

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.372/MP/2022

- Subject : Petition under Section 79(1)(c) & section 79(1)(f) of the Electricity Act, 2003 read with Regulation 32 of Central Electricity Regulatory Commission (Grant Of Connectivity, Long Term And Medium Term Open Access in Inter State Transmission and Related Matters) Regulations, 2009 along with Regulation 24 and 111 of the Central Electricity Regulatory Commission (Conduct Of Business) Regulations, 1999 challenging the levy of relinquishment charges by Power Grid Corporation of India Limited along with return of construction phase bank guarantee.
- 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
- Petitioner : Srijan Energy Systems Private Limited (SESPL)
- Respondents : Central Transmission Utility of India Limited (CTUIL) and Anr.
- Parties Present : Shri Sumant Nayar, Advocate, SESPL
Shri Tushar Srivastava, Advocate, SESPL
Shri Abhijeet Pandey, Advocate, SESPL
Shri Vishal Saxena, SESPL
Shri Swapnil Verma, CTUIL
Shri Ranjeet Rajput, CTUIL
Ms. Priyansi Jadiya, CTUIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed challenging *inter alia* the levy of the relinquishment charges by CTUIL vide its letter dated 24.12.2021 as being patently illegal and being issued without any basis in law and in complete contravention, as well as violation of the principles laid down by this Commission vide order dated 8.3.2019 in Petition No. 92/MP/2015 in the matter of Power Grid Corporation of India Limited v. Kerala State Electricity Board Ltd. and Ors.. Learned counsel further submitted as under:

- (a) At para 143 of the order dated 8.3.2019, the Commission has categorically observed that no relinquishment charges shall be imposed on the LTA grantee for change in the target region, if the effective date of start of LTA in the changed region is the same as the date of relinquishment in original region and the change in region is sought for entire capacity relinquished. However, if there is a gap between effective date of LTA as per fresh application for new region and relinquishment in previous region, transmission charges for the stranded capacity shall be levied for such interim

period and for such capacity for which LTA to changed region has not been effective.

(b) The Petitioner was originally granted the LTA for supply of 300 MW power from its Project on 11.7.2017 on target region basis to Western Region, Southern Region & Northern Region. However, owing to the new beneficiaries resulting from the selection of beneficiaries by SECI and NTPC, the Petitioner was required to relinquish the said LTA and immediately after such relinquishment on 26.8.2019, the Petitioner applied again for grant of entire LTA capacity. The Petitioner was granted a fresh LTA of the same quantum of 300 MW with changed target region on 29.11.2019. Thus, there was only a change in the target region in respect of subsequent LTA of 300 MW granted to the Petitioner thereby squarely falling under the principles laid down at para 143 of the Commission's order dated 8.3.2019 in Petition No.92/MP/2015.

2. In response to the specific observation of the Commission with regard to the Project(s) under the original LTA and subsequent LTA being the same or different - since as per the earlier LTA grant, the Project(s) were to come-up at Bhuj PS whereas as per the subsequent LTA grant, they were to come-up at Lakadia PS, the learned counsel for the Petitioner submitted that the Projects for both the LTAs were same and sought liberty to substantiate the same.

3. After hearing the learned counsel for the Petitioner, the Commission ordered as under:

(a) Admit. Issue notice to the Respondents.

(c) The Petitioner to serve copy of the Petition on the Respondents and the Respondents to file their reply, if any, within four weeks with copy to the Petitioner who may file its rejoinder, within would weeks thereafter.

(d) The Petitioner to clarify on an affidavit, within three weeks as to whether the original LTA of 300 MW (90+150+60) and the revised LTA of 300 MW (125+125+50) were taken by the Petitioner against the same projects? If not, details of the project against which these LTAs were taken.

(e) Parties to comply with the above directions within the specified timeline and no extension of time shall be granted.

4. The Petition be listed for hearing on 20.9.2023.

By order of the Commission

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