

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
New Delhi**

**Petition No. 180/MP/2023**

- Subject** : Petition under section 79 of the Electricity Act, 2003 read with Regulations 27 and 33A of the CERC (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009, as amended from time to time, seeking refund of Rs. 3.5 crore from Central Transmission Utility of India Limited (CTUIL), which has been wrongfully collected towards surrender of connectivity at 765/400/220 kV Bhuj II pooling station of PGCIL, located at Bhuj, Gujarat.
- Petitioner** : Adani Wind Energy Kutch Five Limited (AWEK5L)
- Respondent** : Central Transmission Utility of India Limited (CTUIL) and Ors.

**Petition No. 184/MP/2023**

- Subject** : Petition under section 79 of the Electricity Act, 2003 read with Regulations 27 and 33A of the Central Electricity Regulatory Commission (Grant of Connectivity, Long term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009, as amended from time to time, seeking refund of Rs. 3.5 crore from Central Transmission Utility of India Limited (CTUIL), which has been wrongfully collected towards surrender of connectivity at 765/400/220 kV Bhuj-II Pooling Station of PGCIL, located at Bhuj, Gujarat.
- Petitioner** : Adani Wind Energy Kutch Three Limited (AWKTL)
- Respondents** : Central Transmission Utility of India Limited (CTUIL) and 2 Ors.
- Date of Hearing** : 19.2.2024
- Coram** : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P.K. Singh, Member



**Parties present** : Shri Robin Kumar, Advocate, AWKTL & AWEK5L  
Shri Hemant Singh, Advocate, AWKTL & AWEK5L  
Shri Lakshyajit Singh, Advocate, AWKTL & AWEK5L  
Ms. Suparna Srivastava, Advocate, CTUIL  
Ms. Divya Sharma, Advocate, CTUIL  
Shri Rishabh Dubey, Advocate, CTUIL  
Shri Swapnil Verma, CTUIL  
Shri Siddharth Sharma, CTUIL

### **Record of Proceedings**

Adani Wind Energy Kutch Three Limited (AWKTL) and Adani Wind Energy Kutch Five Limited (AWEK5L), both renewable energy generators, were granted Stage-II connectivity for its 250 MW and 130 MW Wind Power Projects, respectively, at the 765/400/220 kV Bhuj II Pooling Station, towards which the Petitioners furnished CONN-BGs of ₹5 crore each. At the request of the Petitioners, the CTUIL shifted its Stage-II connectivity from the Bhuj-II Pooling Sub-station to the Bhuj-I Pooling Sub-station, and the Petitioners accordingly surrendered their connectivity of the Bhuj-II Pooling Sub-station. The CTUIL revoked its connectivity at Bhuj-II Pooling Sub-station and granted Stage-II connectivity to the Petitioners at Bhuj I Pooling Sub-station. The CTUIL initiated action for partial invocation of the CONN-BGs (worth ₹5 crore each km furnished by the Petitioners qua Bhuj-II PSS) in respect of both the projects towards recovery and realisation of ₹3.5 crore each (i.e., equivalent to the BG amount, which is to be furnished by connectivity grantee in terms of Revised Procedure, 2021). However, the Petitioners paid ₹3.5 crore each to CTUIL for both projects. including the opening of an FD for ₹3.5 crore in Petition No. 180/MP/2023, so that the BGs are not encashed.

2. The instant petitions have been filed by the Petitioners seeking a refund of ₹3.5 crore each for both the projects from CTUIL, which was collected from the Petitioners purportedly towards surrender of connectivity at Bhuj II Pooling Sub-station of PGCIL, on the ground that there is no such provision under the pre-revised Procedure, 2018 and the Revised Procedure, 2021, permitting such collection of money.

3. The issue to be decided is a common issue in both the petitions; therefore, they are taken up for hearing together.

4. Learned counsel for the CTUIL submitted that in response to the queries of the Commission raised through RoP dated 15.9.2023 in Petition No. 184/MP/2023, CTUIL has already furnished its reply vide affidavit dated 3.11.2023. She further submitted that no formal reply to the petitions has been filed by CTUIL. She submitted that if need be CTUIL would file a formal reply to the present petitions. She also submitted that CTUIL would like to make its submissions on the maintainability of the present petitions as the Petitioners herein have already withdrawn their earlier petitions with the same prayers in Petition No. 233/MP/2021 & batch matters, and the same were accordingly disposed of as withdrawn vide order dated 13.11.2021. Thus, the Petitioners cannot raise the same



issues once again, which have already been decided vide Commission's order dated 13.11.2021 in Petition No. 233/MP/2021 and batch.

5. Learned counsel for the Petitioners sought time to file a rejoinder to the reply of the Respondents in case they have file any reply to the instant petitions.

6. After the hearing, the Commission directed the Respondents, including CTUIL, to file their replies by 4.3.2024 with an advance copy to the Petitioner and Petitioner may file its rejoinder, if any, by 18.3.2024. The Commission permitted CTUIL to file its reply to the petitions both on merits as well as on maintainability.

7. The Commission further directed the parties to complete their pleadings within the specified timelines and observed that no extension of time would be granted.

8. The petitions will be listed for further hearing in May, 2024.

**By order of the Commission**

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

