

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.68/MP/2023 along with IA No. 18/2023

Subject : Petition under Sections 79 of the Electricity Act, 2003, seeking for quashing/ setting aside of the invoice dated 27.04.2022 issued by the Central Transmission Utility of India Limited (CTUIL), and the consequent email dated 21.01.2023 & letter dated 17.02.2023 issued by the Grid Controller of India Limited.

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

Petitioners : SEI Sunshine Power Pvt. Ltd. and 3 Ors. (SEISPPL)

Respondents : Central Transmission Utility of India Limited (CTUIL) and 3 Ors.

Parties Present : Shri Hemant Singh, Advocate, SEISPPL
Shri Lakshyajit Singh, Advocate, SEISPPL
Ms. Suparna Srivastava, Advocate, CTUIL
Ms. Astha Jain, Advocate, CTUIL
Shri Tushar Mathur, Advocate, CTUIL
Shri Swapnil Verma, CTUIL
Shri Ranjeet Rajput, CTUIL
Shri Alok Mishra, Grid India

Record of Proceedings

Learned counsel for the Petitioners submitted that the present Petition has been filed for quashing/setting aside of the invoice dated 27.4.2022 issued by CTUIL and the consequent letter dated 17.2.2023 issued by the Grid Controller of India Limited (GCIL). Learned counsel submitted that vide Record of Proceedings for the hearing dated 22.2.2023, the Commission had directed the Respondent Nos. 1 & 2, CTUIL and GCIL not to take any coercive action against the Petitioners subject to the Petitioner depositing 50% of total outstanding transmission charges i.e. Rs. 9.12 crore to CTUIL within a week thereof. Learned counsel submitted that the said decision was challenged by the Petitioners before the Appellate Tribunal for Electricity in IA No.398 of 2023 in Appeal No. 255 of 2023 wherein the APTEL by order dated 2.3.2023 permitted the Petitioners to pay the said 50% amount in three equal installments, the first by 15.3.2023, the second by 15.4.2023 and the third & final installment latest by 15.5.2023. Learned counsel further submitted that since the pleadings in the matter are yet to be completed, the notice may be issued and the parties may be permitted to complete the pleadings.

2. Learned counsel for the Respondent, CTUIL sought time to file reply to Petition. Learned counsel submitted that as per the direction of the APTEL vide order dated 2.3.2023, the Petitioner has already made the payments due under the two installments whereas the third installment is due today itself.

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

- (a) Admit. Issue notice to the Respondents.
- (b) The Petitioner to serve copy of the Petition & IA 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 four weeks thereafter.
- (c) The Petitioner to submit on affidavit within three weeks the detail of payment of transmission charges for the period from April 2020 to October 2020 as directed vide RoP dated 22.2.2023.
- (d) The Respondents 1 & 2, CTUIL and GCIL not to take any coercive actions against the Petitioner till next date of hearing provided the Petitioner deposits the 50% of the total outstanding transmission charges, in particular the 3rd Installment, within the timeframe allowed by the APTEL vide order dated 2.3.2023.
- (e) Parties to comply with the above directions within the specified timeline and no extension of time shall be granted.

4. The Petition along with IA be listed for hearing on 20.9.2023.

By order of the Commission

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