

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 39/MP/2023 alongwith IA No. 5/2023

Subject : Petition seeking setting aside of transmission charges/ bills raised by CTUIL and declaration that the Petitioners stand discharged from performance under (i) the Agreement for Long Term Access dated 4.12.2017 (ii) Supplementary Agreement for Long Term Access dated 9.5.2019, and (iii) Transmission Service Agreement dated 4.12.2017 executed between Petitioner and Central Transmission Utility of India Ltd. on account of force majeure and impossibility of performance under the Power Purchase Agreements dated 27.12.2017 and consequent relief thereto

Petitioner : Inox Green Energy Services Pvt. Ltd. & 4 Ors.

Respondents : Central Transmission Utility of India Ltd. & Anr.

Petition No. 108/MP/2023 alongwith I.A.No.27/2023

Subject : Petition seeking setting aside transmission charges/bills raised by CTUIL against Petitioner No.2. for the period July, 2021 to December, 2022 (for ₹11,51,36,621/-) alongwith Interlocutory Application seeking restraining the Respondents from claiming transmission charges and taking coercive action against the Petitioner

Petitioner : Nani Virani Wind Energy Pvt. Ltd. & Anr.

Respondents : Central Transmission Utility of India Ltd. & Anr.

Date of Hearing : 13.4.2023

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

Parties present : Shri Sanjay Sen, Sr. Advocate, IGESL & NVWEL
Ms. Mandakini Ghosh, Advocate, IGESL & NVWEL
Shri Swapnil Verma, CTUIL
Shri Ranjeet Singh Rajput, IGESL & NVWEL
Shri Bhanu Prakash Pandey, IGESL
Ms. Muskan Agarwal, IGESL



Record of Proceedings

The issues raised in the petitions are similar and hence they were taken up together.

Petition No. 39/MP/2023

2. Learned senior advocate for the Petitioners submitted that the instant petition has been filed for setting aside the bills in respect of 200 MW LTA raised by CTUIL (formerly PGCIL) upon IGESL as transmission charges; discharging from performance under the Agreement for Long Term Access dated 4.12.2017, Supplementary Agreement for Long Term Access dated 9.5.2019, and Transmission Service Agreement dated 4.12.2017 executed between Petitioner and CTUIL on account of force majeure and impossibility of performance under the Power Purchase Agreements dated 27.12.2017; refund of the transmission charges already paid by the Petitioners and restraining CTUIL from invoking Bank Guarantee given by the Petitioners. He submitted that the matter is listed for admission.

3. The Petitioner has also filed an IA No. 5/IA/2023 seeking interim relief restraining the Respondents from taking any coercive action/invoking BG against the Petitioners.

Petition No. 108/MP/2023 alongwith I.A.No.27/2023

4. Learned senior counsel submitted that the Petitioner was granted LTA for 500 MW and CTUIL (formerly PGCIL) has made LTA effective w.e.f. 14.4.2019. IGESL and its five SPVs are wind generators executing 250 MW wind power project (50 MW each) in Kutch, Gujarat awarded by the SECI with SCOD was 2.5.2019, which was extended up to 28.6.2021. Nani Virani Wind Energy is one such subsidiary which set-up 50 MW power project out of the said 250 MW wind power project, and balance 200 MW (4x50 MW) could not be set up due to force majeure conditions.

5. He submitted that. out of the completed 50 MW project, only 30 MW is being evacuated and 20 MW, though ready for commissioning since 27.12.2022, is not getting evacuated as it is not being allowed to be registered under NOAR. He prayed for directions to the Respondents for allowing the Petitioners to evacuate the entire power through open access with respect to Nani Virani Project of 50 MW belonging to Petitioner No.1. He submitted that the matter is listed for admission.

6. He further submitted that the Petitioner No.1 has made payments to the tune of ₹3,44,87,766/- towards the transmission charges/bills raised by CTUIL and a sum of ₹8,06,48,855/- is currently outstanding.

7. The Petitioner has also filed IA No. 27/IA/2023 seeking interim relief restraining the Respondents from taking any coercive action/invoking BG against the Petitioners.

8. After hearing the learned senior counsel for the Petitioners, the Commission admitted the Petition No.108/MP/2023 and directed to issue notice to the Respondents. The Commission further directed CTUIL not to take any coercive action against IGESL and Nani Virani Energy Limited till the next date of hearing.



9. The Commission directed the Petitioners to clarify/submit the following by 12.5.2023 on an affidavit with an advance copy to the Respondents:

- a. Whether the power of 30 MW from its 50 MW project is being evacuated or not?
- b. File copy of energization approval from CEA in respect of balance capacity of 20 MW out of 50 MW.
- c. Submit the following details of Petitioners' project capacity and LTA :

	Tranche 1	Tranche 2
Capacity in MW		
Total Capacity Commissioned		
Capacity allocated to Nani Virani Wind Energy		
Capacity commissioned by the Nani Virani Wind Energy and commissioning date		
LTA Operationalisation date and quantum		
Capacity for which bilateral billing has been done by the CTUIL		

- d. Implead concerned Discoms in the memo of parties who were supposed to avail the power from Nani Virani Project.
- e. Provide copy of the agreement between the Nani Virani Wind Energy and Inox Green Energy Services Pvt. Ltd., if any, regarding the payment of transmission charges.

10. CTUIL may submit/clarify the following by 12.5.2023 on an affidavit with an advance copy to the Petitioners:

- a. Specify quantum for which the CTUIL has raised the bills on the Petitioners.
- b. Submit reasons for not allowing the Petitioner to evacuate power of entire 50 MW project.

11. The Commission further directed the Petitioners to serve copy of the Petition on the Respondents, if not served, by 21.4.2023. The Respondents are directed to file their reply by 15.5.2023 with an advance copy to the Petitioners, who may file their rejoinder, if any, by 31.5.2023. The Commission observed that the due date of filing the reply and rejoinder should be strictly adhered to and no extension of time shall be granted.

12. The Petitions shall be listed together for final hearing on 15.6.2023.

By order of the Commission

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

