

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 304/MP/2024, along with IA Nos. 74/2024 and 75/2024

- Subject : Petition under Section 79(1)(c) & section 79(1)(f) of the Electricity Act, 2003 read with Regulation 32 of Central Electricity Regulatory Commission (Grant of Connectivity, Long Term And Medium Term Open Access in Inter State Transmission and Related Matters) Regulations, 2009 along with Regulation 24 and 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 challenging the levy of relinquishment charges by Power Grid Corporation of India Limited and seeking return of Bank Guarantee.
- Petitioner : Torrent Power Limited (TPL)
- Respondent : Central Transmission Utility of India Limited (CTUIL)
- Date of Hearing : **19.9.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Ms. Divya Chaturvedi, Advocate, TPL
Shri Saransh Shaw, Advocate, TPL
Shri Jai Dhanani, Advocate, TPL
Ms. Suparna Srivastava, Advocate, CTUIL
Shri Swapnil Vermal, CTUIL
Shri Siddharth Sharma, CTUIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed *inter alia* seeking a declaration that the Petitioner is not liable to pay the alleged relinquishment charges as sought by the Respondent, CTUIL vide its invoices dated 12.3.2024 ('Impugned Bills') whereby CTUIL has erroneously demanded a total of Rs. 30.73 crores as relinquishment charges. Learned counsel mainly submitted the following:

- (a) The Petitioner relinquished its Long-Term Access of 199.5 MW and 300.3 MW by its letters dated 10.1.2020. CTUIL, vide letter dated 5.2.2020, also acknowledged the relinquishment of the above LTAs w.e.f 14.1.2020. However, the Impugned Bills have been raised only on 12.3.2024, i.e. after a lapse of 3 years of limitation from the date of relinquishment. As per the Petitioner, the Impugned Bills are barred by limitation.
- (b) Also, while Impugned Bills have been issued by CTUIL by relying upon the Commission's order dated 8.3.2019 passed in Petition No. 92/MP/2015, no substantial details have been provided by CTUIL along with the Impugned Bills.
- (c) As such no due date was stipulated in the Impugned Bills. However, by e-mail dated 31.8.2024, CTUIL intimated the trigger date for the aforesaid dues as 15 days,

i.e., 15.9.2024. The said trigger date is not as per the provisions of the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022.

(d) In the above circumstances, the Petitioner has also moved IA Nos. 74/2024 and 75/2024 for urgent listing and interim reliefs, respectively. The Petitioner is also pressing for an interim relief, i.e. direction to CTUIL not to take any coercive action, including encashment of Bank Guarantee of Rs. 24.975 crores till the pendency of the present case.

(e) The Commission is already seized of similar issues in Petition No. 372/MP/2022 (Srijan Energy Systems Pvt. Ltd. v. CTUIL) and Petition No. 243/MP/2024 (Adani Wind Energy Kutchh One Limited v. CTUIL) and the case of the Petitioner is quite similar to that involved in Petition No. 243/MP/2024.

2. Learned counsel for the Respondent, CTUIL, accepted the notice and sought liberty to file a reply to the Petition. Learned counsel further submitted that the bills raised by CTUIL dated 12.3.2024 towards the relinquishment charges are as per the Commission's order dated 8.3.2019 passed in Petition No. 92/MP/2015. Also, the period of six months for payment of such bills has been prescribed in the said order itself. Learned counsel pointed out that the determination of stranded capacity and relinquishment charges, as per the directions contained in the order dated 8.3.2019, was done and uploaded on its website by CTUIL back in December 2021. Learned counsel added that various aspects, viz. operationalization of LTA, and relinquishment pre/post such operationalization, etc., may not be similar in the cases cited by the Petitioner, and these aspects entail different methodologies for computation of stranded capacity and relinquishment charges as per the order dated 8.3.2019.

3. Considering the submissions made by the learned counsel for the Petitioner and the Respondent, CTUIL, the Commission directed as under:

(a) Admit subject to just exceptions;

(b) The Respondent to file its reply within four weeks with a copy to the Petitioner, who may file its rejoinder, if any, within three weeks thereafter.

(c) Insofar as a grant of interim relief(s) is concerned, 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.

(c) IA No.74/2024 filed for the urgent listing of the matter, having served its purpose, stands disposed of.

4. The matter will be listed for hearing on **26.11.2024**.

By order of the Commission

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