

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

IA (Diary) No.245/2024 in Petition No.16/RP/2024

Subject : Interlocutory application seeking urgent listing of 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 18.03.2024 in Petition No. 112/MP/2024

Date of Hearing : **17.5.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : ReNew Surya Ojas Pvt. Ltd.(RSOPL)

Respondents : Central Transmission Utility of India Limited (CTUIL) & Ors.

Parties Present : Mr. Vishrov Mukherjee, Advocate, RSOPL
Mr. Girik Bhalla, Advocate, RSOPL
Ms. Priyanka Vyas, Advocate, RSOPL
Mr. Swapnil Verma, CTUIL
Mr. Siddharth Sharma, CTUIL

Record of Proceedings

Learned counsel appearing on behalf of the Petitioner submitted that the present IA has been moved by the Petitioner seeking urgent listing of the Review Petition No. 16/RP/2024 and issuance of interim directions to CTUIL not to raise invoices towards bilateral charges on the Petitioner in contravention of the Sharing Regulations, 2020. Learned counsel submitted that Review Petition No. 16/RP/2024 had been filed seeking review and modification of the order (Record of Proceedings) dated 18.3.2024 passed in Petition No. 112/MP/2024 by way of which the Commission has erroneously directed the Petitioner to pay 50% of the bill raised by the CTUIL where the due date has expired within 15 days of the said order. Learned counsel further submitted as under:

(a) As such, the Petitioner has complied with the directions issued by the Commission in the Record of Proceedings dated 18.3.2024, which was uploaded on 20.3.2024, and has made the payment of 50% of the amount towards bilateral charges of approximately Rs.2.01 crore.

(b) The inter-play between Regulation 13(3) of the CERC Sharing Regulations and MoP Orders dated 23.11.2021 and 30.11.2021 have now been

settled by the Hon'ble Supreme Court *vide* Order dated 18.03.2024 in CA No. 3783 of 2024 titled *ACME Deoghar Solar Power Pvt. Ltd. & Ors. v. Central Electricity Regulatory Commission & Ors.*, whereby the Hon'ble Supreme Court passed an interim order for waiver from payment of the transmission charges by the renewable generation capacity when SCOD has been extended. The learned counsel also placed reliance on the similar view taken by the Hon'ble High Court of Karnataka *vide* Order dated 18.3.2024 in W.P. No. 8373 of 2024 titled *M/s Ayana Renewable Power Six Pvt. Ltd. v. Union of India & Ors.*

(c) The issue involved in the Petition No. 112/MP/2023 is identical to the issue in the aforesaid matters.

(d) The matter was heard by the Commission on 18.3.2024, and the Record of Proceedings was published on the website on 20.3.2024. As such, the Petitioner could not place on record the aforesaid order of the Hon'ble Supreme Court dated 18.3.2024 before this Commission as the Petition was also heard before the Commission on the same day, *i.e.* 18.3.2024. However, keeping in view the aforesaid order of the Hon'ble Supreme Court dated 18.3.2024, the Record of Proceedings of this Commission ought not to have included the impugned direction of the payment by the Petitioner.

(e) The impugned Record of Proceedings also erroneously records that the Petitioner was willing to pay some amount of transmission charges to CTUIL. The Petitioner's submission was that in the event this Commission holds that the Petitioner is liable to pay transmission charges, then the maximum amount could be computed under Regulation 13(7) of the Sharing Regulations.

(f) Keeping in view that CTUIL has been continuously raising the invoices levying bilateral charges on the Petitioner, the Petitioner is also urging for direction to CTUIL not to raise the bill for bilateral charges in contravention of the extant Regulation and orders of the Hon'ble Supreme Court till the pendency of the Review Petition.

2. The representative of CTUIL submitted that while the Petitioner has paid 50% of the bill raised by CTUIL towards bilateral transmission charges, as per the direction, on the lumpsum basis, these charges are recurring on a monthly basis.

3. Considering the submissions made by the learned counsel for the Petitioner and the representative of CTUIL, the Commission directed that the Review Petition and IA filed therein be listed on **11.6.2024**. The parties are directed to complete the pleadings on or before 8.6.2024.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)

