

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 263/MP/2023

Subject	:	Petition under Section 79 of the Electricity Act, 2003, seeking a declaration that no State transmission charges and losses can be imposed upon the Petitioner towards the supply of power to MPSEZ Utilities Limited, amongst other reliefs.
Date of Hearing	:	20.10.2023
Coram	:	Shri Jishnu Barua, Chairperson Shri Arun Goyal, Member Shri P. K. Singh, Member
Petitioner	:	Adani Power Limited (APL)
Respondents	:	Gujarat Energy Transmission Corporation Limited (GETCO) & 4 Others
Parties Present	:	Shri Sanjay Sen, Senior Advocate, APL Shri Hemant Singh, Advocate, APL Shri Lakshyajit Singh Bagdwal, Advocate, APL Ms. Lavanya Panwar, Advocate, APL Shri Roberta Ruth Edwin, Advocate, APL Shri Kumar Gaurav, APL

Record of Proceedings

The instant petition is filed by Adani Power Limited (APL) seeking a declaration that the Petitioner cannot be burdened with the liability of State Transmission Charges when it is supplying power to the Respondent No.5, MPSEZ Utilities Limited (MUL) at its periphery under bilateral transactions using the Inter-State Transmission (ISTS) network of Central Transmission Utility of India Limited (CTUIL) with consequential direction to Respondent No.1, Gujarat Energy Transmission Corporation Limited (GETCO), Respondent No. 2 State Load Despatch Centre, Gujarat (SLDC) and Respondent No.3, Western Regional Load Dispatch Centre (WRLDC) not to interfere in the Inter-State Open Access facility being availed by the Petitioner by raising arbitrary and unjustifiable claims of State Transmission Charges and & Losses amongst other reliefs.

2. The Petitioner has executed two Power Purchase Agreements (PPAs) dated 29.11.2013 and 1.3.2016 for the supply of 50 MW power from APL (Mundra) of APL and 10 MW power from Udupi Power Plant in Karnataka (UPCL) for a period of 25 years. Later on amalgamation of APL with Udupi Power Limited, procurement in connection with APL (Mundra) PPA was restricted to 40 MW.

3. Learned Senior Counsel for the Petitioner made the following submissions:



- a) MUL is connected to the APL (Mundra) bus bar through a dedicated line and the said bus bar is further connected to the CTUIL network. Parallely, the APL (Mundra) bus bar is also connected to the STU network. Power under APL (Mundra) PPA is supplied through a dedicated line connected with the APL bus bar directly to the sub-station of MUL without there being any involvement of Intra-State Transmission System of GETCO/STU. Power under UPCL PPA of 10 MW is sourced through open access of Inter-State Transmission System. Outages qua both the generating stations of the Petitioner are arranged by the Petitioner through bilateral transactions using the ISTS network of the CTUIL.
- b) For the power supplied by APL (Mundra) to MUL through a dedicated line under 40 MW APL (Mundra) PPA, no transmission charges and losses are levied by SLDC, Gujarat while APL (Mundra) supplies power to MUL through a dedicated line (in addition to 40 MW) under the alternative arrangement of 10 MW from UPCL PPA for outage of Udupi plant, then SLDC, Gujarat levied State transmission charges and losses for the period 23.8.2019 to 16.6.2022 while granting STOA approvals.
- c) SLDC vide e-mail dated 24.6.2016 informed the Petitioner that GETCO State transmission charges and losses cannot be levied for STOA inter-State bilateral transaction from UPCL to MPSEZ, the reason being MUL is connected to APL (Mundra) bus bar through a dedicated 220 kV network, which in turn is connected to CTUIL network.

4. After hearing, the Commission directed the Petitioner to submit the following information on affidavit, by 7.12.2023, with an advance copy to the Respondents:

- i. Copy of communications with Gujarat SLDC or GETCO since May 2018 with respect to the issue of GETCO transmission charges and losses.
- ii. Confirm the control area jurisdiction of MPSEZ Utilities Limited (MUL).
- iii. Detailed bifurcation of State transmission charges and losses levied on the supply of 10 MW power under bilateral transactions to MPSEZ Utilities Limited (MUL) from Udupi Plant and APL (Mundra) under STOA when Udupi Plant was under outage and 40 MW power under MTOA when APL (Mundra) was under outage.

5. The Commission directed the Respondents to file their reply to the petition on maintainability as well as on merits by 7.12.2023 with an advance copy to the Petitioner, who may file its rejoinder, if any, by 29.12.2023. The Commission further observed that the parties will ensure completion of their pleadings within the due dates mentioned above and no extension of time would be given for any reason.

6. The Petition shall be listed for further hearing on 24.1.2024.

By order of the Commission

sd/-
(V. Sreenivas)
Joint Chief (Law)

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