

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

IA No.18/2025 in Petition No. 227/MP/2022

Subject : Application on behalf of the Applicants/Petitioners seeking directions to take on record the subsequent developments and permit the Applicants/Petitioners to make oral submissions in Petition under Section 79 of the Electricity Act, 2003 seeking to set aside Transmission Charges bills raised by CTUIL and declaration that the Petitioners stands discharged from performance under Transmission Service Agreement dated 29.1.2018, LTA Agreement dated 29.1.2018 (Tranche 1), Agreement for Long Term Access dated 6.9.2018 (Tranche 2).

Petitioner : ReNew Wind Energy (AP2) Private Limited & Anr.

Respondent : Central Transmission Utility of India Limited & Ors.

Date of Hearing : **7.8.2025**

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

Parties Present : Shri Rohan Sachdeva, Advocate, RWEPL
Shri Girik Bhalla, Advocate, RWEPL
Shri Alok Shankar, Advocate, CTUIL
Shri Siddharth Sharma, CTUIL
Shri Yogeshwar, CTUIL

Record of Proceedings

During the course of the hearing, the learned counsel for the Petitioner submitted that the instant IA has been moved by the Petitioners to place on record the judgments passed by the APTEL dated 28.1.2025 in Appeal No. 400 of 2017 titled as *Sarda Energy and Minerals Ltd. v. Central Electricity Regulatory Commission and Ors.*; and dated 20.3.2025 in Appeal No. 235 of 2017 titled as *Brahmani Thermal Power Pvt. Ltd. v. Power Grid Corporation of India Ltd. & Ors.* Learned counsel further referred the said judgments and mainly submitted as under:

- (a) As per the *Sarda Energy and Minerals Ltd. v. Central Electricity Regulatory Commission & Ors.*, judgment, the performance of obligations under the PPA and Transmission Arrangement are inherently interlinked and if performance of obligations under the PPA has been rendered impossible due to force majeure events, then the generating company is discharged from the performance of its obligations under the Transmission Arrangement. A similar view has been upheld by the APTEL in its subsequent Judgment dated 20.3.2025 in Appeal No. 235 of 2017 titled *Brahmani Thermal Power Pvt. Ltd. v. Power Grid Corporation of India Ltd. & Ors.*



(b) In the present case also, the performance of obligations under the PPA has been rendered impossible due to force majeure events under the PPA, due to which the PPA was terminated on 6.2.2022. The performance of obligations under the Transmission Arrangement is also impacted by the same force majeure events. The PPA and the Transmission Arrangement (LTAA) are interlinked documents. Therefore, the impossibility of performance under the 100 MW PPA has a consequential adverse impact on the performance of obligations under the Transmission Arrangement. Therefore, the Petitioner is not liable to pay the transmission charges since it is discharged from the performance of obligations under the Transmission Arrangement to the extent such performance has been impacted by Force Majeure events.

(c) Accordingly, the Petitioners are squarely covered by the APTEL's Judgments dated 28.1.2025 and 20.3.2025 and the ultimate relief granted to the Appellants therein should also be made applicable to the Petitioners.

(d) The Petitioners may also be permitted to file their written submissions in the main matter.

2. Learned counsel for the Respondent, CTUIL, submitted that both the judgments of APTEL, as relied upon by the Petitioner, are currently under challenge before the Hon'ble Supreme Court and pleas raised by the Petitioners in the present case have been squarely settled by the Commission in its earlier orders. Learned counsel sought liberty to file its written submissions.

3. Considering the submissions made by the learned counsel for the parties, the Commission permitted the parties to file their respective written submissions, if any, within two weeks, with a copy to the other side.

4. Subject to the above, I.A. No.18/2025 stands disposed of. The Commission reserved the matter for order.

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