

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 727/MP/2020

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(1)(c) and Section 79(1)(f) of the Electricity Act, 2003 read with Regulation 32 and 33A of the 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 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for seeking *inter alia* relaxation of clause 11.2 of the Detailed Procedure issued by the Central Electricity Regulatory Commission for "Grant of Connectivity to Projects based on Renewable Sources to the inter-State Transmission System" dated 15.5.2018 and adjudicating the dispute that has arisen in relation to the agreements entered between Central Transmission Utility and the Petitioner herein.

And in the matter of:

Mytrah Energy (India) Private Limited,
8001, Survey No. 109,
Q City, Nanakramguda, Gachibowli,
Hyderabad- 500032.

.....Petitioner

Vs.

Power Grid Corporation of India Limited
(Central Transmission Utility of India Limited),
B-9, (1st Floor), Outab Institutional Area,
Katwaria Sarai, New Delhi-110016.

.....Respondent

For Petitioner : Shri Vineet Kumar, Advocate, MEIPL
Ms. Priya Dhankhar, Advocate, MEIPL

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



ORDER

The present petition is filed by Mytrah Energy (India) Private Limited for invoking the regulatory and adjudicatory jurisdiction of the Commission under Section 79(1)(c) and Section 79(1)(f) of the Electricity Act, 2003, read with Regulation 32 and 33 A of the Central Electricity Regulatory Commission (Grant Of Connectivity, Long Term And Medium Term Open Access in Inter State Transmission And Related Matters) Regulations, along with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and for relaxation of clause 11.2 of the Detailed Procedure issued by the Central Electricity Regulatory Commission for “Grant of Connectivity to Projects based on Renewable Sources to the Inter State Transmission System” dated 15.5.2018 and other disputes that have arisen in relation to the agreements executed between Power Grid Corporation of India Limited in its capacity as Central Transmission Utility of India Limited (CTUIL) and the Petitioner.

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

“Interim prayer:

- (a) *Issue ex-parte ad interim orders / directions to Respondent – Central Transmission Utility to act in any manner prejudicial to the rights and interest of the Petitioner, including, encashing the Performance Bank Guarantee of Rs. 5 Crores issued in its favour by the Petitioner under the Bank Guarantee Agreement dated 10.08.2018 and abstain itself from taking any coercive and / or precipitative actions pursuant to letters dated 09.09.2020 and 11.09.2020 against the Petitioner herein till the final disposal of the instant petition; and /or*
- (b) *Pass any such further / other orders that this Hon’ble Commission may deem fit in the interest of equity and justice.*

Main prayer:

- (c) *Hold and declare that the termination of the Long-Term Access Agreement dated 07.12.2018 is legally and contractually valid;*
- (d) *Hold and declare that as a consequence of termination of the Power Purchase Agreement dated 04.09.2020 Long Term Access Agreement dated 07.12.2018,*



the Transmission Agreement dated 08.08.2018 and the Transmission Service Agreement 20.02.2015 also become impossible to perform;

- (e) Hold and declare that the Petitioner is not liable to pay any transmission charges and / or be subjected to any financial prejudice under the Transmission Agreement dated 08.08.2018, the Long Term Access Agreement dated 07.12.2018 and the Transmission Service Agreement 20.02.2015;*
- (f) Issue appropriate direction(s) / order (s) to relax application and operation of Clause 11.2 of the Detailed Procedure issued by the Central Commission for "Grant of Connectivity to projects based on Renewable sources to the inter-State Transmission System" dated 15.05.2018 under Regulation 33 A of the Connectivity Regulations, 2009;*
- (g) Issue appropriate direction(s) / order (s) to Central Transmission Utility to return / release forthwith the Performance Bank Guarantees 006GM07182220001 & LOBG802011802743] for Rs. 5 Crores and Rs 30 Lakhs respectively issued in its favour by the Petitioner;*
- (h) Issue appropriate order(s) / direction(s) to set aside / quash the letters dated 09.09.2020 and 11.09.2020; and / or*
- (i) Pass any such further / other orders that this Hon'ble Commission may deem fit in the interest of equity and justice."*

3. The learned counsel for the Petitioner on 29.1.2024 has submitted that the Petitioner, vide affidavit dated 25.1.2024, has apprised the commission that certain developments have taken place with regard to the facts in the instant petition which are material for effective adjudication of the issues brought by the Petitioner. Therefore, he requested to allow the Petitioner to withdraw the instant petition with the liberty to approach the Commission by way of a separate petition for adjudication of the disputes that have arisen between the parties.

4. Taking into consideration the submissions made by the Petitioner, we allow the Petitioner to withdraw the instant petition with liberty to the Petitioner to approach the Commission with a fresh petition in accordance with law.



5. This order disposes of Petition No. 727/MP/2020. Pending Interlocutory Applications, if any, also stand disposed of.

sd/-
(P. K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(Jishnu Barua)
Chairperson

