

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.216/MP/2024 along with IA (Dairy) No. 502/2024**

- Subject : Petition under Section 79 of the Electricity Act, 2003 challenging the levy of 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 Central Electricity Regulatory Commission (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022
- Petitioners : ReNew Solar Power Private Limited (RSPPL) and Ors.
- Respondents : Central Transmission Utility of India Limited (CTUIL) and Ors.
- Date of Hearing : **13.8.2024**
- Coram : Shri Jishnu Barua, Chairperson  
Shri Ramesh Babu V., Member  
Shri Harish Dudani, Member
- Parties Present : Shri Basava Prabhu Patil, Sr. Advocate, RSPPL  
Shri Geet Ahuja, Advocate, RSSPL  
Shri Vishrov Mukerjee, Advocate, RSSPL  
Shri Girik Bhalla, Advocate, RSSPL  
Ms. Anamika Rana, Advocate, RSSPL  
Shri Shubham Arya, Advocate, PRTL  
Ms. Reeha Singh, Advocate, PRTL  
Ms. Tanya Singh, Advocate, PRTL  
Shri Prashant Kumar, PRTL  
Shri Yogeshwar, PRTL  
Ms. Suparna Srivastava, Advocate, CTUIL  
Ms. Astha Jain, Advocate, CTUIL  
Ms. Divya Sharma, Advocate, CTUIL  
Shri Siddharth Sharma, CTUIL  
Shri Ranjeet Rajput, CTUIL  
Ms. Priyasi Jadiya, CTUIL  
Shri Akshayvat Kislay, CTUIL

**Record of Proceedings**

The learned senior counsel for the Petitioners submitted that the present Petition has been filed *inter alia* challenging the invoices raised by the Respondent No.1, CTUIL, levying the bilateral / transmission charges under the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 ('Sharing Regulations'). The learned senior counsel mainly submitted as under:



(a) The Petitioner Nos. 2-4, Special Purpose Vehicle of the Petitioner No.1, are developing renewable energy-based projects in Jaisalmer, Rajasthan, and for the purpose of evacuation of power from their projects, they have applied for and obtained the requisite Stage II connectivity and Long-Term Access.

(b) Pertinently, the aforesaid GNA / connectivity granted to the Petitioners is yet to be made effective and in the absence thereof, the action of CTUIL in issuing the said invoices is completely illegal.

(c) As per Regulation 13(3) of the Sharing Regulations, a renewable energy based generating station is required to pay the transmission charges when the Commercial Operation Date (COD) of the connectivity grantee has not been achieved on or before the start date of the connectivity and the Associated Transmission System (ATS) has achieved the COD. In such case, the connectivity grantee is required to pay the Yearly Transmission Charges for the ATS corresponding to the connectivity capacity that has not achieved the COD.

(d) Also, the Sharing Regulations define the COD of ATS to mean the COD of the last transmission element of the ATS. Since all the elements of the ATS/ Common Transmission System as specified in the grant of the LTA to the Petitioners are not ready as on the date, there is no basis for CTUIL to impose any bilateral / transmission charges.

(e) The Petitioners have also moved IA (Diary) No.502/2024 *inter alia* for issuance of interim direction to CTUIL to not take any coercive steps against the Petitioners, including but not limited to the issuance of directions for backdown / curtailment of power from the Petitioners' projects. Since the trigger date of 75 days in respect of the said invoices has already elapsed, CTUIL has already taken steps to regulate the generation of the Petitioners' projects.

(f) At the relevant point in time, since this Commission was not taking up the adjudication matters under Section 79(1)(f) of the Act due to non-availability of coram having Member (Law), the Petitioners had approached the Hon'ble Delhi High Court in W.P (C) No. 8426 of 2024 challenging the levy of bilateral charges by CTUIL and seeking issuance of direction to CTUIL not to take any coercive steps towards backdown/curtailment of power from the projects. The Hon'ble Delhi High Court, vide its order dated 5.6.2024, granted the stay on initiating any coercive steps by CTUIL. Subsequently, the said Writ Petition was disposed of by the Hon'ble Delhi High Court, holding that since the essential cause of action that has arisen in the matter fell within the jurisdiction of the State of Rajasthan, it would not entertain the Petition. However, a liberty was granted to the Petitioner to approach the jurisdictional High Court and interim protection was extended for a period of 10 days from 29.7.2024.

(g) In the meantime, since this Commission again started hearing the adjudication matters upon having a Coram with Member (Law), the Petitioners are now before this Commission, and the prayer(s) of the Petitioners for interim protection, as granted by the Hon'ble Delhi High Court, ought to be extended by this Commission.

2. The learned counsel for the Respondent, CTUIL, opposed the prayer(s) of the Petitioners for the grant of interim protection and pointed out that since the Petitioners have been evacuating power to the grid, it cannot take any contrary stand as to the non-readiness of the system. The learned counsel further submitted that the Petitioners ought to be directed to pay at least 50% of the outstanding charges forthwith. Learned counsel sought liberty to file a reply in the matter.

3. The learned counsel for Respondent No.3, Powergrid Ramgarh Transmission Limited (PRTL) submitted that the transmission system of the Respondent had been ready since December, 2023, and the Petitioners are evacuating the power from their projects. The learned counsel further submitted that non-payment of the bilateral transmission charges by the Petitioners under the impugned invoices puts the Respondent out of pocket, who is otherwise also entitled to receive such charges under the Transmission Service Agreement. The learned counsel also opposed the grant of any interim protection at this stage and pointed out that any payment made by the Petitioners at this stage can always be adjusted in future based on the outcome of the present Petition.

4. In response, the learned senior counsel for the Petitioners pointed out that presently, the Petitioners are evacuating the power from their projects under the T-GNA and not under the GNA.

5. Considering the submissions made by the learned senior counsel and learned counsel for the parties, the Commission ordered as under:

- (a) Admit and issue notice to the Respondents.
- (b) The Respondents to file their reply, if any, within three weeks with a copy to the Petitioners, who may file their rejoinder(s) within two weeks thereafter.
- (c) The Respondent, CTUIL to file the following details/information along with its reply:
- (d) The CTUIL to submit the following information on an affidavit within two weeks with a copy to the other side:

(i) The details of the bilateral bills raised on the Petitioners as under:

Sl. No.	Bill date	Bill Amount (in INR)	Billing Month	Billing Period	Quantum for which bilateral bills are raised on to the Petitioner (in MW)	Details of the transmission system against which bilateral bills have been raised on to the Petitioner

(ii) Status of the transmission system required for the effectiveness of the GNA of the Petitioners' Projects and the reasons for the non-effectiveness of the GNA of the Petitioners to date.

(iii) The details of the Associated Transmission System (ATS) for the Petitioners and the present status thereof.

(e) The Petitioners to submit the following information on an affidavit within two weeks:

- (i) Implead Grid-India/NLDC and Powergrid Ramgarh Transmission Ltd. (PRTL) as parties to the present Petition.
- (ii) What was the SCOD of the Petitioners' Projects and the reasons for the delay in the declaration of the COD, if any?
- (iii) The copy of the COD certificate in respect of the generating station of RSRPL (285 MW).
- (iv) Status of the COD of remaining capacity of the following projects along with the copy of the COD certificate:

Sl. No.	Name of Project	Remaining capacity
1	RSAPL (300 MW)	10 MW
2	RSRPL (400 MW)	115 MW
3	RSVPL (100 MW)	2 MW
4	RSVPL (200 MW)	3 MW

- (v) Status of Payment of the bilateral charges raised on the Petitioners.
- (vi) A schematic diagram indicating the connectivity of the Petitioner's Project with the transmission system of the Powergrid Ramgarh Transmission Limited.
- (vii) The Grid-India/NLDC may be directed to submit the following:
- (viii) Certificate of completion of successful trial run in respect of all the elements of PRTL's Transmission System.
- (ix) Basis of charging the bilateral transmission charges on the Petitioner under Regulation 13(3) of the CERC (Sharing of inter-State Transmission Charges and Losses) Regulations, 2020, under the calculations carried out by NLDC.

(f) PRTL to submit the following information on an affidavit within two weeks:

- (a) A copy of the certificate of declaration COD/ deemed COD of the transmission system for which the bilateral charges are being raised on the Petitioner.
- (ii) Status of the transmission system being executed by the Powergrid Ramgarh Transmission Ltd. Whether the PRTL has declared the deemed COD of its transmission system, and if yes, a copy of the certificate issued by the CTUIL to the effect that the transmission system is completed in terms of the applicable CEA Standards, and the provisions of the Grid.
- (g) The Respondent, CTUIL, is not to take any coercive steps against the Petitioners, including the issuance of directions for backdown/curtailment of power from their projects, provided the Petitioners deposit an amount of Rs. 1 crore against such invoices within a week subject to the outcome of the present case.

6. The Petition, along with IA, will be listed for hearing on **8.10.2024**.

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