' existing connectivity for other projects to be connected to the same substation and that Petition may also be taken up with the present Petition. Learned counsel also pointed out that while CTUIL is yet to raise the bilateral transmission charges upon the Petitioners, it has, by its letter dated 23.2.2023, indicated the imposition of the bilateral transmission charges onto the Petitioners. Therefore, the Commission may direct the parties to maintain the status – quo in the matter till the next date of the hearing.

3. The representative of CTUIL submitted that the 220 kV bays at Bhadla II S/s for the connectivity to the Petitioners are likely to be ready by the end of this month. He also added that the actions of CTUIL for imposing the bilateral transmission charges are as per the provisions of the Sharing Regulations, 2020.

4. After hearing the learned counsel for the Petitioners and the representative of CTUIL, the Commission directed as under:

- (a) Admit. Issue notice to the Respondents.
- (b) The Respondents to file their replies to the Petition, if any, within three weeks with a copy to the Petitioners, who may file their rejoinder, if any, within two weeks thereafter.
- (c) The Petitioner to submit the current status of its project & the dedicated transmission line and the copy of intimation for the grant of 100 MW Long Term Access (LTA) to the Petitioner, on affidavit, within two weeks.
- (d) CTUIL to submit the following details/information along with its reply:
 - (i) Status of the Transmission System required for the effectiveness of the connectivity, and the LTA granted to the Petitioner.
 - (ii) Monitoring carried out of the project in terms of Detailed Procedure of RE under Connectivity Regulations, 2009. Whether the Petitioner had complied with the conditions specified in clause 9.2.2 of the RE detailed procedure issued under Connectivity Regulations, 2009?
 - (iii) Status of implementation of 220 kV Bay at Bhadla-II PS for the Petitioner. Clarify the aspect of utilization of the same if the Petitioner surrenders its connectivity at Bhadla II PS.
- (e) SECI to submit the reasons for non-signing of the PPA along with its reply in the matter.

5. The Petition will be listed for hearing along with Petition No. 273/MP/2023 on **22.12.2023**.

By order of the Commission

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