

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.227/MP/2022 along with IA No. 55/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 seeking to set aside Transmission Charges bills raised by CTUIL and declaration that the Petitioners stands discharged from performance under, Transmission Service Agreement dated 29.1.2018, LTA Agreement dated 29.1.2018 (Tranche 1), Agreement for Long Term Access dated 6.9.2018 (Tranche 2) and Bipartite Connection Agreement dated 11.1.2019 executed between ReNew Power Pvt. Ltd. and Central Transmission Utility of India Ltd. (earlier Power Grid Corporation of India Ltd.) on account of Force Majeure and impossibility of performance under the Power Purchase Agreement dated 23.5.2022 executed with Solar Energy Corporation of India Ltd and consequential relief thereto.

Petitioner : ReNew Wind Energy (AP 2) Private Limited (RWEPL) and Anr.

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

Petition No.56/MP/2022

Subject : Petition under Section 63 and Section 79 of the Electricity Act, 2003 read with Competitive Bidding Guidelines and Articles 11 and 13 of the Power Purchase Agreement dated 23.5.2018 executed between ReNew Wind Energy (AP2) Private Limited and Solar Energy Corporation of India Limited.

Petitioner : ReNew Wind Energy (AP 2) Private Limited (RWEPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and 2 Ors.

Date of Hearing : 9.10.2023

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

Parties Present : Shri Girik Bhalla, Advocate, RWEPL
Ms. Priyanka Vyas, Advocate, RWEPL
Shri Damodar Solnaki, Advocate, REWPL
Shri Manish Tyagi, RWEPL
Ms. Suparna Srivastava, Advocate, CTUIL
Shri Tushar Mathur, Advocate, CTUIL
Shri Lashit Sharma, CTUIL
Shri Ranjeet Singh, CTUIL
Ms. Muskan Agarwal, CTUIL
Shri M. G. Ramachandran, Sr. Advocate, SECI



Ms. Anushree Bardhan, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI
Shri Aneesh Bajaj, Advocate, SECI
Shri Shubham Arya, Advocate, HPPC
Shri Ravi Nair, Advocate, HPPC
Ms. Reeha Singh, Advocate, HPPC

Record of Proceedings

At the outset, learned counsel for the Petitioner prayed for an adjournment in the matter on the grounds of the non-availability of the arguing counsel.

2. Learned counsel for the Respondents, CTUIL and SECI, however, opposed such a request on the grounds of continued interim protection in favour of the Petitioner in these matters and the Petitioner having already sought for an adjournment on numerous occasions. Learned counsel for Respondent, CTUIL, in Petition No. 227/MP/2022 submitted that in terms of the direction of the Commission vide Record of Proceedings for the hearing dated 24.1.2023, the Petitioner has paid 10% of the outstanding transmission charges as on said date. However, the balance of 90% of the transmission charges as on the said date is still outstanding. Learned senior counsel for SECI in Petition No. 56/MP/2022 also submitted that, the Commission, vide Record of Proceedings for the hearing dated 21.3.2022 has restrained SECI from encashing Bank Guarantee (BG) furnished by the Petitioner under the Power Purchase Agreement. Learned senior counsel submitted that, as per the settled law on the invocation of BG, SECI is entitled to encash such BG regardless of the pendency of the dispute between the parties, and such encashed amount can always be returned to the Petitioner depending upon the outcome of the Petition.

3. In response, learned counsel for the Petitioner submitted that in terms of the direction of the Commission vide Record of Proceeding for the hearing dated 24.1.2023 in Petition No. 227/MP/2022, the Petitioner has paid 10% of outstanding transmission charges and has been regularly paying the current transmission charges bills as raised by the Petitioner. Learned counsel also submitted that the Petitioner has also kept BG furnished to SECI under the PPA valid and alive all along, and as such, there is no prejudice to SECI. Learned counsel accordingly prayed for a last adjournment in the matters and also indicated that the Petitioner will not be seeking any further adjournment in these matters.

4. Considering the submissions made by the learned senior counsel and learned counsel for the parties, the Commission adjourned the matters as a last opportunity and clarified that no further request for adjournment from Petitioner will be entertained in these matters. Further, considering the request of learned counsel for CTUIL, the Commission permitted CTUIL to file its affidavit indicating the details of billing and minutes of the meeting conducted with the Petitioner, on affidavit, within four days. The Commission also permitted the parties to file their respective brief written submissions in the matters, if any, within seven days. The interim protection(s) granted in these matters vide Record of Proceedings for the hearings dated 21.3.2022 and 24.1.2023 will be continued till the next date of hearing.

5. The Commission directed the Petitioner to file on an affidavit within four days a copy of the Minutes of Meeting convened with the CTUIL as directed in the RoP dated 13.9.2023.

6. The Petitions will be listed for hearing on **30.10.2023**

By order of the Commission

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