

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 42/MP/2024 along with IA No.14/2024

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 2 Ors.

Date of Hearing : **19.4.2024**

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

Parties Present : Shri Sanjay Sen, Sr. Advocate, JSWREL
Shri Aman Anand, Advocate, JSWREL
Shri Aman Dixit, Advocate, JSWREL
Ms. Natasha Debroy, Advocate, JSWREL
Ms. Ruth Elwin, Advocate, JSWREL
Ms. Neha Dabral, Advocate, JSWREL
Shri Gaurav Dudeja, Advocate, KTL
Shri Dhruval Singh, Advocate, KTL
Shri Tanmay Vyas, KTL
Ms. Suparna Srivastava, Advocate, CTUIL
Shri Tushar Mathur, Advocate, CTUIL
Ms. Aastha Jain, Advocate, CTUIL
Shri Lashit Sharma, CTUIL

Record of Proceedings

Learned senior counsel for the Petitioner submitted that the present Petition has been filed challenging the illegal and untenable levy of bilateral transmission charges of Rs.36,67,213/- and Rs.1,83,36,065/- by Respondent No.1, CTUIL, on behalf of Respondent No.2, Karur Transmission Limited, vide invoices dated 6.12.2023 and 1.1.2024 respectively ('Impugned Invoices'). Learned senior counsel further submitted as under:

(a) On a comparison of the Impugned Invoices with the Yearly Transmission Tariff of Respondent No.2, KTL, it is clear that the billed amount is exorbitant and does not correspond to the Connectivity and GNA of the Petitioner for which ATS has achieved the commercial operation, i.e., 100 MW. The Petitioner is being invoiced for the entire burden of the transmission charge liability of the 1000 MW transmission system of Respondent No.2, even though the operationalized connectivity and GNA capacity is only 100 MW.

(b) Also, the GNA was operationalized for the 100 MW vide letter dated 30.10.2023 and made effective from 31.10.2023 only. Therefore, the liability towards the transmission charges, in any case, cannot commence any time prior to 31.10.2023.

(c) Although the Commission, in its orders dated 23.5.2025 in Petition No. 525/MP/2020 ('Spring Renewable') and dated 8.6.2022 in Petition No. 103/MP/2021 ('Acme Deoghar'), did not extend the benefit of waiver of the transmission charges to the renewable generators in the event of extension in commercial operation date of the generators in terms of the Ministry of Power's Orders dated 23.11.2021 and 30.11.2021, the latter, i.e. Acme Deoghar challenged the said order before the APTEL in Appeal No. 261/2022 wherein the APTEL vide its order dated 8.7.2022 granted stay on the operation of the order dated 8.6.2022. Subsequently, in view of the application moved by Fatehgarh Bhadla Transmission Limited in the said appeal, the stay was vacated by an order dated 14.12.2023. This order was challenged before the Hon'ble Supreme Court in Civil Appeal No. 3873 of 2024, and the Hon'ble Supreme Court vide order dated 18.3.2024 set aside the APTEL's order dated 14.12.2023 and restored the ad-interim order dated 8.6.2022 till the pendency of Appeal before the APTEL.

(d) Since a similar issue is also involved in the present case, the Petitioner may be permitted to bring necessary amendment(s) to the Petition to incorporate these aspects and also to bring on record the relevant orders/directions of the Ministry of Power and the order(s) of the Hon'ble Supreme Court.

(e) The Petitioner has moved IA No.14/2024, *inter alia*, seeking a stay of recovery of transmission charges under the Impugned Invoices and for restraining the Respondent, CTUIL from taking any coercive action against the Petitioner and is pressing for such reliefs.

2. Learned counsel for Respondent, CTUIL, accepted the notice and sought liberty to file a reply in the matter. Learned counsel also sought liberty to examine the aspect of levy of bilateral transmission charges corresponding to operationalized capacity/GNA.

3. Learned counsel for Respondent No.2, KTL, sought liberty to file its reply to the Petition as well as the IA. Learned counsel submitted that despite its elements having achieved the commercial operation date, Respondent has yet to receive any transmission charges under the bilateral bills.

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

(a) The Petitioner to file an amended Petition, as requested, within two weeks.

(b) Issue notice on the amended Petition to be filed by the Petitioner as per (a) above.

(c) Respondents to file their respective replies to the amended Petition and IA, if any, within six weeks with a copy to the Petitioner, who may file its rejoinder within four weeks thereafter.

(d) The CTUIL to provide the information on an affidavit within two weeks, namely, 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.

(e) No coercive action will be taken against the Petitioner in respect of the Impugned Invoices raised by CTUIL provided the Petitioner pays 10% of the transmission charges raised under Impugned Invoices, within two weeks.

5. The Petition, along with IA, will be listed for the hearing on **22.8.2024**.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)