

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 56/MP/2022

- Subject : Petition under Section 63 and Section 79 of the Electricity Act, 2003 read with Competitive Bidding Guidelines and Articles 11 and 13 of the Power Purchase Agreement dated 23.5.2018 executed between ReNew Wind Energy (AP2) Private Limited and Solar Energy Corporation of India Limited.
- Petitioner : ReNew Wind Energy (AP2) Private Limited
- Respondents : Solar Energy Corporation of India Limited (SECI) and 2 Ors.

Petition No. 227/MP/2022 along with IA No.55/2022

- Subject : Petition under Section 79 of the Electricity Act, 2003 seeking to set aside Transmission Charges bills raised by CTUIL and declaration that the Petitioners stands discharged from performance under, Transmission Service Agreement dated 29.1.2018, LTA Agreement dated 29.1.2018 (Tranche 1), Agreement for Long Term Access dated 6.9.2018 (Tranche 2) and Bipartite Connection Agreement dated 11.1.2019 executed between ReNew Power Pvt. Ltd. and Central Transmission Utility of India Ltd. (earlier Power Grid Corporation of India Ltd.) on account of Force Majeure and impossibility of performance under the Power Purchase Agreement dated 23.5.2022 executed with Solar Energy Corporation of India Ltd and consequential relief thereto
- Petitioners : ReNew Wind Energy (AP2) Private Limited and Anr.
- Respondents : Central Transmission Utility of India Limited (CTUIL) and 2 Ors.
- Date of Hearing : 17.1.2023
- Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Parties Present : Shri Sajjan Poovayya, Senior Advocate, RWEPL
Shri Vishrov Mukerjee, Advocate, RWEPL
Shri Girik Bhalla, Advocate, RWEPL
Ms. Priyanka Vyas, Advocate, RWEPL
Shri Shubham Arya, Advocate, HPPC
Shri Ravi Nair, Advocate, HPPC
Ms. Reeha Singh, Advocate, HPPC
Ms. Anumeha Smiti, Advocate, HPPC
Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI

Ms. Srishti Khindari, Advocate, SECI
Shri Subham Mishra, SECI
Ms. Aditee Nitnavare, SECI
Ms. Suparna Srivastava, Advocate, CTUIL
Shri Swapnil Verma, CTUIL
Shri Sidharth Sharma, CTUIL
Shri Ranjeet Singh Rajput, CTUIL
Ms. Muskan Agarwal, CTUIL

Record of Proceedings

At the outset, the learned counsel for the Petitioners submitted that in Petition No. 56/MP/2022, the Respondent, GRIDCO has filed its reply on 6.1.2023 whereas in Petition No. 227/MP/2022, CTUIL served its reply only on yesterday and accordingly, the Petitioners may be permitted some time to file the rejoinder in these matters. In Petition No. 56/MP/2022, the learned counsel prayed for extension of interim protection granted vide Record of Proceeding for the hearing dated 21.3.2022 till the next date of hearing.

2. Learned counsel for the Respondent No.3, HPPC in Petition No. 56/MP/2022 submitted that the Commission may consider the aspect of invocation of Bank Guarantee toady itself and no further stay on the invocation of BG may be allowed.

3. Learned senior counsel for the Respondent, SECI submitted that the primary dispute under Petition No. 56/MP/2022 is with SECI and SECI has already filed its reply on merit long back. Learned senior counsel also added that as per the scheme of PPA and PSA, the amount under the BG as enforced by SECI under the PPA goes to the Payment Security Fund set-up by the Respondent distribution licensees.

4. Learned counsel for the Respondent, CTUIL in Petition No. 227/MP/2022 sought liberty to upload the reply on the e-filing portal of the Commission.

5. In response, the learned counsel for the Petitioner submitted that the Petitioner is in no manner attempting to delay the matter and only seeking small accommodation to respond to the reply filed by the Respondents belatedly. The learned counsel further submitted that as per the Record of Proceeding for the hearing dated 22.8.2022 both these matters are to be taken up together and accordingly, the Commission may extend the interim protection granted in Petition No. 56/MP/2022 as there is no change in the circumstances from the previous listing of the matter which would require the Commission to vacate the interim protection at this stage. Alternatively, the learned counsel also argued that in the event the Commission is not inclined to extend the interim protection, the Petitioner is ready to argue the matter on merits.

6. Considering the submissions made by the learned counsel and learned senior counsel for the parties, the Commission permitted the Petitioners to file their rejoinders in the matters within two weeks. The Respondent, CTUIL was also permitted to upload its reply in Petition No. 227/MP/2022 within a week. Further, the Commission extended the interim protection granted vide Record of Proceedings for hearing dated 21.3.2022, till the next date of hearing. The Commission also clarified that on the next date the matters shall be taken for final hearing.

7. The Petitions shall be listed for hearing on 21.2.2023.

By order of the Commission

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