

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 42/MP/2024 along with IA Nos.14/2024 and 69/2024

Subject : Petition under Section 79(1)(c) & 79(1)(f) of the Electricity Act, 2003 and all other enabling provisions.

Petitioner : JSW Renew Energy Limited (JSWREL)

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

Date of Hearing : **18.10.2024**

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

Parties Present : Shri Aman Anand, Advocate, JSWREL
Shri Aman Dixit, Advocate, JSWREL
Ms. Natasha Debroy, Advocate, JSWREL
Shri Amit Kapur, Advocate, KTL
Shri Gaurav Dudeja, Advocate, KTL
Shri Abhijit Debnath, Advocate, KTL
Shri Avdesh Mandloi, Advocate, KTL
Shri Afak Pothiawala, KTL
Ms. Suparna Srivastava, Advocate, CTUIL
Ms. Divya Sharma, Advocate, CTUIL
Ms. Arshiya, Advocate, CTUIL
Shri Ranjeet Rajput, CTUIL
Ms. Kavya Bharadwaj, CTUIL

Record of Proceedings

At the outset, learned counsel for the Respondent, CTUIL, sought liberty to upload its reply on the e-filing portal.

2. Learned counsel for Respondent No.2, KTL, mainly submitted as under:

(a) After completion of its scope of works under the TSA, KTL declared 24.9.2023 as the deemed Commercial Operation Date of its Project. Accordingly, KTL is entitled to receive the transmission charges for its Project as per the TSA.

(b) *Vide* Record of Proceedings for hearing dated 19.4.2024, the Commission directed that no coercive steps shall be taken against the Petitioner in respect of 'Impugned Invoices' raised by the Respondent No.1, CTUIL (towards bilateral charges on behalf of KTL) provided the Petitioner pays 10% of the transmission charges under the Impugned Invoices within two weeks.

(c) Pertinently, the above interim protection was only in respect of two Impugned Invoices raised for the months of October and November, 2023. However, no payments towards transmission charges have been received by KTL for the period from December, 2023 till date.

(d) So far, KTL has received only a sum of Rs. 21.56 lakhs towards transmission charges out of the transmission charges of Rs. 16.97 crore payable to it till September, 2024.

(e) Also, with effect from 15.5.2024, the power has started flowing from KTL's Project and therefore, there cannot be any dispute that the entire transmission charges w.e.f. 15.5.2024 is required to be received from the Transmission Pool.

3. In response, learned counsel for the Petitioner submitted that while the original Petition only challenged the Invoices dated 6.12.2023 and 1.1.2024 (Impugned Invoices) raised for the months of October and November 2023, the amendment Petition, as filed pursuant to the liberty granted by the Commission, seeks to challenge the liability of the Petitioner to pay any transmission charges due to the waiver of ISTS charges in terms of Ministry of Power's directions/orders. In any case, the transmission charges for the 1000 MW transmission system of KTL cannot be fastened upon the Petitioner as sought to be done under the bilateral invoices raised by CTUIL, and the Petitioner's liability, if any, without prejudice, can only be corresponding to the operationalised GNA, i.e., 100 MW. Learned counsel further submitted that insofar as the payment of 10% of transmission charges under the bilateral invoices for the period from December 2023 onwards is concerned, presently, there is no such direction of the Commission to this effect, and if the Commission so directs, the Petitioner will proceed to pay 10% of transmission charges under the bilateral invoices as raised by CTUIL.

4. Learned counsel for the Respondent, CTUIL, submitted that a similar issue, as invoiced in this case, is already under consideration in Petition No.187/MP/2022 (Powerica Ltd. v. CTUIL and Ors.) wherein CTUIL has also suggested a methodology for calculation of transmission charges payable by generating station(s) for the period of mismatch in such instances. Learned counsel further submitted the said matter is presently reserved for the order, and the decision of the Commission therein will also apply to the present case.

5. Considering the submissions made by the learned counsel for the parties, the Commission permitted the Respondent, CTUIL, to upload its reply, along with the details/ information as called for vide Record of Proceedings for hearing dated 19.4.2024 within *five* days and the Petitioner to file its rejoinder, if any, within *two* weeks thereafter. Also, the Petitioner shall pay the 10% of transmission charges under Bilateral Invoices already raised by CTUIL for the period starting from December 2023 within *thirty* days and shall continue to pay such amount against the Bilateral Invoice(s) until further order(s). Subject to this, no coercive action(s) will be taken against the Petitioner in respect of such Bilateral Bills. As regards the Respondent, KTL's averment that w.e.f. 15.5.2024, it is entitled to receive the entire transmission charges from the Transmission Pool, the Commission directed CTUIL to examine the said plea and to furnish its response, if any, prior to the next date of hearing.

6. The Commission directed the CTUIL to provide the information called for vide RoP for the hearing dated 19.4.2024 regarding whether any ATS was identified for the grant of the connectivity to the Petitioner or not and the name of the elements, the period of the bill, and the rate at which CTUIL has raised the bilateral bills on the Petitioner.

7. The Petition will be listed for hearing on **17.12.2024**.

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