

**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 : 14.3.2023
- Coram : Shri Jishnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Greenko Budhil Hydro Power Private Limited (GBHPPL)
- Respondents : Central Transmission Utility of India Limited (CTUIL) and 2 Ors.
- Parties Present : Shri Hemant Singh, Advocate, GBHPPL  
Ms. Supriya Rastogi, Advocate, GBHPPL  
Ms. Suparna Srivastava, Advocate, CTUIL  
Ms. Tejasvita Dhawan, Advocate, CTUIL  
Ms. Divya Sharma, Advocate, CTUIL  
Shri Tushar Mathur, Advocate, CTUIL  
Shri Amal Nair, Advocate, HPSEB  
Ms. Kritika Khanna, Advocate, HPSEB

**Record of Proceedings**

At the outset, learned counsel for the Petitioner submitted that the 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 Commission's 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 APTEL vide its judgment dated 17.2.2022 has remanded the Petition back to the Commission for fresh adjudication on the sole issue of liability to pay the transmission charges for the period anterior to filing of the present Petition. Learned counsel further submitted that the APTEL was of the view that in order to examine as to whether HPSEB had paid transmission charges to CTUIL (by availing Short-Term Open Access), HPSEB was a proper party and had to be impleaded as a party in the captioned Petition. Accordingly, in terms of the directions of the Commission vide Record of Proceeding for the hearing dated

3.11.2022, HPSEB was impleaded as a party Respondent to the captioned Petition. However, it has been intimated by HPSEB that from the restructuring of the company, the issue of free power is being dealt with exclusively by the Energy Department, Government of Himachal Pradesh. Learned counsel, therefore, requested that the Energy Department, Government of Himachal Pradesh be impleaded as a party to the present proceedings. Learned counsel also pointed out that at paragraph 7 of the judgment dated 17.2.2022, the APTEL has asked this Commission to rehear all the concerned entities including HPSEB in deciding the matter as to the liability for paying the transmission charges for the period prior to the filing of petition afresh and, according to the Petitioner, the Energy Department, Government of Himachal Pradesh is also a concerned entity in this case.

2. Learned counsel for the Respondent, HPSEB also submitted that HPSEB is not making any payment towards drawing the free power from the generating station of the Petitioner and it's the Energy Department, Government of Himachal Pradesh, who is responsible for drawing such power and making the payments thereof.

3. Considering the submissions of the learned counsel for the parties, the Commission permitted the Petitioner to implead Energy Department, Government of Himachal Pradesh as party to the present Petition and file revised memo of parties within in a week. The Commission directed the Petitioner to serve the copy of the Petition to Energy Department, Govt. Himachal Pradesh along with the copy of the present Record of Proceedings and the Energy Department, Govt. of Himachal Pradesh may file its reply on the limited issue as under remand in terms of the judgment of APTEL dated 17.2.2022, if any, within two weeks with copy to the Petitioner who may file its rejoinder thereon within two weeks thereafter. The Commission also directed HPSEB to file its reply within 2 weeks.

4. The Petition shall be listed for hearing on 20.4.2023.

**By order of the Commission**

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