

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 243/MP/2024 along with IA No.58/2024

Subject : Petition under Section 79 of the Electricity Act, 2003 seeking for quashing / setting – aside of the bill/ invoice dated 12.3.2024 issued by the Central Transmission Utility of India Limited (CTUIL) for alleged relinquishment compensation upon the Petitioner i.e. Adani Wind Energy Kutch One Limited, amongst other reliefs.

Petitioner : Adani Wind Energy Kutchh One Limited (AWEKOL)

Respondent : Central Transmission Utility of India Limited (CTUIL)

Date of Hearing : **17.9.2024**

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

Parties Present : Shri Sanjay Sen, Sr. Advocate, AWEKOL
Shri Hemant Singh, Advocate, AWEKOL
Shri Lakshyjit Singh, Advocate, AWEKOL
Shri Harshit Singh, Advocate, AWEKOL
Shri Sandeep Kumar, Advocate, AWEKOL
Shri Ramesh Kumar, Advocate, AWEKOL
Shri Shailendra Singh, Advocate, AWEKOL
Shri Rohit Raj, Advocate, AWEKOL
Shri Arun Lal, Advocate, AWEKOL
Shri Syed Fazal, Advocate, AWEKOL
Shri Nishant Kumar, Advocate, AWEKOL
Ms. Suparna Srivastava, Advocate, CTUIL
Ms. Divya Sharma, Advocate, CTUIL
Ms. Arshiya Sharma, Advocate, CTUIL
Shri Swapnil Verma, CTUIL
Shri Ranjeet Singh Rajput, CTUIL
Ms. Kavya Bhardwaj, CTUIL

Record of Proceedings

Learned senior counsel for the Petitioner submitted that the present Petition has been filed *inter alia* seeking quashing/setting- aside of the invoice/bill dated 12.3.2024 ('Impugned Bill') issued by the Respondent, CTUIL whereby it has sought to impose alleged relinquishment compensation upon the Petitioner to the tune of Rs. 14 crores. Learned senior counsel further submitted that vide Record of Proceedings for hearing dated 9.9.2024, CTUIL has been directed to file its reply to the Petition, which is yet to be filed.

2. Learned counsel for the Respondent, CTUIL, submitted that vide Record of Proceedings for hearing dated 9.9.2024, CTUIL was also asked to clarify the rationale for taking 31.2.2022 as the date for determination of stranded capacity and relinquishment

charges and till such time, an interim protection was granted in the favour of the Petitioner. Learned counsel submitted that CTUIL has filed an affidavit dated 12.9.2024 on the above aspect. Learned counsel further submitted as under:

(a) The computation of the relinquishment charges has been as per the order dated 8.3.2019 passed by the Commission in Petition No. 92/MP/2015. There is no infirmity in the computation as alleged by the Petitioner.

(b) In the instant case, the LTAs were relinquished by the Petitioner prior to their operationalisations. In the methodology for determination of stranded transmission capacity as specified by the Commission in the order dated 8.3.2019, Step 6 provides that in case the transmission system planned under a particular corridor is under execution (i.e., the corridor is yet to be commissioned), the base case shall be prepared on the present peak load considering such elements as commissioned in the base case.

(c) Contrary to the averment of Petitioner, even if the date for calculation of stranded capacity is to be considered as 28.1.2023 (instead of 31.3.2022), it would not correspondingly reduce the liability period of 12 years.

(d) The above aspects may be considered while extending any interim relief(s) to the Petitioner.

(e) CTUIL may be permitted three weeks to file a detailed reply to the Petition.

3. In response, learned senior counsel for the Petitioner submitted that Step 6 of the methodology specified in the order dated 8.3.2019, as relied upon by CTUIL, does not apply to the present case. Learned senior counsel submitted that CTUIL had raised the Impugned Bill only in March 2024, i.e., after the commissioning of the last element of ATS on 28.1.2023, and accordingly, the computation of the stranded capacity and relinquishment charges ought to have been reflective of such aspect(s). Learned senior counsel further reiterated his averments on the limitation and the trigger date for the Impugned Bill and submitted that the Petitioner has made out a case for the grant of interim relief(s) as prayed for in the IA.

4. Considering the submissions made by the learned senior counsel for the Petitioner and learned counsel for CTUIL, the Commission, for balancing the interest of both sides, deemed it appropriate to direct that CTUIL shall not proceed to take any such coercive/precipitative action against the Petitioner in connection to the said invoice dated 12.3.2024, provided the Petitioner deposits 25% of the amount within two weeks from the date of issuance of the ROP. Needless to add, such payment by the Petitioner shall be subject to the outcome of the order of the Commission in the matter.

5. The Commission directed the Respondent to file its reply within three weeks with an advance copy to the Petitioner, who may file its rejoinder, if any, within three weeks thereafter.

6. The Petition will be listed for hearing on **12.11.2024**.

By order of the Commission

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