

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 727/MP/2020 along with IA Nos. 7/2022 and 19/2023**

Subject : Petition under Section 79(1)(c) of the Electricity Act, 2003 read with Regulation 32 and 33A of Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium Term Open Access in inter-State Transmission and related matters) Regulations, 2009 along with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking, *inter alia*, relaxation of Clause 11.2 of the Detailed Procedure issued by the Central Electricity Regulatory Commission for “Grant of Connectivity to Projects based on Renewable Sources to the Inter-State Transmission System” dated 15.5.2018 and adjudicating the dispute that has arisen in relation to the agreements entered between Central Transmission Utility and the Petitioner herein.

Date of Hearing : 6.3.2023

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

Petitioner : Mytrah Energy (India) Private Limited (MEIPL)

Respondent : Central Transmission Utility of India Limited (CTUIL)

Parties Present : Shri Venkatesh, Advocate, MEIPL  
Shri Suhael Buttan, Advocate, MEIPL  
Shri Vineet Kumar, Advocate, MEIPL  
Shri Sanjeev Thakur, Advocate, MEIPL  
Shri Kartikey, Advocate, MEIPL  
Shri Tushar Mathur, Advocate, CTUIL  
Ms. Aastha Jain, Advocate, CTUIL  
Shri Ranjeet Singh Rajput, CTUIL  
Shri Lashit Sharma, CTUIL

**Record of Proceedings**

At the outset, learned counsel for the Petitioner submitted that in the present case, the Petitioner has moved IA No. 19/2023 seeking amendment of the Petition. Learned counsel referred to the said IA and mainly submitted as under:

(a) Subsequent to the filing of the instant Petition, CTUIL, on 2.11.2020, issued a notification whereby an amount of approximately Rs. 158 crore has been imposed upon the Petitioner as relinquishment charges on account of relinquishment of LTA granted by CTUIL. Further, vide letter dated 5.11.2020, CTUIL demanded the aforesaid amount from the Petitioner as relinquishment charges by relying on the Commission’s order dated 8.3.2019 in Petition No. 92/MP/2015 wherein the Commission had prescribed a methodology for computation of relinquishment charges.

(b) Since the order dated 8.3.2019 in Petition No. 92/MP/2015 by this Commission was already under challenge before the Appellate Tribunal for Electricity in Appeal No. 365 of 2019 & batch and the Petitioner was not party to the said petition, it sought impleadment in the said proceedings by IA No. 905 of 2022 in Appeal No. 365 of 2019.

(c) APTEL vide order dated 9.1.2023 dismissed the said IA. However, while dismissing the said application, the APTEL granted liberty to the Petitioner to amend the present Petition in light of the developments that have transpired post filing of the present Petition before the Commission.

(d) Accordingly, the Petitioner has sought to place on record the aforesaid notification dated 2.11.2020, letter dated 5.11.2020 and the invoice dated 27.4.2022 (whereby demand of Rs. 40.71 crore has been raised towards transmission charges for period from February, 2020 to July, 2020) as issued by PGCIL/CTUIL imposing the liability of relinquishment charges and transmission charges upon the Petitioner and suitable amendment of the present Petition.

2. Learned counsel for CTUIL submitted that at the time of filing of this Petition, the Petitioner had already relinquished the LTA on 17.7.2020 and at ground D of the Petition, the Petitioner has also specifically stated that the Petitioner be allowed to relinquish its LTA of 300 MW capacity without any liability for payment of relinquishment charges under Regulation 18 of the Connectivity Regulations. Learned counsel further submitted that since the Project of the Petitioner did not come up, there is no other remedy such as regulation of power and the only remedy available against the outstanding transmission charges and/or relinquishment charges, at this stage, is the connectivity bank guarantee to the tune of Rs. 5 crore and LTA application bank guarantee to the tune of Rs. 30 lakh. Learned counsel, accordingly, urged that the interim protection in favour of the Petitioner ought not to be extended any further.

3. In response, learned counsel for the Petitioner submitted that PGCIL/ CTUIL's the notification dated 2.11.2020 & the letter dated 5.11.2020 - raising the claim of relinquishment charges - having been issued after the filing of the Petition, the prayers in the original petition as such do not seek any remedy/relief against them and accordingly, the Petitioner may be permitted to amend the present petition as prayed for in the IA. Learned counsel for the Petitioner further submitted that in the event the Commission is not inclined to extend the interim protection, the Petitioner may be permitted two weeks' time to deposit the amount equivalent to BGs to CTUIL rather instead of encashing the BGs furnished by the Petitioner, albeit subject to the outcome of the present Petition.

4. Taking into the account the submissions made by the parties, the Commission permitted the Petitioner to deposit the amount equivalent to BGs amount to CTUIL within a period of two weeks, failing which CTUIL shall be at liberty to encash the BGs furnished by the Petitioner. CTUIL shall keep the amount deposited by the Petitioner in a separate account. The Commission further clarified that the amount to be deposited by the Petitioner or encashment of BGs by CTUIL in the event of failure of the former will be subject to the outcome of the present Petition.

5. The Commission also permitted IA No.7/2023 as filed by the Petitioner seeking amendment to the Petition and directed the Respondents to file their reply on the

amended Petition, if any, within two weeks with copy to the Petitioner who may file its rejoinder within two weeks thereafter.

6. The Petition shall be listed for hearing on 16.5.2023.

**By order of the Commission**

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