

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 265/MP/2018

Subject : Petition under Section 79 (1)(f) read with Section 142 of the Electricity Act, 2003 for issuance of direction for quashing of the letter dated 2.8.2018 issued by Power Grid Corporation of India Limited whereby, PGCIL has wrongful and arbitrarily proceeded to impose transmission charges to the tune of Rs. 6.41 Crore upon the Petitioner towards Long Term Access capacity 8.4 MW and also, through a subsequent letter dated 14.8.2018 threatened curtailment of Short Term Open Access with effect from 23.8.2018, which is in direct contravention of the final Order dated 31.5.2018 passed by the Commission in Petition No. 190/MP/2016.

Date of Hearing : 10.1.2023

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

Petitioner : Greenko Budhil Hydro Power Private Limited (GBHPPL)

Respondent : Powergrid Corporation of India Limited (PGCIL)

Parties Present : Shri Hemant Singh, Advocate, GBHPPL
Shri Lakshyajit Singh Bagdwal, Advocate, GBHPPL
Ms. Alchi Thapliyal, Advocate, GBHPPL
Ms. Suparna Srivastava, Advocate, CTUIL
Shri Tushar Mathur, Advocate, CTUIL

Record of Proceedings

At the outset, learned counsel for the Petitioner submitted that present Petition has been remanded by the Appellate Tribunal for Electricity (APTEL) vide judgment dated 17.2.2022 in Appeal No. 6 of 2020 filed by the Petitioner against the order dated 20.11.2019 to the limited extent whereby the liability to pay the transmission charges to PGCIL towards supply of free power of 8.4 MW to the State Utility of Himachal Pradesh (HPSEB) for the period anterior to filing of Petition was fastened on the Petitioner. The learned counsel further referred to the said judgment and submitted that the APTEL, vide said judgment, has remitted the short issue of the liability to pay the transmission charges for the period anterior to the filing of the Petition and identification of the party which must bear such charges for such period for further hearing and fresh adjudication after impleadment of HPSEB. The learned counsel further submitted that in terms of the direction of the Commission vide Record of Proceedings for the hearing dated 3.11.2022, the Petitioner has impleaded HPSEB as party to the Petition and also filed a revised memo of parties. However, despite the direction of the Commission to the Respondents to file their reply on the issue under remit, HPSEB has not filed any reply. The learned counsel also submitted that since as per the judgment of APTEL, HPSEB is required to be heard in the matter, a fresh



notice may be issued to HPSEB to file its reply and the Petitioner may also be permitted *dasti* service.

2. Learned counsel for CTUIL submitted that since the amended memo of parties impleading HPSEB has been filed only in November, 2022, one more opportunity may be afforded to HPSEB to file its reply, if any, in terms of judgment of APTEL dated 17.2.2022.

3. Considering the submissions made by the learned counsel for the parties, the Commission gave one more opportunity to the Respondents including HPSEB to file their respective reply on the short issue under the remit (as per Para 9 of the judgment of APTEL dated 17.2.2022) within two weeks with copy to the Petitioner, who may file its rejoinder thereof, if any, by two weeks thereafter

4. The Petition shall be listed for hearing on 14.3.2023.

By order of the Commission

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