

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.281/MP/2023 along with IA No.71/2023

- Subject : Petition under Section 79 of the Electricity Act, 2003 seeking a declaration that the Petitioner is liable towards payment of transmission charges corresponding to the LTA quantum of 1495 MW only and for quashing of the invoice dated 1.8.2023 issued by the Central Transmission Utility of India Limited.
- Date of Hearing : **11.10.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Adani Power Limited (APL)
- Respondents : Central Transmission Utility of India Limited (CTUIL) and 3 Ors.
- Parties Present : Shri Hemant Singh, Advocate, APL
Shri Lakshyajit Singh, Advocate, APL
Ms. Lavanya Panwar, Advocate, APL
Shri Shaurya Kumar, Advocate, APL
Shri Sanny Machal, NLDC
Shri Laxman Singh, NLDC
Shri Alok Mishra, NLDC
Shri Siddharth Sharma, CTUIL
Shri Abhijith, CTUIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking a declaration from the Commission that the Petitioner is liable towards payment of the transmission charges corresponding to the Long Term Access (LTA) quantum of 1495 MWs only and consequently, for quashing the invoice dated 1.8.2023 issued by Respondent No.1, CTUIL, being completely arbitrary and illegal. Learned counsel mainly submitted as under:

(a) On 7.8.2008, the Petitioner entered into two Power Purchase Agreements (PPAs) with the Haryana Discoms for the supply of 1424 MW of power at the Haryana periphery.

(b) For the purpose of supplying power under the aforesaid PPAs, the Petitioner implemented a dedicated transmission system of \pm 500 kV Mundra-Mohindergarh HVDC bi-pole transmission lines including associated 400 kV transmission lines. Subsequently, the Petitioner filed Petition No. 44/TL/2012 before the Commission for the grant of an inter-State transmission licence for the above line, and the Commission, vide its order dated 29.7.2013 granted an inter-State transmission licence to the Petitioner qua above transmission line.

(c) Based on the above order, the Petitioner was granted the LTA for 1495 MW (including transmission losses) by CTUIL on 27.9.2013, which later fructified in terms of the LTA Agreement dated 30.9.2013.

(d) Subsequently, on 28.2.2023, the Petitioner entered into the Supplementary PPAs with the Haryana Discoms, whereby the original contracted capacity of 1424 MW was revised to 1200 MW, and on account of such revision, the Petitioner issued a letter to the CTUIL on 26.5.2023 requesting the bifurcation of the LTA quantum of 1495 MW in (i) 1260 MW towards the firm-up beneficiary (Haryana), and (ii) 235 MW without the firm-up beneficiary (untied LTA).

(e) The above request of the Petitioner was accepted and acknowledged by CTUIL in its letter dated 16.6.2023 in which it revised the LTA quantum as requested by the Petitioner.

(f) However, despite the above, CTUIL proceeded to raise the two invoices upon the Petitioner in the month of August 2023 – (i) the Invoice dated 1.8.2023 for an amount of Rs. 7,82,51,799/- towards the LTA quantum of 235 MW (i.e. equivalent to untied LTA capacity), and (ii) the Invoice dated 2.8.2023 for an amount of Rs.25,27,97,147/- towards the total LTA quantum of 1495 MW.

(g) While CTUIL proceeded to raise an invoice for the entire quantum of 1495 MW, it has arbitrarily proceeded to raise another invoice for 235 MW on a stand-alone basis. This, in effect, means that while the Petitioner has an LTA of 1495 MW, the Petitioner is being asked to pay the transmission charges for a total of 1730 MW.

(h) According to the Petitioner, the Invoice dated 1.8.2023, as raised by CTUIL towards the LTA quantum of 235 MW, amounts to a double recovery of money by CTUIL towards such a quantum for which the Petitioner already has the LTA and is paying the transmission charges (Invoices for 1495 MW).

(i) As the trigger date for the Invoice dated 1.8.2023 is approaching (15.10.2023) after which CTUIL may also proceed to regulate the power of the Petitioner to such an extent, the Petitioner has also moved IA No. 71/2023, *inter alia*, seeking directions upon the Respondents not to take any coercive action in respect thereof till the pendency of the present Petition.

2. The representative of the Respondent, CTUIL accepted that notice and sought liberty to file a reply in the matter. The representative of the CTUIL submitted that, the billing for the Petitioner is being done as per the provisions of the Sharing Regulations. However, the Petitioner has been loaded with double transmission charges for 235 MW. He also added that, in respect of certain difficulties, peculiar to the Petitioner, CTUIL has also addressed a letter to the Office of the Commission.

3. Considering the submissions made by the learned counsel for the Petitioner and the representative of CTUIL, the Commission ordered as under:

(a) Admit. Issue notice to the Respondents.

(b) The Respondents to file their replies to the Petition within four weeks with a copy to the Petitioner who may file its rejoinder, if any, within three weeks thereafter.

(c) In the interregnum, the Respondents will not take any coercive actions against the Petitioner in respect of the Invoice dated 1.8.2023, as issued by CTUIL, till the next date of the hearing. Accordingly, the Commission disposed of IA No. 71/2023.

4. The Petition will be listed for the hearing on **22.12.2023**.

By order of the Commission

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