

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 39/MP/2023  
alongwith IA No. 5/IA/2023**

**Coram:**

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

**Date of Order: 31.01.2024**

**In the matter of:**

Petition under Section 79 of the Electricity Act, 2003 along with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking to set aside transmission charges bills raised by CTUIL and declaration that the Petitioners stand discharged from performance under the Agreement for Long Term Access dated 4.12.2017, Supplementary Agreement for Long Term Access dated 9.5.2019 and Transmission Service Agreement dated 4.12.2017 executed between Petitioner and Central Transmission Utility of India Ltd. (earlier Power Grid Corporation of India Limited) on account of Force Majeure and impossibility of performance under the Power Purchase Agreements dated 27.12.2017 and seeking consequent relief thereto.

**And in the matter of:**

1. Inox Green Energy Services Private Limited  
Inox Towers, Plot No. 17  
Sector-16A, Film City, Noida
2. Haroda Wind Energy Private Limited  
301, ABS Tower, Old Padra Road,  
Vadodara, Gujarat
3. Khatiyu Wind Energy Private Limited  
301, ABS Tower, Old Padra Road,  
Vadodara, Gujarat
4. Ravapar Wind Energy Private Limited  
301, ABS Tower, Old Padra Road,  
Vadodara, Gujarat



5. Vigodi Wind Energy Private Limited  
301, ABS Tower, Old Padra Road,  
Vadodara, Gujarat

....Petitioners

**Versus**

1. Central Transmission Utility of India Limited,  
PLOT No. -2, Sector-29,  
Gurugram- 122001.

2. Solar Energy Corporation of India Limited  
6th Floor, Plate -B, NBCC Office Block,  
Tower-2, East Kidwai Nagar,  
New Delhi - 110023

... Respondents

**For Petitioners** : Shri Mayank Bughani, Advocate, IGESL

**For Respondents** : Ms. Suparna Srivastava, Advocate, CTUIL  
Shri Tushar Mathur, Advocate, CTUIL

**ORDER**

The Petitioners, Inox Green Energy Services Private Limited (IGESL), Haroda Wind Energy Private Limited (HWEPL), Khatiya Wind Energy Private Limited (KWEPL), Ravapar Wind Energy Private Limited (RWEPL) and Vigodi Wind Energy Private Limited (VWEPL) have jointly filed the present petition under section 79 of the Electricity Act, 2003 along with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking to set aside the transmission charges bills raised by Central Transmission Utility of India Limited (CTUIL) and certain other reliefs such as, declaration that the Petitioners stand discharged from performance under the Agreement for Long Term Access dated 4.12.2017, Supplementary Agreement for Long Term Access dated 9.5.2019 and Transmission Service Agreement



dated 4.12.2017 executed between Petitioners and Central Transmission Utility of India Limited (earlier Power Grid Corporation of India Limited) on account of *force majeure* and impossibility of performance under the Power Purchase Agreements dated 27.12.2017 and consequential relief thereto. The Petitioners have also filed I.A No.5/IA/2023 seeking to restrain the Respondents, i.e. CTUIL and Solar Energy Corporation of India Limited (SECI) from taking any coercive action against the Petitioners.

2. The Petitioner has made the following prayers in the instant petition:

- a) *Set aside all the Transmission charges bills in respect of 200 MW LTA raised by CTUIL upon IGESL;*
- b) *Hold and declare that the Petitioners stand discharged from performance under the Agreement for Long Term Access dated 04.12.2017, Supplementary Agreement for Long Term Access dated 09.05.2019, and Transmission Service Agreement dated 04.12.2017 executed between Petitioner and Central Transmission Utility of India Ltd. (earlier Power Grid Corporation of India Ltd.) on account of Force Majeure and impossibility of performance under the Power Purchase Agreements dated 27.12.2017;*
- c) *Hold and declare that the Petitioners are not liable to pay Transmission Charges raised by CTUIL and direct CTUIL to refund the Transmission Charges already received from the Petitioners;*
- d) *Issue appropriate directions to CTUIL directing it to refrain from encashing Bank Guarantee issued by the Petitioners and/or taking any other coercive measures against the Petitioners;*
- e) *Pass such other or further orders as the Hon'ble Commission may deem fit and proper in the facts and circumstances of the case."*

3. The matter was heard by the Commission on 13.4.2023, 30.6.2023, 22.9.2023 and 29.1.2024.



4. During the course of hearing the matter on 29.1.2024, learned counsel for the Petitioners submitted that the Petitioners have instructed him to withdraw the present petition as they have already paid all the bills raised by CTUIL with respect to the transmission charges. Learned counsel accordingly submitted that the present petition may be permitted to be withdrawn.

5. In response, learned counsel for the Respondent, CTUIL, submitted that approximately ₹65 lakh is yet to be paid by the Petitioners. Learned counsel for the CTUIL further submitted that a statement of learned counsel for the Petitioners may be recorded to the effect that the entire payment of the bills in question has been made.

6. We have heard the submissions of the Petitioners and the CTUIL and have perused the record.

7. Taking the submissions of the learned counsel for Petitioners on record that the Petitioners have paid the entire amount to the CTUIL, the Petitioner's request to withdraw the petition is allowed.

8. Accordingly, Petition No. 39/MP/2023 and pending Interlocutory Application, if any, is disposed of as withdrawn.

sd/-  
**(P. K. Singh)**  
Member

sd/-  
**(Arun Goyal)**  
Member

sd/-  
**(Jishnu Barua)**  
Chairperson

