

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 9/TT/2021

- Subject : Petition for the determination of transmission tariff for the 2019-24 period in respect of seven transmission assets under "Transmission System for Solar Power Park at Bhadla" in Northern Region (NR).
- Petitioner : Power Grid Corporation of India Limited
- Respondents : Rajasthan Rajya Vidyut Prasaran Nigam Limited & and 20 Others
- Date of Hearing : **8.8.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Ms. Swapna Sheshadri, Advocate, PGCIL
Shri Utkarsh Singh, Advocate, PGCIL
Ms. Sneha Singh Bagheal, Advocate, PGCIL
Shri Alok Krishna Agarwal, Advocate, ESUCRL
Ms. Ritvika Nanda, Advocate, ESUCRL
Ms. Shruti Gupta, Advocate, ESUCRL
Shri Mohit Jain, Advocate, BRPL & BYPL
Ms. Sakshi Kapoor, Advocate, AREPRL
Shri Prashant Kumar, PGCIL
Shri V. C. Shekhar, PGCIL
Vivek Kumar Singh, PGCIL

Record of Proceedings

Learned counsel for Essel Saurya Urjya Company of Rajasthan Limited (ESUCRL) has made the following submissions:

- (a) ESUCRL challenged the Commission's order dated 11.6.2022 in Petition No. 9/TT/2021 before the Appellate Tribunal for Electricity (ATPTEL), Vide order dated 10.8.2023 in DFR No. 541 of 2022, APTEL set aside the said order of the Commission limited to the extent of its applicability on ESUCRL.
- (b) Out of the total 7 transmission assets of the Petitioner, Asset-1(c), Asset-3, and Asset-4 are associated with the ESUCRL's Solar Park at Phalodi-Pokhran for 750 MW.
- (c) No liability can be imposed on ESUCRL for the payment of transmission charges for the period of mismatch between the Petitioner's Assets-1 (c), 3 and 4 and ESUCRL's generation for the reason that the Petitioner's said transmission assets were commissioned during the year 2019 while the Long Terms Access (LTA) was granted to the ESUCRL by CTUIL on 19.5.2021 making it effective from 1.6.2021 for 750 MW. Since, in the present case, the COD of the transmission assets is



prior to the date of the grant of the LTA, no mismatch charges can be imposed on ESUCRL.

- (d) The 450 MW generation of ESUCRL was delayed due to the pendency of Court cases on account of the land acquisition for the period from 25.10.2018 to 29.6.2021, which was an event of force majeure as per the provisions of the Transmission Service Agreement (TSA) and the same is required to be considered by the Commission in the case of ESUCRL. The Ministry of New and Renewable Energy (MNRE) vide letter dated 10.5.2021, while reviewing the progress of Solar Parks in relation to the ESUCRL, informed that its 300 MW solar project was under construction stage and the remaining capacity of 450 MW was on hold due to stay order of the Hon'ble High Court at Jodhpur. The MNRE also informed all the Solar Power Park Developers (SPDDs), including ESUCRL, to resolve all the pending issues so that the projects may be commissioned before June 2023 and that the extension of timelines of various Solar Parks would be considered as the Solar Park Scheme was extended till March 2024. MNRE repeatedly granted extensions to ESUCRL for the commissioning of its 750 MW Solar Park at Phalodi Pokran and lastly such extension was granted to it up to 31.3.2024.
- (e) The APTEL's judgment dated 2.5.2023 in Appeal No. 352 of 2022 in the matter of Fatehgarh Bhadla Transmission Company Limited v. CERC and Ors. has no applicability to the case of ESUCRL.

2. In response, the learned counsel for the Petitioner mainly made the following submissions:

- (a) Right from the stage of granting the regulatory approval for the transmission project (vide order dated 31.3.2016 in Petition No. 1/MP/2016), it was clear that in case of delay in commissioning of the Solar Park by SPPDs/generators, the transmission charges would be payable by such SPPDs/generators for the mismatch period, to the associated transmission system which has achieved the COD.
- (b) All the claims of ESUCRL with reference to delay in commissioning of the associated generation on account of the Court cases constituting the alleged force majeure are independent of the present proceedings claim, and they ought to be raised by ESUCRL in a separate Petition. The issue of non-operationalization of ESUCRL's LTA by CTUIL cannot be raised in reply to the present Petition as the issue of LTA is a separate contract between ESUCRL and CTUIL and the Petitioner is before the Commission for the determination of transmission tariff of its assets.
- (c) ESUCRL applied for the LTA in 2017, and the same was granted to it. Based on the LTA, the Petitioner approached the Commission for the grant of the regulatory approval that was granted to it. Accordingly, the Petitioner commissioned its transmission assets in 2019. ESUCRL surrendered a part of its LTA for the Western Region and sought a fresh LTA in the Eastern Region. Since these facts have not been brought on record, the Petitioner is making these submissions in its defence.



3. The learned counsel for AREPRL submitted that the arguments on behalf of AREPRL had already been concluded, and the written submissions have already been filed in this regard. She submitted that the written submissions filed by AREPRL may be considered while considering the claims of the Petitioner.
4. After the hearing, the Commission directed the parties to submit their respective written submissions, if any, within a week with a copy to the other side.
5. Subject to the above, the Commission reserved an order in the matter.

By order of the Commission

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

