

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.244/MP/2021 along with IA No. 30/2023**

- Subject : Petition under Section 79(1)(c) and Section 79(1)(f) of the Electricity Act, 2003 seeking deferment of the operationalization date of 1000 MW Long Term Access granted to Adani Renewable Energy Park Rajasthan Limited by Central Transmission Utility to match with the completion and commissioning of Solar Park and exemption from liability of paying transmission charges until such time on account of force majeure events.
- Date of Hearing : 15.5.2023
- Coram : Shri Jishnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioners : Adani Renewable Energy Park Rajasthan Ltd. (AREPRL)
- Respondents : Central Transmission Utility of India Limited (CTUIL) and 2 Ors.
- Parties Present : Shri Sanjay Sen, Sr. Advocate, AREPRL  
Ms. Mandakini Ghosh, Advocate, AREPRL  
Ms. Sakshi Kapoor, Advocate, AREPRL  
Shri Hemant Singh, Advocate, FBTL  
Shri Lakshyajit Singh, Advocate, FBTL  
Ms. Lavanya Panwar, Advocate, FBTL  
Ms. Swapna Seshadri, Advocate, PGCIL  
Ms. Utkarsh Singh, Advocate, PGCIL  
Ms. Suparna Srivastava, Advocate, CTUIL  
Shri Tushar Jain, Advocate, CTUIL  
Ms. Astha Jain, Advocate, CTUIL  
Shri Yatin Sharma, PGCIL  
Shri Arjun Malhotra, PGCIL  
Shri Mohd. Mohsin, PGCIL  
Shri Swapnil Verma, CTUIL  
Shri Ranjeet Rajput, CTUIL  
Ms. Priyansi Jadiya, CTUIL

**Record of Proceedings**

At the outset, learned senior counsel for the Petitioner submitted that the Petitioner has moved IA No.30/2023 seeking amendment of the Petition to bring on record the occurrence of subsequent events affecting the nature of relief sought by the Petitioner. Learned senior counsel for the Petitioner further submitted as under:

Originally, the Petitioner had applied for LTA for 1000 MW (750 MW+250 MW) on the target region as Northern region, which was granted to by CTUIL on 9.8.2016. However, due to firming of Solar Power Developers located in the Solar Power Park of the Petitioner in different regions, the Petitioner had written to

CTUIL seeking relinquishment of 996 MW of LTA vide its letters dated 2.2.2021 (296 MW w.e.f 11.8.2021) and 3.7.2021 (700 MW w.e.f 1.10.2021).

(a) Owing to the above changes in target region, the Petitioner applied for revised / fresh LTAs on 10.12.2020 (296 MW) and 15.7.2021 (700 MW). CTUIL granted the LTA for 296 MW on 19.5.2021 which was to be effective from 12.8.2021 or commissioning of ISTS for LTA, whichever is later and LTA for 700 MW on 21.12.2021 which was to be effective from 1.4.2022 or commissioning of ISTS for LTA including MSETCL's transmissions system, whichever is later.

(b) As to the commissioning timeline for the Petitioner's Solar Park, the original deadline of September, 2022 stood extended by MNRE till 31.3.2023.

(c) While the generating capacity to tune of 296 MW has already been operating since 5.8.2022 using the revised LTA for the corresponding capacity, the balance 700 MW also completed commissioning on 1.10.2022. However, the commercial operation of this 700 MW generating capacity has not been declared as the corresponding LTA (revised) has not been operationalized as MSETCL's system has yet not been ready. As per the minutes of 24<sup>th</sup> JCC Meeting, said system under the scope of MSETCL is likely to be commissioned in December, 2023.

(d) In view of the above developments, the Petitioner has moved IA No.30/2023 seeking the necessary amendments to the Petition.

2. Learned counsel for the Respondent, CTUIL submitted that CTUIL has no objection to the amendment of the Petition and sought liberty to file reply to the amended Petition. Learned counsel further submitted that CTUIL may file either revised reply or additional submission on the subsequent developments brought in the IA by the Petitioner. Learned counsel further pointed out that earlier LTA of 1000 MW granted to the Petitioner, on the basis of Respondent FBTL's system, was operationalized w.e.f. 1.8.2021. Learned counsel further submitted that the revocation of the earlier LTA and grant of the subsequent LTA had been in continuation i.e. without there being a break therein. She added that insofar as the operationalization of LTA of 700 MW is concerned, the Respondent will file the necessary details along with its reply.

3. Learned counsel for the Respondent, PGCIL submitted that any relief that may be granted to the Petitioner under the TSA ought not to come in the way of Respondent's right to recover the transmission charges for its assets, which remained unutilized due to mismatch in their commissioning with respect to the commissioning of the associated transmission assets under the Tariff Regulations, 2019 read with Sharing Regulations, 2020.

4. After hearing the learned senior counsel for the Petitioner and the learned counsels for the Respondents, the Commission allowed the IA and ordered as under:

(a) The Respondents to file reply/additional submission to the amended Petition within three weeks with copy to the Petitioner, who may file its rejoinder within three weeks thereof.

(b) CTUIL to submit/ clarify the following on affidavit within three weeks:

(i) Status of 1000 MW LTA (750 MW + 250 MW) granted to the Petitioner on 9.8.2016 i.e, its grant, operationalization and relinquishment.

(ii) Status of operationalization of revised LTA of 296 MW and 700 MW granted to the Petitioner on 19.5.2021 and 21.12.2021 respectively i.e., its grant, operationalization and relinquishment.

(iii) Details of the bilateral bills raised by CTUIL to the Petitioner i.e, quantum of LTA, period of bill and LTA against which bill has been raised.

(c) Interim directions issued vide Record of Proceedings for the hearing dated 9.3.2022 shall be decided in the next date of hearing in view of the amendment in Petition.

5. The Petition along with IA shall be listed for hearing on 21.7.2023.

**By order of the Commission**

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