

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 111/MP/2024

Subject : Petition under Section 79 of the Electricity Act, 2003 challenging the Bills of Supply for Bilateral Charges raised by Central Transmission Utility of India Ltd. being contrary to the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and losses) Regulations, 2020 and CERC (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022

Petitioners : ReNew Solar Power Pvt. Ltd. & Anr.

Respondent : Central Transmission Utility of India Ltd & Anr.

Petition No. 112/MP/2024

Subject : Petition under Section 79 of the Electricity Act, 2003 challenging the Bills of Supply for Bilateral Charges raised by Central Transmission Utility of India Ltd. being contrary to Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and losses) Regulations, 2020 and CERC (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022

Petitioner : ReNew Surya Ojas Pvt. Ltd.

Respondent : Central Transmission Utility of India Ltd & Anr.

Petition No. 15/RP/2024 along with IA No.97/2024

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Section 114 of the Code of Civil Procedure, 1908 and Regulation 52 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 seeking review and modification of Order dated 18.3.2024 passed by this Commission in Petition No. 111/MP/2024.

Petitioner : ReNew Solar Power Private Limited and Anr.

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

Petition No. 16/RP/2024 along with IA No.47/2024

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Section 114 of the Code of Civil Procedure, 1908 and Regulation 52 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 seeking review and modification of Order dated 18.3.2024 passed by this Commission in Petition No. 112/MP/2024.

Petitioner : ReNew Surya Ojas Private Limited.



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

Date of Hearing : **28.11.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Parties Present : Shri Vishrov Mukerjee, Advocate, ReNew
Ms. Suparna Srivastava, Advocate, CTUIL

Record of Proceedings

Learned counsel for the Petitioners submitted that Petition Nos. 111/MP/2024 and 112/MP/2024 have been filed *inter alia* seeking to quash and set aside the Invoices/ Bill of Supply raised by Respondent, CTUIL towards the bilateral/transmission charges on the Petitioners - they being contrary to Regulation 13(3) of the Sharing Regulations, 2020 as the connectivity has been granted to the Petitioners on the Common Transmission System without the Associated Transmission System (ATS). Whereas the Petition Nos. 15/RP/2024 and 16/RP/2024 have been filed *inter alia* seeking review and modifications of the order dated 18.3.2024 passed by the Commission in Petition Nos. 111/MP/2024 and 112/MP/2024. Learned counsel further submitted as under:

(a) The impugned order dated 18.3.2024 inadvertently records that “the Petitioners are willing to pay some amount towards transmission charges” to CTUIL, and consequently, the Petitioners have been directed to pay the 50% of bills raised by CTUIL, where the due date has expired, within the next 15 days.

(b) The impugned order fails to consider that the submission made on behalf of the Petitioners that even if the transmission charges are to be levied on the Petitioners, the same can only be done as per Regulation 13(7) of the Sharing Regulations (i.e., Rs.3000/MW/month for delayed capacity) and not under Regulation 13(3). It was this amount the Petitioners were willing to pay as an interim measure and not “any amount” as has been erroneously recorded in the impugned order. Even the above submissions were without prejudice to the Petitioners’ main plea that they were not liable for any bilateral/transmission charges.

(c) In terms of Regulation 13(3) of the Sharing Regulations, where the COD of a connectivity grantee has not been achieved on or before the start date of the connectivity and the ATS has achieved the COD, which is not earlier than the start date of the connectivity, then the connectivity grantee shall pay the Yearly Transmission Charges for the ATS corresponding to connectivity capacity that has not achieved the COD.

(d) However, in the present case, there is no ATS that has been identified for the evacuation of power from the Petitioners’ Projects. The Petitioners have admittedly been granted the connectivity on the Common Transmission System with no ATS.

(e) In similar other cases, the Commission has also directed to make the payment of only 10% of bilateral bills, whereas in one of the cases, the Hon’ble High Court has stayed the recovery of such bilateral/transmission charges.

(f) Also, despite the Petitioners’ Projects having achieved the COD to a large extent, the bilateral/transmission charges have not been reduced to the extent of capacity

having achieved the COD. Given the continuing liability on the Petitioners in terms of the bilateral bills being raised by CTUIL, the Petitioners are pressing for the modification of the impugned order till the disposal of main matters.

(g) Although the Petitioners are ready to proceed with main matters as well, they are yet to file a rejoinder therein. The Petitioners may, thus, be permitted to file a rejoinder therein.

2. Learned counsel for Respondent, CTUIL, submitted that the Petitioners may be asked to file their rejoinder in the main matters so as to ensure that no additional /new ground may be raised therein after the hearing of these matters. Learned counsel also added that the Petitioners have not placed on record any grounds/circumstances warranting the modification of interim direction issued vide Record of Proceedings for the hearing dated 18.3.2024, and these Review Petitions may be taken up along with the main cases themselves. Learned counsel added that insofar as the reduction of bilateral/ transmission charges corresponding to the capacity having achieved the COD, she may be permitted to obtain the necessary instruction on this aspect.

3. Considering the submissions made by the learned counsel for both parties, the Commission found it proper to take up the Review Petitions and the main Cases together, albeit on a shorter date. The Commission, accordingly, permitted the Petitioners to file their rejoinder within two weeks.

4. The matters will be listed for hearing on **7.1.2025**.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)