

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Petition No. 9/TT/2021
(On remand)

Coram:

Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Date of Order: 09.09.2025

In the matter of:

Re-consideration of order dated 11.6.2022 in Petition No. 9/TT/2021 pursuant to the directions of Appellate Tribunal for Electricity in order dated 6.2.2023 in Appeal No. 362 of 2022.

And in the matter of:

Power Grid Corporation of India Limited,
SAUDAMINI, Plot No-2,
Sector-29, Gurgaon-122 001 (Haryana).

.....Petitioner

Vs.

1. Rajasthan Rajya Vidyut Prasaran Nigam Limited,
Vidyut Bhawan, Vidyut Marg,
Jaipur-302005 (Rajasthan).
2. Ajmer Vidyut Vitran Nigam Limited,
400 kV GSS Building (Ground Floor),
Ajmer Road, Heerapura, Jaipur (Rajasthan)
3. Jaipur Vidyut Vitran Nigam Limited,
400 kV GSS Building (Ground Floor),
Ajmer Road, Heerapura, Jaipur (Rajasthan).
4. Jodhpur Vidyut Vitran Nigam Limited,
400 kV GSS Building (Ground Floor),
Ajmer Road, Heerapura, Jaipur (Rajasthan).
5. Himachal Pradesh State Electricity Board,
Vidyut Bhawan, Kumar House Complex Building II,
Shimla-171004 (Himachal Pradesh).
6. Punjab State Electricity Board,
Thermal Shed Tia,
Near 22 Phatak,



Patiala-147001 (Punjab).

7. Haryana Power Purchase Centre,
Shakti Bhawan, Sector-6,
Panchkula-134109 (Haryana).
8. Power Development Department,
Government of Jammu & Kashmir,
Mini Secretariat, Jammu.
9. Uttar Pradesh Power Corporation Limited,
(Formerly Uttar Pradesh State Electricity Board),
Shakti Bhawan, 14, Ashok Marg,
Lucknow-226001 (Uttar Pradesh).
10. Delhi Transco Limited,
Shakti Sadan, Kotla Road,
New Delhi-110002.
11. BSES Yamuna Power Limited,
B-Block, Shakti Kiran Building, (Near Karkadooma Court),
Karkadooma, 2nd Floor,
New Delhi-110092.
12. BSES Rajdhani Power Limited,
BSES Bhawan, Nehru Place,
New Delhi-110019.
13. Tata Power Delhi Distribution Limited,
NDPL house, Hudson Lines Kingsway Camp,
Delhi-110009.
14. Chandigarh Administration,
Sector-9, Chandigarh.
15. Uttarakhand Power Corporation Limited,
Urja Bhawan,
Kanwali Road, Dehradun (Uttarakhand).
16. North Central Railway,
Allahabad (Uttar Pradesh).
17. New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi-110002.
18. Surya Urja Private Limited,
701-703, 7th Floor, Kailash Tower,
Near APEX Mall, Lalkothi, Tonk Road,
Jaipur-302015, Rajasthan.



19. Adani Renewable Energy Park Rajasthan Limited,
Achalraj, Opp. Mayor Bungalow, Law Garden,
Ahmedabad, Gujarat-380006.
20. Essel Saurya Urja Company of Rajasthan Limited,
Office No. F2, 1st Floor, "Jagdamba Tower",
Amarapali Circle, Vaishali Nagar,
Jaipur, Rajasthan-302001.
21. Fatehgarh Bhadla Transmission Company Limited,
3A, Sambhav House, Judges Bungalow Road,
Bokadev, Ahmedabad-380015.

...Respondent(s)

Parties Present : Ms. Swapna Seshadri, Advocate, PGCIL
Shri Utkarsh Singh, Advocate, PGCIL
Ms. Sneha Singh Bagheal, Advocate, PGCIL
Shri Alok Krishna Agarwal, Advocate, ESUCRL
Ms. Ritwika 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
Shri Vivek Kumar Singh, PGCIL

ORDER

The Appellate Tribunal for Electricity (hereinafter referred to as 'APTEL') has remanded Petition No. 9/TT/2021 vide order dated 6.2.2023 in Appeal No. 362 of 2022, filed by Adani Renewable Energy Park Rajasthan Limited (AREPRL), for re-consideration of the order dated 11.6.2022 in Petition 9/TT/2021 to the limited extent of AREPRL's liability to pay the transmission charges. The relevant portion of the order dated 6.2.2023 is as follows:

"ORDER

The order under the appeal is set aside to the limited extent the appellant has been mulcted with a liability of Rs. 3.34 crores towards transmission charges, and the matter is remanded back to the Commission for its consideration afresh, and in accordance with law, on condition that the appellant pays PGCIL Rs.1.67 crores within three weeks from today. Needless to state that such payment, by the Appellant to PGCIL, shall be subject to the result of the petition before the Commission. We also make it clear that we have not expressed any opinion on the rival submissions and it is open to parties, on either side, to raise all such contentions as are available to them in law before the Commission."



2. Accordingly, Petition No. 9/TT/2021 was reopened and heard.

Factual Matrix

3. The Petitioner, Power Grid Corporation of India Limited ("PGCIL"), filed Petition No. 9/TT/2021 for determination of tariff for the period from the date of commercial operation (COD) to 31.3.2024 under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (hereinafter referred to as "the 2019 Tariff Regulations") in respect of the following transmission assets under "Transmission System for Solar Power Park at Bhadla" in the Northern Region (hereinafter referred to as "the transmission system"):

Asset-1: Combined Asset comprising (a) 400 kV D/C Bhadla (POWERGRID)-Bhadla (RVPNL) Circuits 1 and 2 along with associated bays; (b) 1 number of 400 kV, 125 MVAR Bus Reactor along with associated bays at Bhadla (POWERGRID) Sub-station; (c) 400 kV, 500 MVA ICT-2 along with associated bays at Bhadla (POWERGRID) Sub-station; (d) 220 kV, Adani Bhadla (Pooling station) line-1 bay at Bhadla (POWERGRID) Sub-station;

Asset-2: 220 kV Surya Urja line-2 Bay at Bhadla (POWERGRID) Sub-station;

Asset-3: 500 MVA ICT-3 along with associated bays at Bhadla (POWERGRID) Sub-station;

Asset-4: 500 MVA ICT-1 along with associated bays at Bhadla (POWERGRID) Sub-station;

Asset-5: 2 numbers 220 kV line bays (205 and 206) at Badhla (POWERGRID) Sub-station;

Asset-6: 2 numbers 400 kV line bays at Bhadla (POWERGRID) Sub-station; and

Asset-7: Combined Asset consisting of (a) 765 kV D/C Bhadla (POWERGRID)-Bikaner (POWERGRID) along with 2 numbers 240 MVAR Switchable Line Reactors along with associated bays at Bhadla (POWERGRID) Sub-station and



2 numbers 240 MVAR Switchable Line Reactors along with associated bays at Bikaner (POWERGRID) Sub-station; (b) 765/400 kV, 1500 MVA ICT-1, 2 and 3 along with associated bays at Bhadla (POWERGRID) Sub-station; (c) 1 number of 240 MVAR Bus Reactor along with associated bays at Bhadla (POWERGRID) Sub-station.

4. AREPRL is a developer of two Solar Parks in Rajasthan: (i) Bhadla Solar Park, Jodhpur (250 MW), and (ii) Fatehgarh Solar Park, Jaisalmer (1000 MW). The transmission system of the said solar parks encompasses six assets of the Petitioner, namely, Asset-1 (c) and (d), Asset-3, Asset-4, Asset-5, Asset-6 and Asset-7.

5. The Commission vide order dated 11.6.2022 in Petition No. 9/TT/2021, approved the tariff of the transmission system and held that AREPRL is liable to pay the transmission charges to the Petitioner for the period of mismatch between the COD of the transmission assets of the Petitioner and transmission assets of AREPRL as per the provisions of the Central Electricity Regulatory Commission (Sharing of Inter-State Charges and Losses) Regulations, 2010 (hereinafter referred to as “the 2010 Sharing Regulations”). The relevant portions of the order dated 11.6.2022 are as follows:

“99. In view of the above, the liability of payment of transmission charges of Asset-1 is as follows:

COD of the transmission assets	Solar generation capacity (MW) commissioned	Date of commissioning of solar generation capacity	Liability of transmission charges
Asset-1: COD: 29.4.2019			
(a) 400 kV D/C Bhadla (POWERGRID) -Bhadla (RVPNL) Circuits 1 and 2 along with associated bays	-	-	The instant transmission element is treated as a system strengthening scheme. Therefore, the transmission charges proportionate to this element shall be included in the PoC Pool from the COD of Asset -1.
(b) 1 number of 400 kV, 125 MVAR Bus Reactor along with associated bays at Bhadla (POWERGRID) Sub-station	-	-	The instant transmission element is treated as a system strengthening scheme. Therefore, the transmission charges proportionate to this element shall be included in the PoC Pool from the COD of Asset -1.



	AREPRL (250 MW)		
(c) 400 kV, 500 MVA ICT-2 along with associated bays at Bhadla (POWERGRID) Sub-station	200 MW (AREPRL)	27.4.2019	Transmission charges proportionate to 200 MW out of 1500 MW shall be included in common pool from 29.4.2019.
	50 MW (AREPRL)	27.7.2019	From 29.4.2019 to 26.7.2019: Transmission charges proportionate to 50 MW out of 1500 MW shall be borne by AREPRL, and from 27.7.2019, shall be included in the common pool
	SUCRL (500 MW)		
	Nil	-----	From 29.4.2019 to 2.5.2019: transmission charges proportionate to 500 MW out of 1500 MW of Asset-1 shall be borne by SUCRL.
	100 MW	3.5.2019	From 3.5.2019 to 8.7.2019: Transmission charges proportionate to 100 MW out of 1500 MW of Asset-1 shall be included in the common pool and balance 400 MW shall be borne by SUCRL.
	100 MW	9.7.2019	From 9.7.2019 to 9.12.2019: transmission charges proportionate to 200 MW out of 1500 MW in case of Asset-1 shall be included in common pool, while for 300 MW, it shall be borne by SUCRL.
	100 MW	10.12.2019	From 10.12.2019 to 14.2.2019: transmission charges proportionate to 300 MW out of 1500 MW in case of Asset-1 shall be included in common pool, while for 200 MW, it shall be borne by SUCRL.
	100 MW	15.2.2020	From 15.2.2020 to 27.2.2020: transmission charges proportionate to 400 MW out of 1500 MW in case of Asset-1, shall be included in the common pool, while for 100 MW, it shall be borne by SUCRL.
	100 MW	28.2.2020	From 28.2.2020, the transmission charges proportionate to 500 MW out of 1500 MW shall be included in Common pool.
	ESUCRL (750 MW)		
	Nil	-----	From 29.4.2019 to 17.6.2021: transmission charges proportionate to 750 MW out of



			1500 MW of Asset-1 shall be borne by ESUCRL.
	300 MW	18.6.2021	From 18.6.2021: Transmission charges proportionate to 300 MW out of 1500 MW of Asset-1 shall be included in the common pool, and the balance 450 MW shall be borne by ESUCRL till the COD of 450 MW. After COD of 450 MW, it shall be included in Common Pool.
	450 MW	Yet to commissioned	
(d) 220 kV, Adani Bhadla (Pooling station) line-1 bay at Bhadla (POWERGRID) Sub-station;	200 MW (AREPRL)	27.4.2019	Transmission charges proportionate to 200 MW shall be included in common pool from 29.4.2019.
	50 MW (AREPRL)	27.7.2019	From 29.4.2019 to 26.7.2019: Transmission charges proportionate to 200 MW shall be included in the common pool, while for 50 MW shall be borne by AREPRL till 26.7.2019, and from 27.7.2019, transmission charges proportionate to 250 MW of Asset-I shall be included in common pool

Asset-2

100. Asset-2 has achieved COD on 4.5.2019. Asset-2, i.e 220 kV Saurya Urja line-1 bay, is part of the ATS for SUCRL. Therefore, the transmission charges shall be payable by SUCRL. The liability of transmission charges payable by SUCRL is as follows:

COD of the transmission assets	Solar generation capacity (MW) commissioned	Date of commissioning of solar generation capacity	Liability of transmission charges
Asset-2: 4.5.2019	SUCRL (500 MW)		
	100 MW	3.5.2019	From 4.5.2019 to 8.7.2019: Transmission charges proportionate to 100 MW out of 500 MW of Asset-2 shall be included in the common pool and balance 400 MW shall be borne by SUCRL.
	100 MW	9.7.2019	From 9.7.2019 to 9.12.2019: transmission charges proportionate to 200 MW out of 500 MW in case of Asset-2 shall be included in the common pool, while for 300 MW, it shall be borne by SUCRL.



	100 MW	10.12.2019	From 10.12.2019 to 14.2.2019: transmission charges proportionate to 300 MW out of 500 MW in case of Asset-2 shall be included in the common pool, while for 200 MW, it shall be borne by SUCRL.
	100 MW	15.2.2020	From 15.2.2020 to 27.2.2020: transmission charges proportionate to 400 MW out of 500 MW in case of Asset-2, shall be included in the common pool, while for 100 MW, it shall be borne by SUCRL.
	100 MW	28.2.2020	From 28.2.2020, the transmission charges proportionate to 500 MW of Asset-2 shall be included in Common pool.

Asset-3

101. Asset-3, i.e. 500 MVA ICT-3, along with associated bays at Bhadla Sub-station, is a common associated transmission system (ATS) associated with three generators, namely AREPRL, SUCRL and ESUCRL. Therefore, the transmission charges of Asset-3 shall be borne proportionately by all the three generators, and the liability of payment of transmission charges is as follows:

COD of the transmission assets	Solar generation capacity (MW) commissioned	Date of commissioning of solar generation capacity	Liability of transmission charges
Asset-3: 17. 5.2019	AREPRL (250 MW)		
	200 MW (AREPRL)	27.4.2019	From 17.5.2019 to 26.7.2019: Transmission charges proportionate to 200 MW out of 1500 MW of Asset-3 shall be included in common pool, while for 50 MW shall be borne by AREPRL
	50 MW (AREPRL)	27.7.2019	From 27.7.2019, transmission charges proportionate to 250 MW of Asset-3 shall be included in common pool
	SUCRL (500 MW)		
	100 MW	3.5.2019	From 17.5.2019 to 8.7.2019: Transmission charges proportionate to 100 MW out of 1500 MW of Asset-3 shall be included in the common pool and balance 400 MW shall be borne by SUCRL.

	100 MW	9.7.2019	From 9.7.2019 to 9.12.2019: transmission charges proportionate to 200 MW out of 1500 MW in case of Asset-3 shall be included in the common pool, while for 300 MW, it shall be borne by SUCRL.
	100 MW	10.12.2019	From 10.12.2019 to 14.2.2019: transmission charges proportionate to 300 MW out of 1500 MW in case of Asset-3 shall be included in the common pool, while for 200 MW, it shall be borne by SUCRL.
	100 MW	15.2.2020	From 15.2.2020 to 27.2.2020: transmission charges proportionate to 400 MW out of 1500 MW in case of Asset-3, shall be included in the common pool, while for 100 MW, it shall be borne by SUCRL.
	100 MW	28.2.2020	From 28.2.2020, the transmission charges proportionate to 500 MW out of 1500 MW of Asset-3 shall be included in Common pool.
	ESUCRL (750 MW)		
	Nil	-----	From 4.5.2019 to 17.6.2021: transmission charges proportionate to 750 MW out of 1500 MW of Asset-2 shall be borne by ESUCRL.
	300 MW	18.6.2021	From 18.6.2021: Transmission charges proportionate to 350 MW out of 1500 MW of Asset-3 shall be included in the common pool, and the balance 450 MW shall be borne by ESUCRL till the COD of 450 MW. After COD of 450 MW, It shall be included in the Common Pool.
	450 MW	Yet to be commissioned	

Asset-4

102. Asset-4, i.e. 500 MVA ICT-1, along with associated bays at Bhadla Sub-station, is part of common associated transmission system (ATS) associated with three generators namely AREPRL, SUCRL and ESUCRL. Therefore, the transmission charges of Asset-4 shall be borne proportionately by all the three generators, and the liability of payment of transmission charges is as follows:

COD of the transmission assets	Solar generation capacity (MW) commissioned	Date of commissioning of solar generation capacity	Liability of transmission charges
Asset-4: 1.6.2019	AREPRL (250 MW)		



	200 MW (AREPRL)	27.4.2019	From 1.6.2019 to 26.7.2019: Transmission charges proportionate to 200 MW out of 1500 MW of Asset-4 shall be included in the common pool, while for 50 MW shall be borne by AREPRL
	50 MW (AREPRL)	27.7.2019	From 27.7.2019, transmission charges proportionate to 250 MW out of 1500 MW of Asset-4 shall be included in the common pool
	SUCRL (500 MW)		
	100 MW	3.5.2019	From 1.6.2019 to 8.7.2019: Transmission charges proportionate to 100 MW out of 1500 MW of Asset-4 shall be included in the common pool and balance 400 MW shall be borne by SUCRL.
	100 MW	9.7.2019	From 9.7.2019 to 9.12.2019: transmission charges proportionate to 200 out of 1500 MW in case of Asset-4 shall be included in the common pool, while for 300 MW, it shall be borne by SUCRL.
	100 MW	10.12.2019	From 10.12.2019 to 14.2.2019: transmission charges proportionate to 300 MW out of 1500 MW in case of Asset-4 shall be included in the common pool while for 200 MW, it shall be borne by SUCRL.
	100 MW	15.2.2020	From 15.02.2020 to 27.02.2020: transmission charges proportionate to 400 MW out of 1500 MW in case of Asset-4, shall be included in the common pool, while for 100 MW, it shall be borne by SUCRL.
	100 MW	28.2.2020	From 28.2.2020, the transmission charges proportionate to 500 MW out of 1500 MW of Asset-4 shall be included in the common pool.
	ESUCRL (750 MW)		
	Nil	-----	From 1.6.2019 to 17.6.2021: transmission charges proportionate to 750 MW out of 1500 MW of Asset-2 shall be borne by ESUCRL.
	300 MW	18.6.2021	

	450 MW	Yet to be commissioned	From 18.6.2021: Transmission charges proportionate to 350 MW out of 1500 MW of Asset-4 shall be included in the common pool, and the balance 450 MW shall be borne by ESUCRL till the COD of 450 MW. After COD of 450 MW, it shall be included in the common Pool.
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Asset-5

103. Asset-5 consists of two 220 kV line bays, which are associated with AREPL and SUCRL. Out of the two 220 kV bays, one bay is associated with AREPL and the other bay is associated with SUCRL. AREPL has commissioned the 250 MW generation prior to the COD of Asset-5. Therefore, AREPL is not liable to pay any transmission charges for one of the 220 kV bays. SUCRL is liable to pay transmission charges proportionate to one of the 220 kV bays and the liability for payment of transmission charges of Asset-5 are as follows:

COD of the transmission assets	Solar generation capacity (MW) commissioned	Date of commissioning of solar generation capacity	Liability of transmission charges
Asset-5: 7.8.2019	SUCRL (500 MW)		
	200 MW	3.5.2019 & 9.7.2019	From 7.8.2019 to 9.12.2019: transmission charges proportionate to 200 MW out of 500 MW in case of Asset-5 shall be included in the common pool, while for 300 MW, it shall be borne by SUCRL.
	100 MW	10.12.2019	From 10.12.2019 to 14.2.2019: transmission charges proportionate to 300 MW out of 500 MW in case of Asset-5 shall be included in the common pool, while for 200 MW, it shall be borne by SUCRL.
	100 MW	15.02.2020	From 15.2.2020 to 27.2.2020: transmission charges proportionate to 400 MW out of 500 MW in case of Asset-5, shall be included in the common pool, while for 100 MW, it shall be borne by SUCRL.
	100 MW	28.2.2020	From 28.2.2020, the transmission charges proportionate to 500 MW of Asset-5 shall be included in the common pool.

Asset-6

104. The COD of Asset-6 has been approved as 27.9.2019 under the second proviso to Regulation 5(2) of the 2019 Tariff Regulations, as the associated transmission line, i.e. 765 kV Fatehgarh-Bhadla Transmission Line, under the scope of FBTCL, was not ready on 27.9.2019."

6. AREPRL being aggrieved with the order dated 11.6.2022 in Petition No. 9/TT/2021, filed the Appeal No. 362 of 2022 before APTEL. APTEL vide order dated 6.2.2023 in Appeal No. 362 of 2022, set aside the order dated 11.6.2022 in Petition No. 9/TT/2021 to the limited extent of liability of transmission charges for the period of mismatch and remanded back the Petition No. 9/TT/2021 to the Commission for afresh consideration, subject to the payment of ₹1.67 crore by AREPRL to the Petitioner within three weeks from the date of order in Appeal No. 362 of 2022. APTEL also held that the payment of the said amount by AREPRL to the Petitioner shall be subject to the result of the petition before the Commission.

7. Pursuant to remand, Petition No. 9/TT/2021 was heard by the Commission on 22.5.2023 and 26.7.2023. The Commission vide the Record of Proceedings (RoP) dated 22.5.2023 directed AREPRL and PGCIL to file their respective written submissions.

Written Submissions of AREPRL

8. AREPRL, referring to the excerpts of the APTEL's order dated 6.2.2023 in Appeal No. 362 of 2022, made the following submissions in its Written Submission dated 13.6.2023:

- a) The Commission vide order dated 11.6.2022 in the instant petition, held AREPRL liable to pay the transmission charges for the period of mismatch between COD of 4 assets of the Petitioner (associated with AREPRL's two Solar Parks) and COD of generating stations installed at AREPRL's Solar Parks in the following manner:

Liability with respect to Bhadla Solar Park:

- i. Asset 1(c) & (d): Transmission charges proportionate to 50 MW from 29.4.2019 to 26.7.2019. (Paragraph No. 99 of the order dated 11.6.2022 in Petition No. 9/TT/2021)



- ii. Asset 3: Transmission charges proportionate to 50 MW from 17.5.2019 to 26.7.2019. (Paragraph No. 101 of the order dated 11.6.2022 in Petition No. 9/TT/2021)
- iii. Asset 4: Transmission charges proportionate to 50 MW from 1.6.2019 to 26.7.2019. (Paragraph No. 102 of the order dated 11.6.2022 in Petition No. 9/TT/2021)

Liability with respect to Fatehgarh Solar Park:

- iv. Asset 6: As on 31.7.2021, the Associated Transmission System (ATS) for Fatehgarh Solar Park was ready, but the generation plant under AREPRL's control for Fatehgarh Solar Park was not ready. Therefore, from 31.7.2021 onwards, the transmission charges of Asset-6 shall be borne by AREPRL till COD of generation under Fatehgarh Solar Park's control. (Paragraph No. 107 of the order dated 11.6.2022 in Petition No. 9/TT/2021))
- b) Aggrieved by the order dated 11.6.2022 in Petition No. 9/TT/2021, AREPRL filed an appeal before APTEL as Appeal No. 362 of 2022. APTEL vide order dated 6.2.2023 in Appeal No. 362 of 2022, disposed of the said appeal without expressing any opinion on merits of the matter and remanded Petition No. 9/TT/2021, for re-consideration by the Commission, on a condition that AREPRL pays the Petitioner ₹1.67 crore (i.e. 50% of the total transmission charges liability till date) within three weeks from the date of APTEL's order, subject to the outcome of the instant petition by the Commission.
- c) In compliance with APTEL's order dated 6.2.2023, AREPRL has paid ₹1.67 to the Petitioner.
- d) The Commission vide order dated 11.6.2022 in Petition No. 9/TT/2021, has not considered the following aspects while imposing bilateral liability upon AREPRL:
- i. On 17.10.2019, the entire Associated Transmission System (ATS) for Bhadla Solar Park under the Petitioner's scope of work was executed, and Long-Term Access (LTA) was operationalized on 27.10.2019, while 250 MW generation at



Bhadla Solar Park under AREPRL was commissioned on 27.7.2019, which is well before the date of operationalization of LTA, i.e. 27.10.2019. The Petitioner is claiming recovery of transmission charges in terms of Regulation 8(5) of the 2010 Sharing Regulations. As per the settled legal position, under Regulation 8(5) of the 2010 Sharing Regulations, any liability to pay transmission charges before the date of LTA operationalization arises in case there is a delay in COD of the generating station beyond the LTA operationalization date. In the present case, there was no such delay in the COD of the generating station. Accordingly, no legal liability can be fastened/imposed for the period prior to LTA operationalization.

- ii. On 5.7.2019, the Central Electricity Authority (CEA) approval was granted to the Petitioner for the LILO arrangement of Fatehgarh (TBCB)-Bhadla (Powergrid) 765 kV D/C (FBTB Line), i.e. ATS of Fatehgarh Solar Park, and later on 9.8.2019, the Commission granted regulatory approval to the Petitioner for the said LILO arrangement. With respect to Fatehgarh Solar Park, it is apparent that with effect from 5.7.2019, which is well before the COD of Asset-6 (i.e. 27.9.2019), Asset-6 was no longer part of the ATS of its Solar Park owing to the implementation of the LILO arrangement in the FBTL line. Under the said circumstances, no liability can be imposed on AREPRL with respect to Asset-6.

- e) The Commission has wrongly interpreted Regulation 8(5) of the 2010 Sharing Regulations, as there was no delay on AREPRL's part to commission Bhadla Solar Park. In this regard, a list of dates with events, depicting the generation associated with the Bhadla Solar Park, was ready well before the readiness of the entire ATS (under the Petitioner's scope) and operationalization of LTA are as follows:

Date	Event
27.4.2019	COD of 200 MW generating at Bhadla Solar Park
29.4.2019	Asset-1 (c) and (d) commissioned
17.5.2019	Asset-3 commissioned



Date	Event
1.6.2019	Asset-4 commissioned
27.7.2019	COD of the remaining 50 MW generation at Bhadla Solar Park
7.8.2019	Asset-5 commissioned
27.9.2019	Asset-6 commissioned
17.10.2019	Asset-7 commissioned. Accordingly, ATS (under PGCIL's scope) for Bhadla Solar Park was commissioned.
27.10.2019	LTA operationalisation date

- f) Central Transmission Utility of India Limited (CTUIL) granted the LTA intimation on 7.4.2016 to evacuate power from 250 MW Bhadla Solar Park, stating that AREPRL's six transmission assets, namely, Asset-1(c) and (d), Asset-3, Asset-4, Asset-5, Asset-6 and Asset-7, were required to be implemented by the Petitioner. As per the said LTA intimation, LTA was to be operationalized with effect from 31.3.2017 or the availability of the transmission system, whichever is later. Accordingly, once Asset-7 was ready on 17.10.2019, the PGCIL's ATS of the Bhadla Park was commissioned, and LTA was operationalized from 27.10.2019. However, 250 MW generation from Bhadla Solar Park was commissioned on 27.7.2019.
- g) As per the first proviso to Regulation 8(5), in case of delay in commissioning, the generator's liability arises for transmission charges only after the operationalization of LTA. And, as per the second proviso to Regulation 8(5), charges are payable by the generator for 'part operationalisation of LTA' only. The said provisos were added to Regulation 8 by the 'Statement of Reasons' for Third Amendment to the 2010 Sharing Regulations dated 1.4.2015.
- h) The scheduled date for LTA operationalisation is the date of availability of the associated transmission system mooted by the Petitioner, i.e. 17.10.2019 (date of commissioning of last asset-Asset-7) and 27.10.2019 (date of operationalisation of LTA). In the instant case, there was no part operationalization of LTA. Accordingly, in the absence of any partial



operationalization of LTA by CTUIL, no liability can be fastened upon AREPRL for Bhadla Solar Park.

- i) Asset-1(c) & (d), Asset-3 and Asset-4 were merely three of the six pre-requisite elements required for operationalisation of Bhadla Solar Park's 250 MW LTA. The fact that these three aforesaid assets were intended for evacuation from the 250 MW Bhadla Solar Park does not alter the composite nature of the transaction for the overall transmission scheme envisaged to effectuate the 250 MW LTA for the evacuation of power up to the end beneficiary.
- j) The transmission elements made available to AREPRL as on the date of COD of the entire 250 MW generation capacity (i.e. on 27.7.2019) were inadequate to ensure end-to-end power flow to the intended ISTS beneficiaries on a firm basis for the long term. Solar power could only be evacuated on a firm basis for the long term once the entire ATS for Bhadla Solar Park was ready.
- k) As per Regulation 8(5) of the 2010 Sharing Regulations, the liability to pay transmission charges before the date of LTA operationalization arises only when there is a delay in COD of the generating station beyond the LTA operationalization date. This legal proposition has been settled in various cases- Maruti Clean Coal and Power Limited vs. Power Grid Corporation of India Limited (2017 SCC OnLine APTEL 70), ACB (India) Limited vs. Gujarat Electricity Regulatory Commission (2019 SCC OnLine APTEL 85), Saurya Urja Company of Rajasthan Limited vs. PGCIL & Ors. (Order dated 29.8.2022 in Petition No. 583/MP/2020, Saurya Urja Company of Rajasthan Limited is also a solar power park developer at Bhadla, which, like AREPRL is also connected to the Petitioner's transmission asset), and Raigarh Energy Generation Limited vs. Power Grid Corporation of India Limited (Order dated 11.11.2021 in Petition No. 92/MP/2020).



- l) Asset-6 is no longer part of the Fatehgarh Solar Park and accordingly, no liability can be fastened on AREPRL in this regard.
- m) The Commission vide order dated 11.6.2022 in Petition No. 9/TT/2021 held AREPRL liable to pay the transmission charges with respect to Asset-6, in spite of acknowledging facts relating to implementation of interim contingency scheme and the LILO arrangement upon the transmission system mooted by FBTL (in view of which Asset-6, i.e. 2 numbers 400 kV bays at Bhadla Sub-station, are no longer part of the Fatehgarh Solar Park). The relevant portion of the order dated 11.6.2021 is as follows:

“86...As per the scope of “Transmission System for Solar Energy Zones in Rajasthan” LILO of both circuits of Fatehgarh (TBCB)-Bhadla (PG) 765 kV D/C line (operated at 400 kV) at Fatehgarh-II PS was to be done so as to establish Fatehgarh (TBCB) – Fatehgarh-II 765 kV D/C line (to be operated at 400 kV) and Fatehgarh-II -Bhadla (PG) 765 kV D/C line. With the charging of Fatehgarh-II Bhadla (PG) section at 765 kV level, 2 numbers of 400 kV bays were planned to be spared at Bhadla (PG) Bhadla Sub-station, which could be utilized for 400 kV Bhadla-II-Bhadla (PG) D/C line. However, as per the contingency scheme agreed in the meeting held on 20.7.2021, one 400 kV bay at Bhadla Sub-station was connected to Fatehgarh-II through Loop-in Portion of Circuit-I of 400 kV Fatehgarh-Bhadla (PG) Transmission Line and COD of “Loop in Portion of Circuit-I of 400 kV Fatehgarh-Bhadla (PG) Transmission Line along with associated bays at Fatehgarh-II Bhadla Sub-station” declared on 10.8.2021. Further, another 400 kV bay at Bhadla Sub-station was connected to Bhadla-II Sub-station and COD declared for “Circuit-2 of 400 D/C Bhadla-II-Bhadla PG line along with associated bays at Bhadla-II Bhadla Sub-station” on 5.9.2021. Accordingly, utilization of 2 numbers of 400 kV bays have started since 10.8.2021 and 5.9.2021.”

- n) LILO arrangement of FBTL line was planned in 2018-19 (well before COD of Asset-6 on 27.9.2019), even though it was physically implemented much later on 10.8.2021 (1st Circuit) and 29.11.2021 (2nd Circuit) respectively. In this regard, the following is submitted:

- i. On 29.5.2017, the 39th Standing Committee on Power System Planning of Northern Region meeting (SCM) was held, wherein it was decided that Asset-6 would be constructed for the evacuation of power from Fatehgarh Solar Park.
- ii. On 22.6.2018 the scope of Asset-6 was again discussed in the 40th SCM. As per the scheme discussed, Asset-6 was at the termination point of the FBTL line



(being part of the ATS of Fatehgarh Solar Park). The scheme as well as the scope of Asset-6 has been referred to Paragraphs No. 105 and 106 of the order dated 11.6.2022 in Petition No. 9/TT/2021.

- iii. On 13.11.2018, 2nd SCM on transmission was held, wherein the LILO scheme for the FBTL line was discussed and agreed upon. This LILO scheme was to be implemented by the Petitioner.
- iv. On 5.7.2019, CEA approved the aforesaid LILO arrangement under Section 68 of the Electricity Act, 2003.
- v. Pursuant to approval of a LILO arrangement in the FBTL line, on and after 5.7.2019, the FBTL line is limited up to the LILO point (of 1st Circuit) and Asset-6 (which was at the termination point of the FBTL line) is now diverted towards the other line (Bhadla-I to Bhadla-II line) being developed by the Petitioner under SEZ Phase-1 Scheme. Accordingly, from 5.7.2019 onwards (well before COD of Asset-6, i.e. 27.9.2019 or completion of Asset-6), Asset-6 is no longer part of Fatehgarh Solar Park ATS.
- vi. On 9.8.2019, the Commission in Petition No. 23/MP/2019 (PGCIL vs. Delhi Transco Limited), granted regulatory approval for execution of the transmission scheme for Solar Energy Zones in Rajasthan, which *inter alia* included LILO of both circuits of FBTL line.
- vii. On 5.7.2021, a meeting was held under the chairmanship of CEA and other stakeholders, viz, PGCIL, POSOCO, FBTL and generating companies, where a contingency scheme was proposed by the Petitioner (tapping/LILO of one circuit of FBTL line) for the evacuation of RE power from Fatehgarh-II Sub-station was discussed, and it was agreed that there was a delay in the implementation of LILO of both circuits of FBTL line, and that the RE generators were ready for commissioning at Fatehgarh-II Sub-station. The said scheme will help such generators that were ready (till the time the LILO arrangement was implemented) to get connected to the grid.



- viii. On 20.7.2021, a meeting was held among the Petitioner, Solar Energy Corporation of India Limited (SECI), CTUIL, AREPRL and POSOCO wherein the implementation plan for the aforesaid contingency scheme was discussed. The same was also referred to by the Commission at Paragraph No. 86 of the order dated 11.6.2022 in Petition No. 9/TT/2021. As per the approved contingency scheme, Asset-6 is no longer part of the Fatehgarh Solar Park and is now part of the transmission line being developed by the Petitioner under the SEZ Phase-1 transmission scheme.
- ix. On 10.8.2021, the contingency scheme (in the 1st Circuit of FBTL line) was implemented by the Petitioner and on 29.11.2021, the LILO arrangement in both 1st and 2nd Circuit of the FBTL line was implemented by the Petitioner. The same has also been recorded at Paragraph No. 86 of the order dated 11.6.2022 in Petition No. 9/TT/2021.
- o) CTUIL, in its reply dated 6.1.2023, before APTEL in Appeal No. 362 of 2022, has admitted that in view of the LILO arrangement, Asset-6 is no longer part of the Fategarh Solar Park ATS.
- p) Petitioner has wrongly submitted on the hearing dated 2.5.2023 that issues involved in the instant matter have been covered by the APTEL judgment dated 2.5.2023 in Appeal No. 352 of 2022, Fatehgarh Bhadla Transmission Company Limited Vs. Central Electricity Regulatory Commission and Others (challenging order dated 11.6.2022 in Petition No. 9/TT/2021). In the said judgment, FBTL was held liable for payment of transmission charges for the period of the mismatch between the COD of the Petitioner's Asset-6 and the COD of FBTL's transmission system. In this regard, AREPRL submits the following:
- i. Appeal No. 352 of 2022 was a case of delayed COD justified due to Force Majeure events and its interplay of the Ministry of Power (MOP) directives under Section 107 of the Electricity Act, 2003. The same is evident from



Paragraph Nos. 5, 10, 20, 24 and 180 of APTEL's judgement dated 2.5.2023 in Appeal No. 352 of 2022.

- ii. In contradiction, AREPRL is not seeking any Force Majeure relief in the present case. AREPRL's case engulfs two core issues- the date when a generating station becomes liable to pay transmission charges under proviso 1 and 2 of Regulation 8(5) of the 2010 Sharing Regulations with respect to operationalization of the LTA associated with the Petitioner's transmission system and factual position with respect to Petitioner's Asset-6 not being part of ATS of Fatehgarh Solar Park (the said factual position was not considered by APTEL in Appeal No. 352 of 2022).

Reply of the Petitioner to the Written Submissions filed by AREPRL

9. In response, the Petitioner has submitted the following vide affidavit dated 26.6.2023:

- a) The Transmission System was built for the evacuation of power from certain projects being set up for Solar Power after taking regulatory approval from the Commission. The Commission granted regulatory approval for implementation of the present transmission scheme vide order dated 31.3.2016 in Petition No. 1/MP/2016, wherein the Commission, in para 26 of its order referring to Regulation 7(1)(u) of the 2010 Sharing Regulations clarified that "No transmission charges for the use of the ISTS network shall be charged to solar based generation" is applicable only when the power is evacuated through the transmission system to the beneficiaries after the commercial operation of the generating station. Therefore, transmission charges for the delay in commissioning of solar power generators shall be payable by such solar generators/SPPD on the same lines as the liability for payment by the thermal and hydro generating stations in accordance with the 2014 Tariff Regulations.



- b) The Commission also granted regulatory approval for implementation of the transmission scheme, including Asset-6 in the present petition, i.e. 2 nos. 400 kV bays at Bhadla Sub-station, vide order dated 17.10.2017, in Petition No. 3/MP/2017, wherein the Commission affirmed its clarification with reference to the liability of the generator in case of mismatch as was made by it in Petition No. 1/MP/2016.
- c) Since the commissioning of Asset-1(c) and (d), Asset-3, and Asset-4 at the Bhadla Sub-station of the Petitioner, 200 MW of AREPRL power was flowing through the system, and its recovery was included in the common pool as per tariff and sharing regulations notified by the Commission. It is only 50 MW of generation that was commissioned on 27.7.2019, which is why AREPRL was made liable to pay the proportionate transmission charges for the mismatch period from COD of the respective transmission asset to 26.7.2019. The charges for the respective transmission asset, therefore, could not be recovered from the common pool, and the same needs to be paid by the generator whose generation was delayed, as per the provisions of the regulations and regulatory approvals.
- d) AREPRL is relying on the provisions of Regulation 8(5) of the 2010 Sharing Regulations, while the provisions of Regulation 8(6) of the 2010 Sharing Regulations are applicable in this case.
- e) With regard to the submissions of AREPRL that Asset-6 is no longer a part of Fatehgarh Solar Park, the Petitioner has submitted that Asset-6, i.e. 2 nos. of 400 kV line bays at Bhadla (Powergrid) Sub-station, were ready from 27.9.2019 onwards. However, the 765-kV transmission line connecting to it was implemented by FBTL, which achieved COD on 31.7.2021, and as such, the Petitioner was granted deemed COD under Regulation 5(2) of the 2019 Tariff Regulations and directed FBTL to pay transmission charges till 30.7.2021, and from 31.7.2021 onwards, the transmission charges of Asset-6 are to be borne by



AREPRL till COD of the generation under the control of AREPRL. AREPRL did not raise any objection, nor did it raise any issue regarding the contingency scheme and LILO arrangement of the FBTL line.

- f) It is denied that bays were not part of the existing Transmission System or could not be utilized by AREPRL, and the Commission has rightly directed AREPRL to pay from 31.7.2021 till COD of generation by AREPRL, as the bays remained unutilized due to AREPRL.
- g) The alternative plea of the Petitioner is that CTUIL filed IA No.1197 of 2022 in Appeal No.362 of 2022 before the APTEL, wherein it was submitted by it that owing to the LILO arrangement undertaken for utilization by other renewable generation projects at Fatehgarh-II Sub-station, the elements under Asset-6 were effectively de-linked from the connectivity transmission system of the AREPRL generation project at Fatehgarh (1000 MW) from 10.8.2021 (i.e. one bay utilized for inter-connection with Fatehgarh-II Sub-station) and 5.9.2021 (i.e. the other bay utilized for inter-connection with Bhadla-II Sub-station). Therefore, the liability to bear bilateral transmission charges for the period between 1.8.2021 and 10.8.2021 (for one bay) and up to 5.9.2021 (for the other bay) ought to be borne by the AREPRL generation project at Fatehgarh (1000 MW). The liability for the transmission charges of the said two 400 kV bays after 10.8.2021 and 5.9.2021 may be borne by DICs.

Hearing dated 26.7.2023

10. The Commission vide RoP dated 26.7.2023, also directed CTUIL to furnish the following information on affidavit:

(a) Confirm as to whether entire system of FBTL or part thereof has been put to alternate use.

(b) Confirm whether the 2 nos. of 400 kV bays at Bhadla (PG) are used by other generators or if they are only for evacuation of power from the APERL generation project at Fatehgarh



(1000 MW).

(c) The details of the connectivity system and LTA system associated with three generators, i.e. AREPRL, Saurya Urja Company of Rajasthan Ltd., Essel Saurya Urja Company of Rajasthan Ltd.

(d) The details of the billing raised on AREPRL.

Written Submissions of CTUIL

11. In compliance with RoP dated 26.7.2023, CTUIL, vide affidavit 31.10.2023, submitted as follows:

- a) To facilitate the transfer of power from 8.9 GW of renewable energy potential in Western Rajasthan, the transmission system for Solar Energy Zones in Rajasthan under Phase-I was planned to be implemented. As part of the above scheme, LILO of both circuits of Fatehgarh PS– Bhadla (PG) 765kV Double Circuit (“D/c”) line at Fatehgarh-II Pooling Station (“PS”) was envisaged, thus forming Fatehgarh PS–Fatehgarh-II PS and Fatehgarh-II PS–Bhadla (PG) section. Charging of Fatehgarh-II PS– Bhadla (PG) section at its rated voltage, i.e., 765kV level, was also planned. It was also agreed that 2 nos. of 400kV bays at Bhadla (PG) (earlier used for termination Fatehgarh PS – Bhadla (PG) 765kV D/c line (to be operated at 400kV)), which were to be vacated after charging of Fatehgarh-II PS–Bhadla (PG) section at 765kV, would be utilized for termination of Bhadla-II PS – Bhadla (PG) 400kV D/c line.
- b) In view of the readiness of various renewable energy generators at Fatehgarh-II PS as part of 8.9 GW Renewable Energy potential and delay in implementation of Phase-I transmission scheme, a contingency scheme was agreed upon till the commissioning of the identified Phase-I transmission scheme in the CEA Meeting held on 5.7.2021. Under the said contingency scheme, it was agreed that one circuit of Fatehgarh (TBCB) - Bhadla (PG) 765 kV D/C line, which was to be LILLOed at Fatehgarh-II, would be used as Fatehgarh-II - Bhadla 400 kV line for transmitting the power of Fatehgarh-II to Bhadla (PG) at 400 kV Voltage



level. Furthermore, one circuit of 400 kV D/c Bhadla- Bhadla-II line could also be charged by using some part of circuit-2 of Fatehgarh (TBCB) - Bhadla (PG) 765 kV D/C line for evacuation of power from Bhadla sub-station through Bhadla-II sub-station.

- c) Under the contingency scheme, part of the FBTL system was utilized by other renewable generation projects at Fatehgarh-II Sub-station and for onward flow of power through Bhadla-II Sub-station w.e.f. 10.8.2021 (i.e. one circuit and one bay utilized for interconnection with Fatehgarh-II Sub-station) and 5.9.2021 (i.e. the other circuit and bay utilized for interconnection with Bhadla-II Sub-station).
- d) Connectivity was granted to AREPRL, Saurya Urja Company of Rajasthan Limited, Essel Saurya Urja Company of Rajasthan Limited at Bhadla (PG) Sub-station through a separate 220kV D/c line. Lines were to be implemented by the above renewable energy generators. However, for the termination of the 220kV line from AREPRL and Saurya Urja at Bhadla (PG), 220kV bays (2 nos., for AREPRL and 2 nos., for Saurya Urja) at Bhadla (PG) Sub-station were implemented under ISTS. 220kV bays for Essel Saurya Urja were implemented by Essel Saurya itself.
- e) The Common transmission system for LTA of AREPRL, Saurya Urja and Essel Saurya is as follows:
 - (i) Establishment of Pooling Station at Bhadla (PG) (765/400kV: 3x1500MVA and 400/220kV: 3x500 MVA)
 - (ii) 765kV Bhadla (PG) – Bikaner (PG) D/c line.
 - (iii) 400kV Bhadla (PG) – Bhadla (RVPN) D/c line (Quad).
 - (iv) 1x240MVA switchable line reactor at each end (each circuit) of 765kV Bhadla (PG) – Bikaner (PG) D/c line.
 - (v) 1x240MVA (765kV) and 1x125 MVA (400kV) bus reactors at Bhadla Pooling Station.
 - (vi) 1x500MVA, 400/220kV transformer (4th ICT) at Bhadla (PG) was associated with LTA of Essel Saurya. This ICT was also utilized by other renewable energy generators, granted LTAs at Bhadla (PG).



- f) 400/220kV ICTs implemented as part of the LTA system are to be utilized by a renewable energy generator. Accordingly, the 400/220kV ICTs may be considered as an Associated Transmission System (ATS) with the LTA of the RE generator. Considering this, transmission lines, as well as 765/400kV ICTs at Bhadla (PG), may be considered to serve a common purpose, i.e. evacuation of renewable energy power from different pockets/potential areas. However, 400/220kV ICTs along with 220kV terminating bays for a dedicated line are being considered as ATS with LTA for a renewable energy generator.
- g) The bill for mismatch period for the Asset-1(c) and (d), Asset-3 and Asset-4 of the Petitioner was raised on AREPRL-250MW as per the order dated 11.6.2022 and corrigendum dated 4.8.2022 in Petition No. 9/TT/2021 corresponding to the uncommissioned quantum of its generation. The COD of the entire 250MW was completed, and presently, no billing is done on AREPRL-250MW.
- h) The bills for the mismatch period for the Asset-6 are also being raised on AREPRL-1000MW at Fatehgarh as per the order dated 11.6.2022 and corrigendum dated 4.8.2022 in Petition No. 9/TT/2021 corresponding to the uncommissioned quantum of its generation. The details of CODs of AREPRL-1000MW generation as on 18.10.2023 are mentioned below:

S. No	Date of COD	Quantum in MW
1	30.12.2021	49.92
2	5.2.2022	74.88
3	5.3.2022	74.88
4	19.6.2022	47.52
5	5.8.2022	48.8
	Total	296

- i) Bills for an amount of ₹5,39,73,914/- were raised till 18.10.2023 on AREPRL by CTUIL, on behalf of the Petitioner. In compliance with the APTEL order dated 6.2.2023 passed in Appeal No. 362 of 2022, AREPRL has made payment of ₹1,67,37,971/- on 27.2.2023, out of which an amount of ₹9,20,798/- was adjusted against the bills raised on AREPRL-250MW LTA granted at Bhadla and



the balance amount of ₹1,58,17,173/- was adjusted against the bills raised on AREPRL-1000MW LTA granted at Fatehgarh. Thereafter, the total dues to be cleared by AREPRL as on 18.10.2023 is ₹3,72,35,943/-, out of which an amount of ₹3,53,20,022/- has already crossed 45 days and ₹3,34,04,101/- has crossed default trigger date (i.e. one month after the due date of payment or two and half months after raising the bills) as per Electricity (Amendment) Rules, 2022.

- j) AREPRL is yet to declare COD for the balance 704 MW of its generation out of the LTA quantum of 1000 MW. Hence, the bills shall continue to be raised till completion of COD for the balance 704 MW in line with the order.

Reply of the Respondent ESUCRL

12. Essel Saurya Urja Company of Rajasthan Limited (ESUCRL), in its reply dated 19.7.2024, has mainly submitted as follows:

- a) ESUCRL was incorporated as a Joint Venture between Essel Infraprojects Limited (EIL) and the Government of Rajasthan. It was declared a Solar Power Park Developer by the Ministry of New and Renewable Energy (MNRE), vide letters dated 18.12.2015 and 2.8.2016.
- b) Out of the 7 assets in the transmission system, only Asset-1(c), Asset 3, and Asset 4 are connected to the 750 MW Phalodi-Pokhran Solar Park being developed by ESUCRL.
- c) On 12.12.2014, MNRE launched a scheme for developing at least 25 solar parks across India, each with a capacity of 500 MW and above, targeting an installed solar power capacity of over 20,000 MW within five years (FY 2014-15 to FY 2018-19). This scheme included a Central Financial Assistance (CFA) of Rs. 4050 crore to support solar park development, in collaboration with the State government.



- d) A Memorandum of Understanding (MoU) dated 6.2.2015 was executed between the Rajasthan Renewable Energy Corporation Limited (RRECL) and EIL, aimed at establishing a Joint Venture Company for the development of solar parks in Rajasthan, capitalizing on the state's high solar insolation and facilitating the allotment of suitable land for these projects in accordance with the provisions of the Rajasthan Land Revenue (Allotment of Land for Setting Up of Power Plant based on Renewable Energy Sources) Rules, 2007.
- e) On 15.5.2015, the Commission made amendments that recognized Solar Power Park Developers designated by the Central Government as eligible applicants for Connectivity, Long-Term Access, and Medium-Term Open Access in the inter-State Transmission System. The said amendments were made to the 2009 Connectivity Regulations and the Central Electricity Regulatory Commission (Grant of Regulatory Approval for execution of Inter– State Transmission Scheme to Central Transmission Utility) Regulations, 2010.
- f) A Joint Venture Cum Shareholders Agreement dated 22.5.2015 was executed between the Governor of Rajasthan and EIL to delineate the roles and responsibilities for the implementation and execution of the solar parks. Accordingly, on 27.5.2015, ESUCRL was incorporated as a Joint Venture Company of the Government of Rajasthan and EIL.
- g) MoP, vide letter No. 11/64/2014-PG dated 4.8.2015, directed the Petitioner to execute transmission lines for evacuating power from nine solar parks (with a total capacity of 7020 MW) across seven states, including Rajasthan. This directive required that the transmission lines connecting these solar parks to the Inter-State Transmission System (ISTS) be declared part of the ISTS, and the Petitioner was tasked with constructing the transmission lines and pooling stations on an expedited timeline. Subsequently, on 18.11.2015, ESUCRL requested the Rajasthan Renewable Energy Corporation Limited (RRECL) for



maps, survey sheets, and other relevant documents to assist in physically verifying government land earmarked for the Solar Park development. In response, RRECL, vide letter dated 27.11.2015, sought the assistance of the District Collector of Jodhpur/Jaisalmer to facilitate ESUCRL in the development of the Solar Power Park.

- h) MNRE vide its letter No. 30/116/2015-16/NSM dated 17.12.2015 granted in-principle approval to the ESUCRL for the development of 750 MW Phalodi-Pokhran Solar Power Park with two sub-components: 450 MW at Pokharan Solar Park at Phalodi and 300 MW at Pokharan (Jaisalmer District). Further, MNRE vide letter No. 30/116/201-16/NSM inter alia dated 18.12.2015 and 2.8.2016 declared ESUCRL as a 750 MW Solar Power Park Developer. It further stated that the Solar Power Park has two sub-components, comprising 400 MW at Pokharan Solar Park at Phalodi, Jodhpur District, and 350 MW at Pokharan, Jaisalmer District.
- i) PGCIL vide letter No. C/CTU-Plg/N/LTA/271 dated 12.10.2017 granted LTA to ESUCRL for 750 MW Solar Power Park. Accordingly, a Transmission Service Agreement (TSA) dated 7.11.2017 was executed between ESUCRL and CTU, in terms of the Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges & Losses) Regulations, 2010. Subsequently, ESUCRL and PGCIL executed a Long-Term Access Agreement (LTAA) dated 7.11.2017 for the access of ESUCRL to the inter-State transmission system of PGCIL, for the transfer of 750 MW of power from the 750 MW Solar Power Park in two components- 400 MW and 350 MW.
- j) ESUCRL vide letter No. ESUCRL/2017-18/Sec 68-1 dated 14.12.2017 requested the Central Electricity Authority (CEA) for the “Connectivity System of 750 MW Pholadi – Pokharan Solar Power Park” under Section 68(1) of the Act,



which was subsequently approved by the CEA vide letter No. Sl. K.B.Pra/1/3/PSPA-1/2017/11-12 dated 2.1.2018.

- k) In April 2018, ESUCRL submitted a Detailed Project Report (DPR) for the 750 MW Solar Park. Subsequently, on 24.5.2018, ESUCRL executed a lease deed for 4017-05 Bigha (650.3 Hectares) in Khasra No. 126, 186, 187 situated at Village Purohitsar and Khasra No. 647 in Village Lavan, both in Tehsil Pokharan, District Jaisalmer. The said lease deed was registered on 16.11.2018 before the Sub-Registrar, Pokharan, District Jaisalmer.
- l) On 24.5.2018, ESUCRL executed Master Lease Deed–I for 4017.05 Bigha (650.3 hectares) in Jaisalmer, registered on 16.11.2018. Following this, the Rajasthan Revenue Department issued a corrigendum on 7.6.2019, amending land allocations in Nagnechinagar to a total of 4595.07 Bigha. Thereafter, on 14.6.2019, ESUCRL signed the Master Lease Deed–II for 4594.07 Bigha in Jodhpur, covering multiple villages. On 9.1.2020, ESUCRL executed Sub-Lease Deed–I, sub-leasing 638.98 hectares to SB Energy Six Pvt. Ltd. for a 350 MW solar power plant and 243.68 hectares to Adani Solar Energy RJ TWO Pvt. Ltd. for a 150 MW plant, both within the Solar Power Park, in accordance with Master Lease Deed–I, effective from 24.5.2018. Additionally, on 19.8.2020, the MNRE granted extensions for solar parks until 31.3.2022, after which, on 29.12.2020, ESUCRL applied for Long-Term Access (LTA) to the ISTS Network for PGCIL's 450 MW power.
- m) ESUCRL vide letter No. ESUCRL/LTA/11 dated 27.11.2020 informed the PGCIL that, due to firming up 450 MW of power with Bihar, it would relinquish 450 MW from the previously granted 750 MW LTA, including 350 MW to Western Region and 100 MW from Northern Region allocations. ESUCRL also informed the PGCIL that it has applied for 450 MW LTA to the Eastern Region (Bihar) to reflect the said change.



- n) PGCIL vide Letter No. C/CTU/N/07/1200002856 dated 29.12.2020 granted LTA for 450 MW to ESUCRL for the ISTS network of the PGCIL. Accordingly, ESUCRL executed an Agreement for LTA dated 1.2.2021 with PGCIL for 450 MW of power under the Central Electricity Regulatory Commission (Grant of Connectivity, Long-Term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009. Further, the MNRE vide Office Memorandum No. F. No. 320/14/2017– NSM– Part (2) dated 22.1.2021 granted a 5-month extension to the 750 MW Solar Park till 31.5.2021.
- o) On 1.2.2021, ESUCRL and PGCIL signed a Supplementary Agreement to the LTAA dated 7.11.2017. In pursuance of the Supplementary Agreement dated 1.2.2021, ESUCRL relinquished 450 MW LTA, i.e., 100 MW (NR) and 300 MW (WR), on account of a change of region from NR to ER as under:
- p) The Petitioner vide letter dated 26.2.2021, conveyed to ESUCRL of its agreement to modify the connectivity Intimation for three substations. Subsequently, during a meeting on 5.4.2021, it was informed to MNRE that 300 MW of the 750 MW Solar Power Park was under construction, while the remaining 450 MW was kept on hold due to stay orders passed by the Hon'ble High Court of Rajasthan.
- q) On 13.4.2021, CTU granted ESUCRL connectivity for a generation switchyard at Bhadla, allowing for a maximum capacity of 750 MW. Accordingly, CTU and ESUCRL executed a Connection Agreement dated 29.4.2021, to transmit electricity as well as real time data to and from the facility through the ISTS network.
- r) MNRE vide another Office Memorandum dated 12.5.2021 acknowledged the disruptions caused by COVID-19 and granted a time extension. Following this, on 19.5.2021, the Petitioner informed ESUCRL that the 750 MW LTA would be



effective from 1.6.2021, and ESUCRL shall be responsible for payment of applicable transmission charges for delayed generation charges.

- s) ESUCRL vide letter dated 31.5.2021, issued a Force Majeure Notice to the Petitioner, citing damages caused to the project site due to Cyclone Tauktae. MNRE subsequently approved an extension for the project timeline until 31.12.2021, contingent upon land acquisition.
- t) MNRE vide letter dated 10.6.2021 approved an extension for the timeline of the 750 MW Solar Power Park until 31.12.2021, contingent upon the acquisition of sufficient land and transfer to identified SPDs by that date, potentially allowing for a further extension until 31.3.2023. Furthermore, the MNRE, vide letter dated 10.6.2021, approved an extension of the timeline for the 750 MW Solar Power Park until 31.12.2021, contingent upon the acquisition of sufficient land and transfer to the identified Solar Power Developers (SPDs) by that date, potentially allowing for a further extension until 31.3.2023. Thereafter, on 19.6.2021, ESUCRL issued a Force Majeure Notice to the Petitioner, seeking an extension in the effectiveness of the 450 LTA out of 750 MW LTA granted to the 750 MW Solar Power Park. The delay was attributed to COVID-19, a stay order from the Hon'ble High Court of Rajasthan (in D.B. Sp. App. Writ No. 51/2020), and other force majeure events. The project status was detailed as- 300 MW Project at Pokharan: Awarded to SB Energy [with interim evacuation arrangements approved by the Petitioner], 300 MW Project at Phalodi: Also awarded to SB Energy [facing delays due to pending tariff adoption by Punjab State Regulatory Commission (PSERC) and land lease issues], and 150 MW Project at Phalodi: Awarded to SBE Renewable [with similar tariff adoption delays and land leasing issues].
- u) ESUCRL vide letter dated 11.8.2021 informed the Petitioner that work on the 450 MW project was halted due to an order dated 25.2.2020, passed by the Hon'ble



High Court order in *Kalyan Singh & Ors. vs. State of Rajasthan & Ors.*, (D.B. Sp. App. Writ No. 51/2020) and subsequent directives for land survey and allotment adjustments. Further, a series of Writ Petitions (S.B. Civil Writ Nos. 16304/2018 and 16305/2018) from villagers challenging the land allotments began in 2018. The High Court maintained a status quo order on the land, which prevented development work until the batch of writ petitions was disposed of vide common order dated 27.11.2019, thereby dismissing the batch of writ petitions. Following a further challenge in D.B. Sp. App. Writ Nos. 51/2020 and 52/2020, the High Court imposed another status quo vide order dated 25.2.2020, which remained operative until 29.6.2021. Thereafter, the Hon'ble Court directed the State Government to review land allotments affecting ESUCRL.

- v) MNRE vide letter dated 1.9.2023, extended the timeline for development of 750 MW Phalodi-Pokhran Solar Park to 31.3.2024. Subsequently, in terms of the judgment 29.6.2021, the District Collector, Phalodi, Rajasthan, vide letter dated 23.2.2024, allotted land to ESUCRL for the development of 750 MW Solar Power Park to the extent of 450 MW. Accordingly, ESUCRL vide email dated 28.3.2024 informed the Petitioner that it has completed the 150 MW out of the 450 MW component. Additionally, ESUCRL vide email dated 24.4.2024, requested a further extension of the time period till 31.3.2024 for the remaining 300 MW out of 450 MW in the 750 MW Phalodi-Pokhran Solar Power Park.

Rejoinder of the Petitioner to the reply filed by ESUCRL

13. In response to the reply filed by ESUCRL, the Petitioner, in its rejoinder vide affidavit dated 19.7.2024, submitted as under:

- a) In cases of delay in achieving the COD by a generating station, the station is liable to pay transmission charges for the mismatch period to the associated transmission system that has achieved COD. ESUCRL was aware of this liability,



as outlined in the Regulatory Approval Order dated 31.3.2016. The Commission has rightfully levied transmission charges on ESUCRL and other SPPDs for such delays in the order dated 11.6.2022 in Petition No. 9/TT/2021, based on the relevant regulations. The Commission determined the asset-wise charges, factoring in the dates of commissioning by the Petitioner in relation to the COD of solar generation capacity. This consistent approach fastens liability for unutilized assets onto the defaulting entity, and this should also apply in the current remand proceedings.

- b) ESUCRL has submitted that delays in developing the 450 MW Solar Power Park were due to force majeure events, such as court orders preventing land possession and subsequent delays in land allocation, and thus should not be liable for transmission charges under the TSA and LTA Agreement. However, the said claims of ESUCRL are independent of the present remand proceedings, as the same are pertinent to determining the transmission tariff for the Petitioner's assets, which were commissioned and ready for use. Furthermore, the Petitioner's right to receive transmission charges from the COD, as per the tariff regulations and the order dated 11.6.2022, cannot be undermined by ESUCRL's delays. Accordingly, ESUCRL is liable to pay transmission charges for the period during which the mismatch occurs.

Written Submissions of the Petitioner

14. The Petitioner in its Written Submissions dated 5.8.2024 has submitted as under:
- a) The summary of the mismatch in Commercial Operation Date (COD) as per the Tariff Order dated 11.6.2022 indicates that Asset-1(c) achieved COD on 29.4.2019, while the associated Solar Park at ESUCRL's end, with a cumulated capacity of 750 MW, saw 300 MW achieve COD on 18.6.2021, with 450 MW yet to be commissioned. Similarly, Asset-3 achieved COD on 17.5.2019, and its



associated Solar Park also recorded 300 MW, achieving COD on 18.6.2021, with 450 MW pending commissioning. Asset-4 achieved COD on 01.06.2019, and like the others, its associated Solar Park has 300 MW that achieved COD on 18.6.2021, while 450 MW remains uncommissioned.

- b) The summary of the transmission charges for the mismatch period for Asset-1 (c), Asset-3 and Asset-4 qua ESUCRL as held by the Commission in order dated 11.6.2022 in Petition No. 9/TT/2021 is as follows:

Asset	Liability towards ESUCRL
For Asset 1(c)	29.4.2019- 17.6.2021: Transmission charges proportionate to 750 MW out of 1500 MW of Asset-1 shall be borne by ESUCRL. - From 18.6.2021: transmission charges proportionate to 300 MW out of 1500 MW of Asset-1 shall be included in the common pool, and the balance 450 MW shall be borne by ESUCRL till the COD of 450 MW. After COD of 450 MW, It shall be included in the Common Pool
For Asset 3	4.5.2019 - 17.6.2021: transmission charges proportionate to 750 MW out of 1500 MW of Asset-2 shall be borne by ESUCRL. - From 18.6.2021: Transmission charges proportionate to 350 MW out of 1500 MW of Asset-3 shall be included in the common pool, and the balance 450 MW shall be borne by ESUCRL till COD of 450 MW. After COD of 450 MW, It shall be included in the Common Pool.
For Asset 4	1.6.2019 - 17.6.2021: Transmission charges proportionate to 750 MW out of 1500 MW of Asset-2 shall be borne by ESUCRL. - From 18.6.2021: Transmission charges proportionate to 350 MW out of 1500 MW of Asset-4 shall be included in the common pool and the balance 450 MW shall be borne by ESUCRL till COD of 450 MW. After COD of 450 MW, it shall be included in the common pool.

- c) This Commission has rightfully levied liability for payment of transmission charges for the mismatch period in the Tariff Order dated 11.6.2022 which is in accordance with Regulations 8(5) and 8(6) of the 2010 Sharing Regulations, and Regulation 13(3) of the 2020 Sharing Regulations, and the as per the decision of the Regulatory Approval Order dated 31.3.2026 in Petition No. 1/MP/2016. The liabilities of the Solar Power Park Developer (SPPD) to pay transmission charges arise from the 2015 Amendment to the Grant of Regulatory Approval Regulations, which specifies that when an ISTS scheme is proposed by the CTU and sought by the SPPD for long-term access, the SPPD must bear all liabilities on behalf of the solar power generators in the park. The Commission, in its

Statement of Reasons dated 15.5.2015, further clarified that the SPPD is liable for transmission charges resulting from delays in generator commissioning, as well as relinquishment charges, similar to other generating stations. These charges apply until the power is evacuated through the ISTS network after the generator achieves commercial operation. Additionally, the SPPD is responsible for coordinating with solar power generators regarding internal system delays.

- d) ESUCRL's Force Majeure claims, as raised in its reply dated 5.7.2024, do not impact Petitioner's statutory right to recover transmission charges for the mismatch period. This right stems from the Regulatory Approval Order dated 31.3.2016 (Petition No. 1/MP/2016) and relevant regulations. ESUCRL's claims of Force Majeure, including Right-of-Way (ROW) and court case delays, have already been considered in earlier tariff orders. APTEL judgment in *Fatehgarh Bhadla Transmission Co. Ltd. vs. Central Electricity Regulatory Commission* has already clarified that transmission charges are recoverable for periods of mismatch when one entity's delay leaves the other's assets stranded. These claims by ESUCRL, being separate from the current proceedings, should be raised in a separate petition, and cannot negate Petitioner's right to recover transmission charges as approved by the Commission.
- e) Similarly, with regard to the issue of LTA operationalisation, it was submitted that its complete transmission system, as outlined in the Regulatory Approval Order, was commissioned well before ESUCRL's generation. There were no constraints in the Petitioner's system for power evacuation from ESUCRL. The current proceedings focus solely on determining the tariff for Petitioner's transmission system, and ESUCRL is improperly raising the issue of LTA operationalisation here, which should be addressed in a separate petition with its beneficiaries. The Commission, in the Tariff Order dated 11.6.2022, had already determined the ATS required for ESUCRL, which remained unutilised due to ESUCRL's delayed



commissioning. Therefore, ESUCRL's liability has already been reduced to only cover the identified ATS, rather than the full transmission system.

Written Submissions of Respondent ESUCRL

15. In response, ESUCRL, in its Written Submissions dated 14.8.2024, has submitted as under:

- a) The Petitioner communicated to ESUCRL that the effective date for the 750 MW LTAA was 1.6.2021, contradicting its earlier claim that the start date was 31.12.2018. The Commission, in an order dated 11.6.2022, also recorded that the LTAA was operational from 1.6.2021. Accordingly, transmission charges cannot be levied for any period before the grant of LTA, challenging the judgment's imposition of charges for various assets from dates as early as April and May 2019. Therefore, ESUCRL cannot be held liable for any transmission charges related to the 750 MW LTA prior to 1.6.2021.
- b) The Petitioner, being the Central Transmission Utility (CTU), executed the TSA with ESUCRL, which included a Force Majeure clause. Due to status quo orders by the Rajasthan High Court from 25.10.2018 to 29.6.2021, the development of ESUCRL's Solar Power Park was delayed, extending the Force Majeure period until 23.2.2024. Additionally, MNRE acknowledged these delays and granted extensions for the park's completion. As ESUCRL has completed part of the project, but sought further extensions. The judgment of APTEL in *Fatehgarh Badla Transmission Co. v. Central Electricity Regulatory Commission* does not apply here, as the Force Majeure clause is part of the TSA between the Petitioner and ESUCRL, thereby distinguishing the present case from other cases, where the Petitioner was not a party.

16. The Petitioner reiterated its submissions in the additional written statement dated 19.8.2024.



17. The final hearing in the matter was held on 8.8.2024, and subsequently, the order was reserved.

18. Having heard the representatives for the Petitioner and Respondents, and having perused the material on record, we proceed to dispose of the Remand Petition.

Analysis and Decision

Considering the submissions of Petitioner and Respondents, the issues which arise for our consideration are as follows:

Issue No.1: Whether AREPRL can be made liable for payment of transmission charges of the entire 250 MW Bhadla Solar Park well before the date of its LTA operationalization on 27.10.2019, while the entire 250 MW Bhadla Solar Park was commissioned on 27.7.2019?

Issue No. 2: Whether ESUCRL can be made liable for payment of transmission charges of the entire 750 MW Bhadla Solar Park before the effective date of LTA on 1.06.2021?

Issue No.3: Whether AREPRL can be made liable for payment of transmission charges for Asset-6 which achieved COD on 27.9.2019, while CEA granted approval to the Petitioner for the LILO arrangement of Fatehgarh (TBCB) - Bhadla (PG) 765 D/C Line on 5.7.2019, which suggests that subsequent to the grant of CEA's approval on 5.7.2019, Asset-6 was not part of Fatehgarh Solar Park ATS?

Issue No. 4: Whether the liability of transmission charges for Asset-1(c), Asset-3, and Asset-4 ought to be saddled on ESUCRL, while commissioning of 450 MW Solar park gets delayed on account of force majeure, and MNRE had conveyed the extension of time up to 31.3.2024?

Analysis and Decision

19. We have considered the submissions of the Petitioner, AREPRL and ESUCRL. The issues which arise for our consideration are as follows:



Issue No.1:

Whether AREPRL can be made liable for payment of transmission charges of the entire 250 MW Bhadla Solar Park well before the date of its LTA operationalization on 27.10.2019, while the entire 250 MW Bhadla Solar Park was commissioned on 27.7.2019?

20. AREPRL has contended that on 17.10.2019, the entire ATS for Bhadla Solar Park under the Petitioner's scope of work was executed, and LTA was operationalized on 27.10.2019. However, 250 MW generation at Bhadla Solar Park under AREPRL was commissioned on 27.7.2019, which is well before the date of operationalization of LTA, i.e. 27.10.2019. According to AREPRL, Regulation 8(5) of the 2010 Sharing Regulations speaks about the liability for payment of transmission charges after the date of LTA operationalization when there is a delay in the COD on the part of the generating station beyond the LTA operationalization date. However, in the present case, there was no such delay in the COD of the generating station, and as such, no transmission can be imposed on AREPRL before the date of its LTA operationalization.

21. The Petitioner has submitted that the Transmission System was built for the evacuation of power from certain Solar Power projects being set up, and the Commission granted regulatory approval for the implementation of the present transmission scheme vide its order dated 31.3.2016 in Petition No. 1/MP/2016. The Petitioner has further contended that in para 26 of the said order dated 31.3.2016, the Commission referring to Regulation 7(1)(u) of the 2010 Sharing Regulations clarified that "No transmission charges for the use of the ISTS network shall be charged to solar based generation" is applicable only when the power is evacuated through the transmission system to the beneficiaries after the commercial operation of the generating station. Therefore, transmission charges for the delay in commissioning on the part of solar power generators shall be payable by such solar generators/SPPD on



the same lines as the liability for payment by the thermal and hydro generating stations in accordance with the 2014 Tariff Regulations.

22. The Petitioner has contended that upon execution of Asset-1(c) & (d), Asset-3, and Asset-4 at Bhadla Sub-station of the Petitioner, 200 MW of AREPRL power was flowing through the system, and its recovery was included in the common pool as per tariff regulations and sharing regulations notified by the Commission. According to the Petitioner, only 50 MW of generation was commissioned on 27.7.2019, and that was the reason AREPRL was made liable to pay the proportionate transmission charges for the period of mismatch from the COD of the respective transmission asset to 26.7.2019. The charges for the respective transmission asset, therefore, could not be recovered from the common pool, and the same needs to be paid by the generator whose generation was delayed, as per the provisions of the regulations and regulatory approvals.

23. As per order dated 31.3.2016 in Petition No. 1/MP/2016 read with corrigendum order dated 31.3.2016, the following transmission scheme has been approved for evacuation of power from Saurya Urja Company of Rajasthan Limited [SUCRL] (500 MW), Adani Renewable Energy Park Rajasthan Limited [AREPRL] (250 MW) and Essel Saurya Urja Company of Rajasthan Limited [ESUCRL] (750 MW):

- (a) "Establishment of 765/400/220 kV (765/400 kV: 3x1500 MVA, 400/220 kV, 3X500 MVA) Pooling Station at Bhadla (PG);
- (b) 765 kV Bhadla (PG)-Bikaner (PG) D/C
- (c) 400 kV Bhadla (PG)-Bhadla (RVPN) D/C (Quad)
- (d) 2 nos. 400 kV and 4 nos 220 kV line bays at Bhadla (PG) for interconnection of solar parks inter-connection
- (e) 1x240 MVar switchable line reactor at each end (each ckt) of the 765 kV Bhadla (PG)-Bikaner (PG) D/C line
- (f) 1x124 MVar (765 kV) and 1x125 MVar (400 kV) Bus reactor at Bhadla Pooling Station

24. The relevant extracts of the regulatory approval order dated 31.3.2016 in Petition No. 1/MP/2016 are as follows:

“26. With regard to recovery of transmission charges on account of delay in commissioning of solar generation, in the Statement of Reasons for the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-state Transmission and related matters) (Fifth Amendment) Regulations, 2015, and Central Electricity Regulatory Commission (Grant of Regulatory Approval for execution of Inter-State Transmission Scheme to Central Transmission Utility) (First Amendment) Regulations, 2015, the following has been clarified:

“8.2.1 With regard to the suggestions of PGCIL, it is clarified that SPPD who shall apply for Connectivity/Long term Access shall be liable to deposit Application Bank Guarantee/Construction Bank Guarantee as required under Connectivity Regulation. Further, SPPD shall also be liable for payment of transmission charges for delay in commissioning of generator and relinquishment charges towards transmission access under Connectivity Regulations and Sharing Regulations. Regulation 7(1)(u) of the Sharing Regulations provides that “No transmission charges for the use of ISTS network shall be charged to solar based generation” is applicable only when the power is evacuated through the transmission system to the beneficiaries after the commercial operation of the generating station. Therefore, transmission charges for delay in commissioning of solar power generators shall be payable by such solar generators/SPPD on the same line as the liability for payment by the thermal and hydro generating station in accordance with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014.

8.2.2 With regard to delay of internal system, it is clarified that SPPD shall be executing internal system on behalf of solar power generators. The treatment of delay or other modalities should be covered in Agreement between solar power generators and SPPD. In regard to NTPC’s comments on development of transmission matching with generation, it is clarified that CTU shall carry out coordination with the SPPD/solar power generators in accordance with Section 38 of the Act.”

Therefore, the transmission charges for delay in commissioning on the part of solar power generators shall be paid by such solar generators/SPPD on the same line as the liability for payment by the thermal and hydro generating stations in accordance with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014.

25. Further, the LTA Agreement dated 11.5.2016, signed between the Petitioner/CTUIL and AREPRL, provides as follows:

“d) Whereas, if the ‘LTC’ fails to construct the generating station/dedicated transmission system/internal transmission system or makes an exit or abandons its project, the ‘LTC’ shall be liable to comply with directions as issued by the Central Commission from time to time.”

26. Commission vide its RoP dated 26.07.2023 directed CTUIL to submit the details of the connectivity system and LTA system associated with three generators, i.e.



AREPRL, Saurya Urja Company of Rajasthan Ltd., Essel Saurya Urja Company of Rajasthan Ltd. CTUIL vide its affidavit dated 31.10.2023 has submitted the following:

Connectivity System:

That Connectivity was granted to AREPRL, Saurya Urja Company of Rajasthan Ltd., Essel Saurya Urja Company of Rajasthan Ltd. at Bhadla (PG) S/s through a separate 220kV D/c line. Lines were to be implemented by the above RE generators. However, for the termination of the 220kV line from AREPRL & Saurya Urja at Bhadla (PG), 220kV bays (2 nos.. for AREPRL and 2 nos.. for Saurya Urja) at Bhadla (PG) S/s were implemented under ISTS. 220kV bays for Essel Saurya Urja were implemented by Essel Saurya itself.

LTA System:

Common transmission system for LTA of M/s AREPRL, M/s Saurya Urja & M/s Essel Saurya:

- i. Establishment of Pooling Station at Bhadla (PG) (765/400kV: 3x1500MVA and 400/220kV: 3x500 MVA)
- ii. 765kV Bhadla (PG) – Bikaner (PG) D/c line.
- iii. 400kV Bhadla (PG) – Bhadla (RVPN) D/c line (Quad).
- iv. 1x240MVAr switchable line reactor at each end (each circuit) of 765kV Bhadla (PG) – Bikaner (PG) D/c line.
- v. 1x240MVAr (765kV) & 1x125 MVAr (400kV) bus reactors at Bhadla Pooling Station.

In addition to the above, 1x500 MVA, 400/220kV transformer (4th ICT) at Bhadla (PG) was associated with LTA of M/s Essel Saurya. This ICT was also utilized by other RE generators, granted LTAs at Bhadla (PG).

It may also be mentioned that 400/220kV ICTs implemented as part of the LTA system are to be utilized by the RE generator. Accordingly, the 400/220 kV ICTs may be considered as an Associated Transmission System (ATS) with the LTA of the RE generator. Considering this, transmission lines as well as 765/400 kV ICTs at Bhadla (PG) may be considered to serve a common purpose, i.e., the evacuation of RE power from different pockets/potential areas. However, 400/220 kV ICTs along with 220 kV terminating bays for dedicated lines are being

considered as an Associated Transmission System (ATS) with the LTA of the RE generator.

27. We would also like to discuss here the provisions of Regulation 8(5) of the 2010

Sharing Regulations, which are as follows:

“8. Determination of specific transmission charges applicable for a Designated ISTS Customer:

(5) Where the Approved Withdrawal or Approved Injection in case of a DIC is not materializing either partly or fully for any reason whatsoever, the concerned DIC shall be obliged to pay the transmission charges allocated under these regulations.

Provided that in case the commissioning of a generating station or unit thereof is delayed, the generator shall be liable to pay Withdrawal Charges corresponding to its Long Term Access from the date the Long Term Access granted by CTU becomes effective. The Withdrawal Charges shall be at the average withdrawal rate of the target region.

Provided further that where the operationalization of LTA is contingent upon commissioning of several transmission lines or elements and only some of the transmission lines or elements have been declared commercial, the generator shall pay the transmission charges for LTA operationalised corresponding to the transmission system commissioned:

Provided also that where the construction of dedicated transmission line has been taken up by the CTU or the transmission licensee, the transmission charges for such dedicated transmission line shall be payable by the generator as provided in the Regulation 8 (8) of the Connectivity Regulations:

Provided also that a generating station drawing start-up power or injecting infirm power before commencement of LTA shall be liable to pay the withdrawal or injection charges corresponding to the actual injection of infirm power or withdrawal start-up power during a month (concerned month) and the amount received on account of such payments shall be reimbursed to the DICs in the month following the month of billing, in proportion to the billing of the DICs during the concerned month.

Provided also that CTU shall maintain a separate account for the above amount received in a quarter and deduct the same from the transmission charges of ISTS considered in PoC calculation for the next application period. ”

As per the above provisions, where construction of a dedicated transmission line has been taken up by the CTU or the transmission licensee, the transmission charges for such a dedicated transmission line are required to be paid by the generator in terms of Regulation 8 (8) of the Connectivity Regulations.

28. Regulation 8(8) of the Connectivity Regulations, 2009 is extracted as under:

“8. An applicant may be required by the Central Transmission Utility to construct a dedicated line to the point of connection to enable connectivity to the grid:



Provided that a thermal generating station of 500 MW and above and a hydro generating station or a generating station using renewable sources of energy of capacity of 250 MW and above, other than a captive generating plant, shall not be required to construct a dedicated transmission line to the point of connection and such station shall be taken into account for coordinated transmission planning by the Central Transmission utility and Central Electricity Authority.

Provided further that the construction of such dedicated transmission line may be taken up by the CTU or the transmission licensee in phases corresponding to the capacity which is likely to be commissioned in a given time frame after ensuring that the generating company has already made the advance payment for the main plant packages i.e. Turbine island and steam generator island or the EPC contract in case of thermal generating station and major civil work packages or the EPC contract in case of hydro generating stations for the corresponding capacity of the phase or the phases to be commissioned, subject to a minimum of 10% of the sum of such contract values:

Provided also that the transmission charges for such dedicated transmission line shall be payable by the generator even if the generation project gets delayed or is abandoned.”

29. Considering the paras 23 to 28, it is clearly established that the Associated Transmission System for the three generators namely, Saurya Urja Company of Rajasthan Limited [SUCRL] (500 MW), Adani Renewable Energy Park Rajasthan Limited [AREPRL] (250 MW) and Essel Saurya Urja Company of Rajasthan Limited [ESUCRL] (750 MW) for providing connectivity to the ISTS was being implemented under ISTS as dedicated transmission systems. The dedicated transmission system for Adani Renewable Energy Park Rajasthan Limited [AREPRL] (250 MW) includes the following:

S.No	Transmission element	Implementation
1	AREPRL – Bhadla 220 kV D/C line	By M/s AREPRL
2.	2 nos. of 220 kV bays at Bhadla (PG)	Under ISTS as ATS
3	3x500 MVA, 400/220 kV ICT (proportionate capacity of 250 MW)	Under ISTS as ATS

30. The Asset-1 of the petitioner has achieved COD on 29.04.2019. The Asset-1 comprises 4 transmission elements included as detailed below:

Asset	Transmission element	ATS/CTS
1(a)	400 kV D/C Bhadla (POWERGRID)- Bhadla (RVPNL) Circuits 1 and 2, along with associated bays	CTS
1(b)	1 number of 400 kV, 125 MVAR Bus Reactor along with associated bays at Bhadla (POWERGRID) Sub-station	CTS

1(c)	400 kV, 500 MVA ICT-2 along with associated bays at Bhadla (POWERGRID) Sub-station	ATS
1(d)	220 kV, Adani Bhadla (Pooling station) line-1 bay at Bhadla (POWERGRID) Sub-station	ATS

Since asset 1(a) and 1(b) are included in the common transmission system accordingly its transmission charges w.e.f. from COD has been included in the PoC pool, whereas element 1(c) & 1(d) are ATS for M/s AREPRL, therefore, its transmission charges proportionate to the capacity commissioned has only been included in the PoC pool.

31. Accordingly, the recovery of charges of the connectivity system of M/s AREPRL shall be in terms of the third proviso of Regulation 8(5) and not in terms of the second proviso of Regulation 8(5) of the Sharing Regulation 2010, as contended by M/s AREPRL. M/s AREPRL is liable for payment of bilateral charges as per the Commission in its order finding in 11.6.2022 in Petition No.9/TT/2021. The Commission in its order dated 11.6.2022 in Petition No. 9/TT/2021 had bifurcated the transmission scheme into common transmission system for evacuation of RE power and Associated Transmission System (ATS) which was exclusively developed for evacuation of RE power and in the said order held that the transmission charges towards common transmission system, which is used for evacuation of RE power, was included in the PoC Pool whereas the Associated Transmission System was included in the PoC pool in proportionate to the generation capacity/LTA capacity commissioned.

Issue No. 2: Whether ESUCRL can be made liable for payment of transmission charges of the entire 750 MW Bhadla Solar Park before the effective date of LTA on 1.06.2021?

32. ESUCRL has submitted that the Petitioner, vide letter dated 19.05.2021, informed Respondent No. 20 that the effective date of the 750 MW Long-Term Access Agreement (LTAA) was 01.06.2021; however, the Petitioner has erroneously stated in

the Petition that the start date was 31.12.2018. This error is contradicted by the CERC Judgment dated 11.06.2022, which clearly records that the LTAA was operationalised from 01.06.2021. Therefore, without prejudice, it is submitted that transmission charges cannot be imposed for any period prior to the grant and operationalisation of the said LTAA.

33. The petitioner has submitted that the Commission, in line with the applicable provisions of the Sharing Regulations, 2010 and 2020, as well as its consistent regulatory approach including the decision in Petition No. 1/MP/2016, has rightly held that ESUCRL is liable to pay transmission charges for the mismatch period during which POWERGRID's associated transmission assets (Assets 1(c), 3, and 4) had achieved COD, but the corresponding solar generation capacity (750 MW) at ESUCRL's end was either partially commissioned or remained uncommissioned. The regulatory framework clearly mandates that in cases of delayed COD of a generating station while the transmission system is ready, the generator must bear the transmission charges to avoid burdening other stakeholders and ensure recovery of costs for assets developed on time.

34. We have gone through the submissions of the petitioner and ESUCRL. ESUCRL had applied for LTA vide its application dated 30.05.2015, for the evacuation of 750 MW of Power from Phalodi-Pokhra Solar Power Park at Jaisalmer. CTUIL vide its letter dated 12.10.2017 has granted LTA, while the Long-term Access and Transmission Service Agreement was executed between CTUIL and ESUCRL on 7.11.2017. The LTA was granted from 31.12.2018 or on the availability of the ISTS Petitioner for LTA, whichever was later.

POWER GRID CORPORATION OF INDIA LTD.
Intimation for Grant of Long -Term Access (LTA)

1	Intimation No. Date :	C/CTU-Plg/N/LTA/271 12.10.2017
2	Ref. Application No. Date :	1200000271 30.12.2015
3	Name of the Applicant	Essel Saurya Urja Company of Rajasthan Limited
4	Address for Correspondence	M/s Essel Saurya Urja Company of Rajasthan Limited Office no. 509, 5 th Floor, Crown Squire, Gandhi Path, Vaishali Nagar, Jaipur, Rajasthan
5	Nature of the Applicant Normal Generator (other than captive) Captive Generator Bulk Consumer Electricity Trader Distribution Licensee Solar Park Developer Others	Solar Power Park Developer
6	Details for Long Term Access (LTA)	
6a	Quantum (MW) for which LTA is granted	750 MW (Solar)
7	Injection of Power (more than one only in case of single Drawl) Entity-1 State/Region Quantum-1 Connectivity with the Grid	Essel Saurya Urja Company of Rajasthan Limited Rajasthan/ NR 750 MW 765/400/220 kV Bhadla PS (PGCIL)
8	Drawl of Power (more than one only in case of single Injection) Entity-1 State/Region Quantum-1 Connectivity with the Grid Entity-2 State/Region Quantum -2 Connectivity with the Grid	Target NR 400 MW Interconnection of STU with ISTS network Target WR 350 MW Interconnection of STU with ISTS network
9	Transmission System required for LTA	Transmission system for LTA as per Annexure-A

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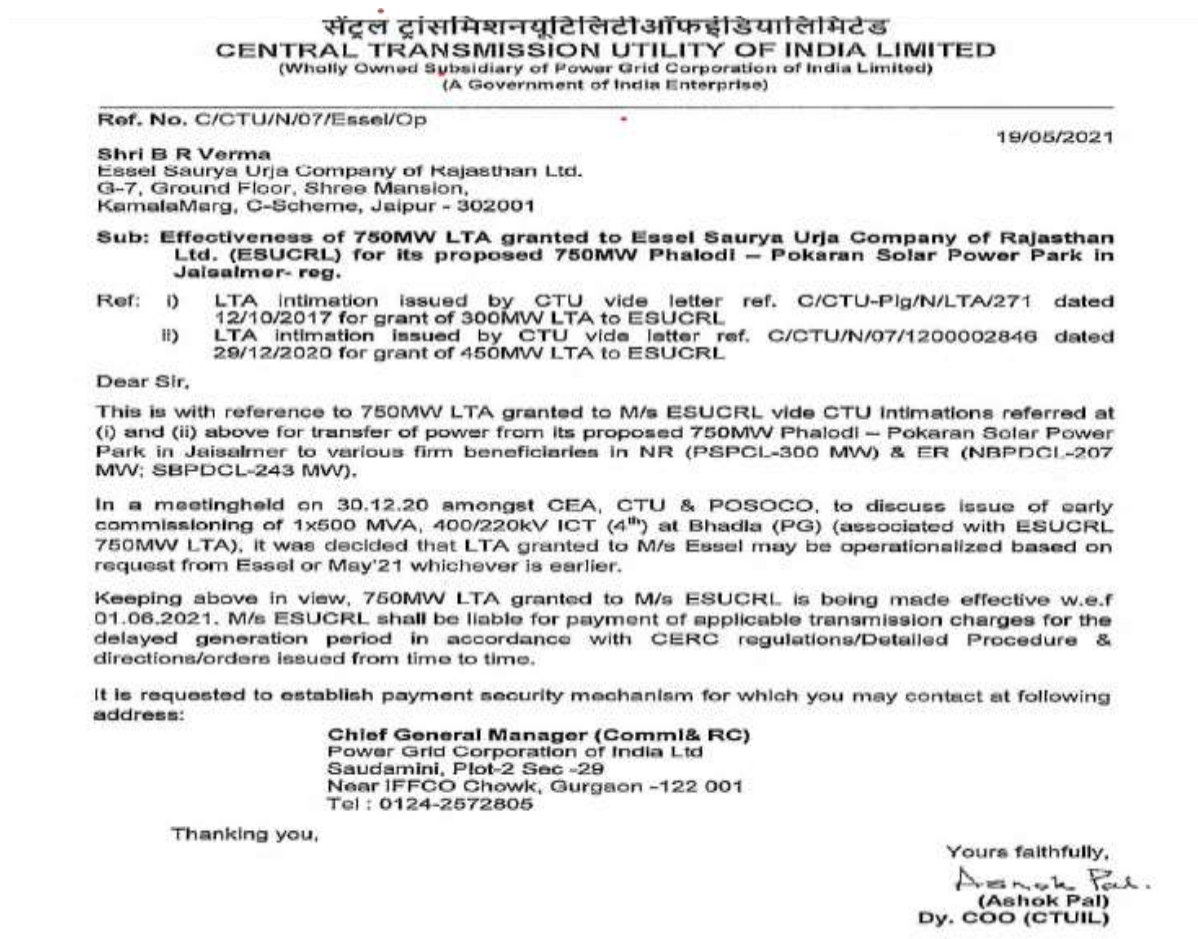


9a	Date from which LTA is granted	31.12.2018 or Availability of ISTS system for LTA, whichever is later
9b	Date upto which LTA is granted	30.06.2042
9c	Implementing Agency for transmission system required for LTA	POWERGRID
9d	Agencies between which agreement is to be signed for implementation of transmission system	Essel Saurya Urja Company of Rajasthan Limited & CTU i.e. POWERGRID
9e	Amount (in Rupees) for which Bank Guarantee is to be provided by the applicant	Rs. 37.5 Cr. (at the rate of 5 lac/MW)
10	Transmission Charges Applicable	Transmission charges as per CERC Sharing of ISTS charges & Losses Regulations, 2010
11	Amount (in Rupees) for which Bank Guarantee is to be provided by the applicant	NA

35. As per the transmission service agreement, ESUCRL is bound by the liabilities under the 2010 Sharing Regulations under the Transmission Agreement. The relevant extracts of the TSA are as follows:

- d) Whereas, if the 'LTC' fails to construct the generating station/ dedicated transmission system/internal transmission system or makes an exit or abandons its project, the 'LTC' shall be liable to comply with directions as issued by the Central Electricity Regulatory Commission from time to time.

36. CTUIL vide its letter dated 19.05.2021 had informed M/s ESUCRL that the 750 MW LTA granted to M/s ESUCRL was being made effective from 01.06.2021, and M/s ESUCRL shall be liable for payment of applicable transmission charges for the delayed generation period in accordance with CERC regulations/ procedure & directions/orders issued from time to time.



37. It was also mentioned that the transmission system for LTA was as follows:



Transmission system for LTA

- **Common transmission system for LTA of M/s Adani, M/s Saurya & M/s ESUCRL:**
 - 765kV Bhadla (PG) – Bikaner (PG) D/c.
 - 400kV Bhadla (PG) – Bhadla (RVPN) D/c (Quad).
 - Establishment of Pooling Station at Bhadla (PG) (765/400kV: 3x1500MVA and 400/220kV: 3x500 MVA).
 - 1x240MVar switchable line reactor at each end (each circuit) of 765kV Bhadla (PG) – Bikaner (PG) D/c line.
 - 1x240MVar (765kV) & 1x125 MVar (400kV) bus reactors at Bhadla Pooling Station.
 - **Additional transmission system for LTA of M/s ESUCRL:**
 - 1x500MVA, 400/220kV transformer (4th ICT) at Bhadla Pooling Station (PG).
-

38. As per our order dated 31.3.2016 in Petition No. 1/MP/2016 read with corrigendum order dated 31.3.2016, the following transmission scheme has been approved for evacuation of power from Saurya Urja Company of Rajasthan Limited [SUCRL] (500 MW), Adani Renewable Energy Park Rajasthan Limited [AREPRL] (250 MW) and Essel Saurya Urja Company of Rajasthan Limited [ESUCRL] (750 MW):

- (a) “Establishment of 765/400/220 kV (765/400 kV: 3x1500 MVA, 400/220 kV, 3X500 MVA) Pooling Station at Bhadla (PG);
- (b) 765 kV Bhadla (PG)-Bikaner (PG) D/C
- (c) 400 kV Bhadla (PG)-Bhadla (RVPN) D/C (Quad)
- (d) 2 nos. 400 kV and 4 nos 220 kV line bays at Bhadla (PG) for interconnection of solar parks inter-connection
- (e) 1x240 MVar switchable line reactor at each end (each ckt) of the 765 kV Bhadla (PG)-Bikaner (PG) D/C line
- (f) 1x124 MVar (765 kV) and 1x125 MVar (400 kV) Bus reactor at Bhadla Pooling Station

39. The relevant extracts of the regulatory approval order dated 31.3.2016 in Petition No. 1/MP/2016 are as follows:

“26. With regard to recovery of transmission charges on account of delay in commissioning of solar generation, in the Statement of Reasons for the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-state Transmission and related matters) (Fifth Amendment) Regulations, 2015, and Central Electricity Regulatory Commission (Grant

of Regulatory Approval for execution of Inter-State Transmission Scheme to Central Transmission Utility) (First Amendment) Regulations, 2015, the following has been clarified:

"8.2.1 With regard to the suggestions of PGCIL, it is clarified that SPPD who shall apply for Connectivity/Long term Access shall be liable to deposit Application Bank Guarantee/Construction Bank Guarantee as required under Connectivity Regulation. Further, SPPD shall also be liable for payment of transmission charges for delay in commissioning of generator and relinquishment charges towards transmission access under Connectivity Regulations and Sharing Regulations. Regulation 7(1)(u) of the Sharing Regulations provides that "No transmission charges for the use of ISTS network shall be charged to solar based generation" is applicable only when the power is evacuated through the transmission system to the beneficiaries after the commercial operation of the generating station. Therefore, transmission charges for delay in commissioning of solar power generators shall be payable by such solar generators/SPPD on the same line as the liability for payment by the thermal and hydro generating station in accordance with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014.

8.2.2 With regard to delay of internal system, it is clarified that SPPD shall be executing internal system on behalf of solar power generators. The treatment of delay or other modalities should be covered in Agreement between solar power generators and SPPD. In regard to NTPC's comments on development of transmission matching with generation, it is clarified that CTU shall carry out coordination with the SPPD/solar power generators in accordance with Section 38 of the Act."

Therefore, the transmission charges for delay in commissioning of solar power generators shall be paid by such solar generators/SPPD on the same line as the liability for payment by the thermal and hydro generating stations in accordance with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014.

40. The Commission, in its order dated 11.06.2022 in petition no. 9/TT/2021 at para 93, has observed the following:

"93. The Petitioner has implemented transmission system which is capable of transferring about 3000 MW power from Bhadla Solar Park. The transmission system has been developed considering the potential of various RE generators associated with Ultra mega Solar park at Bhadla. In order to facilitate Pooling of power from various solar power generators in the park as well as evacuate and transfer of power from Ultra mega Solar park at Bhadla, the Petitioner has proposed to establish 765/400/220 kV Pooling station at Bhadla along with 765 kV interconnection to Bikaner Substation and Bhadla Poling station is interconnected with Bhadla (RVPN) substation through a 400 kV D/C line. The petitioner also developed necessary 220 kV & 400 kV interconnection line from Solar Power parks upto 220/400/765 kV Bhadla Pooling station. The instant transmission system has been evolved in a comprehensive manner which consists of associated transmission system (ATS) for immediate inter connection and transfer of power and second is common transmission system which can be utilised by the existing and upcoming RE generators, as indicated below:



Saurya Urja Company of Rajasthan Ltd.(500 MW)	Bhadla	ATS: 3x500 MVA, 400/220 kV ICT at Bhadla
		2 numbers of 220 kV bays
		Common transmission system
		Pooling Station at Bhadla (PG) (765/400 kV: 3x1500MVA)
		Bhadla (PG) - Bhadla (RVPN) 400 kV D/C line (Quad)
		Bhadla (PG) - Bikaner 765 kV D/C line, along with 240 MVar Switchable line reactors at each end (each circuit)
		1x240MVar (765 kV) & 1x125 MVar (420 kV) Bus Reactors at Bhadla (PG)
Essel Saurya Company of Rajasthan Ltd. (750 MW)	Bhadla	ATS: 3x500MVA+1x500 MVA, 400/220kV ICT at Bhadla
		Common transmission system
		Pooling Station at Bhadla (PG) (765/400 kV: 3x1500MVA)
		Bhadla (PG) - Bhadla (RVPN) 400 kV D/C line (Quad)
		Bhadla (PG) - Bikaner 765 kV D/C line along with 240MVar Switchable line reactors at each end (each circuit)
		1x240MVar (765 kV) & 1x125MVar (420 kV) Bus Reactors at Bhadla (PG)
Adani Renewable Energy Park Rajasthan Ltd. (250 MW)	Bhadla	ATS
		3x500 MVA, 400/220 kV ICT at Bhadla
		2 numbers of 220 kV bays
		Common transmission system
		Pooling Station at Bhadla (PG) (765/400 kV: 3x1500MVA)
		Bhadla (PG) - Bhadla (RVPN) 400 kV D/C line (Quad)
		Bhadla (PG) - Bikaner 765 kV D/C line, along with 240MVar Switchable line reactors at each end (each circuit)
		1x240MVar (765 kV) & 1x125MVar (420 kV) Bus Reactors at Bhadla (PG)

41. The Commission, vide its RoP dated 26.07.2023, directed the CTUIL to submit the details of the connectivity system and LTA system associated with three generators,

i.e. AREPRL, Saurya Urja Company of Rajasthan Ltd., Essel Saurya Urja Company of Rajasthan Ltd. CTUIL vide its affidavit dated 31.10.2023 has submitted the following:

Connectivity System:

That Connectivity was granted to AREPRL, Saurya Urja Company of Rajasthan Ltd., Essel Saurya Urja Company of Rajasthan Ltd. at Bhadla (PG) S/s through a separate 220kV D/c line. Lines were to be implemented by the above RE generators. However, for the termination of the 220kV line from AREPRL & Saurya Urja at Bhadla (PG), 220kV bays (2 nos. for AREPRL and 2 nos. for Saurya Urja) at Bhadla (PG) S/s were implemented under ISTS. 220kV bays for Essel Saurya Urja were implemented by Essel Saurya itself.

LTA System:

Common transmission system for LTA of M/s AREPRL, M/s Saurya Urja & M/s Essel Saurya:

- i. Establishment of Pooling Station at Bhadla (PG) (765/400kV: 3x1500MVA and 400/220kV: 3x500 MVA)
- ii. 765kV Bhadla (PG) – Bikaner (PG) D/c line.
- iii. 400kV Bhadla (PG) – Bhadla (RVPN) D/c line (Quad).
- iv. 1x240MVAr switchable line reactor at each end (each circuit) of 765kV Bhadla (PG) – Bikaner (PG) D/c line.
- v. 1x240MVAr (765kV) & 1x125 MVAr (400kV) bus reactors at Bhadla Pooling Station.

In addition to the above, 1x500MVA, 400/220kV transformer (4th ICT) at Bhadla (PG) was associated with LTA of M/s Essel Saurya. This ICT was also utilized by other RE generators, granted LTAs at Bhadla (PG).

It may also be mentioned that 400/220kV ICTs being implemented as part of the LTA system are to be utilized by the RE generator. Accordingly, the 400/220kV ICTs may be considered as an Associated Transmission System (ATS) with the LTA of the RE generator. Considering this, transmission lines as well as 765/400kV ICTs at Bhadla (PG), may be considered to serve a common purpose, i.e. evacuation of RE power from different pockets/potential areas. However,



400/220kV ICTs along with 220kV terminating bays for dedicated lines are being considered as an Associated Transmission System (ATS) with the LTA of the RE generator.

42. We would also like to discuss here the provisions of Regulation 8(5) of the 2010 Sharing Regulations, which are as follows:

“8. Determination of specific transmission charges applicable for a Designated ISTS Customer:

(5) Where the Approved Withdrawal or Approved Injection in case of a DIC is not materializing either partly or fully for any reason whatsoever, the concerned DIC shall be obliged to pay the transmission charges allocated under these regulations.

Provided that in case the commissioning of a generating station or unit thereof is delayed, the generator shall be liable to pay Withdrawal Charges corresponding to its Long Term Access from the date the Long Term Access granted by CTU becomes effective. The Withdrawal Charges shall be at the average withdrawal rate of the target region.

Provided further that where the operationalization of LTA is contingent upon commissioning of several transmission lines or elements and only some of the transmission lines or elements have been declared commercial, the generator shall pay the transmission charges for LTA operationalised corresponding to the transmission system commissioned:

Provided also that where the construction of dedicated transmission line has been taken up by the CTU or the transmission licensee, the transmission charges for such dedicated transmission line shall be payable by the generator as provided in the Regulation 8 (8) of the Connectivity Regulations:

Provided also that a generating station drawing start-up power or injecting infirm power before commencement of LTA shall be liable to pay the withdrawal or injection charges corresponding to the actual injection of infirm power or withdrawal start-up power during a month (concerned month) and the amount received on account of such payments shall be reimbursed to the DICs in the month following the month of billing, in proportion to the billing of the DICs during the concerned month.

Provided also that CTU shall maintain a separate account for the above amount received in a quarter and deduct the same from the transmission charges of ISTS considered in PoC calculation for the next application period. ”

As per the above provisions, where construction of a dedicated transmission line has been taken up by the CTU or the transmission licensee, the transmission charges for such dedicated transmission line are required to be paid by the generator in terms of Regulation 8 (8) of the Connectivity Regulations.

43. Regulation 8(8) of Connectivity Regulations 2009 is extracted as under:

“8. An applicant may be required by the Central Transmission Utility to construct a dedicated line to the point of connection to enable connectivity to the grid:

Provided that a thermal generating station of 500 MW and above and a hydro generating station or a generating station using renewable sources of energy of capacity of 250 MW and above, other than a captive generating plant, shall not be required to construct a dedicated transmission line to the point of connection and such station shall be taken into account for coordinated transmission planning by the Central Transmission utility and Central Electricity Authority.

Provided further that the construction of such dedicated transmission line may be taken up by the CTU or the transmission licensee in phases corresponding to the capacity which is likely to be commissioned in a given time frame after ensuring that the generating company has already made the advance payment for the main plant packages i.e. Turbine island and steam generator island or the EPC contract in case of thermal generating station and major civil work packages or the EPC contract in case of hydro generating stations for the corresponding capacity of the phase or the phases to be commissioned, subject to a minimum of 10% of the sum of such contract values:

Provided also that the transmission charges for such dedicated transmission line shall be payable by the generator even if the generation project gets delayed or is abandoned.”

44. Considering the paras 38 to 42, it is clearly established that the Associated Transmission System for the three generators namely, Saurya Urja Company of Rajasthan Limited [SUCRL] (500 MW), Adani Renewable Energy Park Rajasthan Limited [AREPRL] (250 MW) and Essel Saurya Urja Company of Rajasthan Limited [ESUCRL] (750 MW) for providing connectivity to the ISTS has been implemented under ISTS as dedicated transmission system. The dedicated transmission system for Essel Saurya Urja Company of Rajasthan Limited [ESUCRL] (750 MW) includes the following:

S. No.	Transmission element	Implementation
1	ESUCRL – Bhadla 220 kV D/C line	By M/s ESUCRL
2.	2 nos. of 220 kV bays at Bhadla (PG)	By M/s ESUCRL
3	3x500 MVA, 400/220 kV ICTs at Bhadla Substation (proportionate capacity of 750 MW) : Asset 1(c), Asset -3 & Asset-4 1X500 MVA, 400/220 kV ICT (4 th) at Bhadla Substation.	Under ISTS as ATS

45. The Asset-1(c), Asset-3, Asset-4 and 400/220 kV (4th ICT) have achieved COD on 29.04.2019, 17.05.2019, 01.06.2019 and 03.01.2021, respectively, whereas M/s

ESUCRL has commissioned its 300 MW generation capacity out of 750 MW on 18.06.2021.

46. Accordingly, the recovery of charges of the connectivity system of M/s ESUCRL from their COD to 31.10.2020 shall be in terms of the third proviso of Regulation 8(5) of the Sharing Regulation 2010. M/s ESUCRL is liable for payment of bilateral charges from COD to 31.10.2020 as per the Commission's finding in its order 11.6.2022 in Petition No. 9/TT/2021.

47. The Sharing Regulations 2010 were repealed, and the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 were made effective from 1.11.2020. Regulation 2(1)(b) of the 2020 sharing Regulations defines the 'Associated Transmission System' or 'ATS', as under:

“Associated Transmission System’ or ‘ATS’ means the transmission system identified for a generating station by the Central Transmission Utility in the Long-Term Access grant.”

48. Regulation 2(1)(g) of the 2020 sharing Regulations defines the 'COD of the Associated Transmission System', as under:

“COD of the Associated Transmission System’ shall mean COD of the last transmission element of the Associated Transmission System.”

49. Regarding sharing transmission charges in specific cases, Regulation 11(3) of the 2020 sharing regulation specifies that *“Where COD of a generating station or unit(s) thereof is delayed and the Associated Transmission System has achieved COD, which is not earlier than its SCOD, the generating station shall pay Yearly Transmission Charges for the Associated Transmission System corresponding to Long Term Access granted for the generating station or unit(s) thereof, which have not achieved COD”*.

50. In the Long-Term Access granted to M/s ESUCRL, the following elements of the transmission system were identified by CTUIL:

Transmission system for LTA

- **Common transmission system for LTA of M/s Adani, M/s Saurya & M/s ESURCL:**
 - 765kV Bhadla (PG) – Bikaner (PG) D/c.
 - 400kV Bhadla (PG) – Bhadla (RVPN) D/c (Quad).
 - Establishment of Pooling Station at Bhadla (PG) (765/400kV: 3x1500MVA and 400/220kV: 3x500 MVA).
 - 1x240MVar switchable line reactor at each end (each circuit) of 765kV Bhadla (PG) – Bikaner (PG) D/c line.
 - 1x240MVar (765kV) & 1x125 MVar (400kV) bus reactors at Bhadla Pooling Station.
- **Additional transmission system for LTA of M/s ESURCL:**
 - 1x500MVA, 400/220kV transformer (4th ICT) at Bhadla Pooling Station (PG).

51. In terms of the Sharing Regulations 2020, all the transmission elements mentioned above are included in the LTA granted to M/s ESURCL, which will be the ATS and the COD of the ATS is the COD of the last element of the ATS, which is the COD of the 500 MVA, 400/200 kV ICT (4th), i.e., 03.01.2021. It is noted that the common transmission system implemented by the petitioner, which consists of 3 nos. of 500 MVA ICTs at Bhadla substation, is sufficient for the evacuation of 1500 MW power. Accordingly, we are of the view that ESURCL would have been able to evacuate 750 MW from the common transmission system implemented by the petitioner; therefore, M/s ESURCL is liable for payment of Yearly Transmission Charges for the Associated Transmission System corresponding to 750 MW from 1.11.2020 till 17.06.2021 and corresponding to 450 MW from 18.06.2021 till 30.09.2023.

52. The Principal Sharing Regulations, 2020 were amended vide First Amendment of SR, 2023 and are effective from 1.10.2023. The First Amendment of SR, 2023 is defined as Associated Transmission System, or 'ATS' is extracted as under:

“Associated Transmission System’ or ‘ATS’ shall have the same meaning as defined in GNA Regulations.”

53. As per GNA Regulation, 2022, ATS has been specified as under:

“-----
6.2 Of the augmentation requirement as identified under Regulation 6.1 of these regulations, augmentation required for immediate evacuation of power of the Applicant (s), excluding terminal bay(s), shall be considered as the Associated Transmission System (ATS) for the Applicant(s).”

54. As per GNA regulations, 2022, on receipt of applications for grant of Connectivity, the Nodal Agency shall carry out an interconnection study as specified in the CEA Technical Standards for Connectivity, along with the requirement of augmentation to the existing ISTS, if any, for enabling transfer of power over ISTS under General Network Access. And out of the total augmentation identified, the augmentation required for the immediate evacuation of power of the Applicant (s) shall be considered as the Associated Transmission System (ATS) for the Applicant(s).

55. The Petitioner has implemented a transmission system which is capable of transferring about 3000 MW of power from Bhadla Solar Park. The transmission system identified consists of a shared transmission system for evacuation of 3000 MW RE projects (ATS-shared) and a dedicated transmission system (ATS-dedicated) for 1500 MW RE projects. The ATS-dedicated includes 4 no. 400/220 kV 500 MVA ICTs at Bhadla substation for the evacuation of Power from the RE projects, i.e. (SUCRL- 500 MW, AREPRL - 250 MW and ESUCRL- 750 MW), which will be able to cater to the evacuation of RE capacity of 1500 MW with N-1 contingency. The ATS-shared portion includes 765/400 Bhadla Substation (3X1500 =4500 MVA) substation along with Bhadla- Bikaner 765 kV DC line and Bhadla (PG)- Bhadla (RVPN) 400 kV D/C line, which is capable of evacuating 3000 MW RE capacity.

56. In terms of the Sharing Regulations 2020, during the period from 1.11.2020 to 30.09.2023, only 50% of the YTC of ATS- shared can be levied on these 1500 MW RE capacity getting pooled at Bhadla (PG) in case of a mismatch and further only 50% of the ATS-Shared could have been considered for determination of transmission charges of DICs in accordance with Regulations 5 to 8 in case of the 1500 MW RE capacity achieving COD.



57. As on 1.11.2020, out of the identified 1500 MW RE capacity, 750 MW RE capacity (SUCRL- 500 MW, AREPRL - 250 MW) had already achieved COD, and the 750 MW RE project of M/s ESURCL is yet to achieve COD.

58. In case of M/s ESURCL, CTUIL vide its letter dated 19.05.2021 had operationalised 750 MW LTA granted to M/s ESUCRL with effect from 01.06.2021. Therefore, in the case of M/s ESUCRL, the mismatch period along with the liability of transmission charges beyond 1.11.2020 is as tabulated below:

S.no.	Transmission Element	Period	Transmission charges liability of M/s ESURCL
1	ATS : dedicated Asset 1(c): 400 kV, 500 MVA ICT-2, COD:29.04.2019 Asset -3: 400 kV, 500 MVA ICT-3 COD: 17.05.2019 Asset-4: 400 kV, 500 MVA ICT-1 COD: 01.06.2019	COD to 31.10.2020	As per the order dated 11.06.2022 in 9/TT/2021.
		1.11.2020 to 17.06.2021	Transmission charges are proportionate to 750 MW out of 1500 MW
		18.06.2021 to 30.09.2023	Transmission charges are proportionate to 450 MW out of 1500 MW
2	ATS : dedicated 400 kV, 500 MVA ICT-4 COD: 03.01.2021	03.01.2021 to 17.06.2021	Transmission charges are proportionate to 750 MW out of 1500 MW
		18.06.2021 to 30.09.2023	Transmission charges are proportionate to 450 MW out of 1500 MW
3.	ATS : shared	03.01.2021 to 17.06.2021	Transmission charges are proportionate to 750 MW out of 1500 MW of 50% of YTC of ATS: shared
		18.06.2021 to 30.09.2023	Transmission charges are proportionate to 450 MW out of 1500 MW of 50% of YTC of ATS: shared
4	Asset 1(c), Asset -3, Asset-4 and 400 kV, 500 MVA ICT-4 at Bhadla	1.10.2023 to 30.06.2024	Transmission charges are proportionate to 450 MW out of 1500 MW
		1.07.2024 to COD of 300 MW	Transmission charges are proportionate to 300 MW out of 1500 MW

Issue No.3:

Whether AREPRL can be made liable for payment of transmission charges for Asset-6, which achieved COD on 27.9.2019, while CEA granted approval to the



Petitioner for the LILO arrangement of Fatehgarh (TBCB)-Bhadla (PG) 765 D/C Line on 5.7.2019, which suggests that, subsequent to the grant of CEA's approval on 5.7.2019, Asset-6 was not part of Fatehgarh Solar Park ATS?

59. As regards Asset-6, the Commission, in an order dated 11.6.2022, held that the transmission charges from 30.7.2021 till COD of the generation under the control of AREPRL shall be borne by AREPRL. The relevant portion of the order is as follows:

"107. As per the minutes of the 39th Meeting of SCPSPNR and Minutes of 40th meeting of SCPSPNR, PGCIL was to construct 2 numbers of 400 kV line bays at Fatehgarh Pooling Station) for Fatehgarh Pooling Station-Bhadla D/C line (initially to be operated at 400 kV). The Petitioner was ready for COD of two 400 kV line bays at Bhadla (PG), however the associated transmission line under the scope of FBTCL was not ready. The COD of 2 numbers of 400 kV line bays at Bhadla (PG) (Asset-6) has been approved as 27.9.2019 under the second proviso to Regulation 5(2) of the 2019 Tariff Regulations as the associated transmission line i.e. 765 kV Fatehgarh-Bhadla Transmission Line under the scope of FBTCL was not ready on 27.9.2019. FBTCL declared the deemed COD of Fatehgarh Pooling Station-Bhadla D/C line (initially to be operated at 400 kV) on 30.7.2021. Therefore, the transmission charges of Asset-6 from 27.9.2019 to 29.7.2021 shall be borne by FBTCL. As on 30.7.2021 both transmission line and associated bays are ready but the generation under the control of AREPRL is not ready. Therefore, from 30.7.2021 onwards the transmission charges of Asset-6 shall be borne by AREPRL till COD of the generation under the control of AREPRL."

60. AREPRL has contended that on 5.7.2019, CEA's approval was granted to the Petitioner under Section 68 of the Act for the LILO arrangement of Fatehgarh (TBCB)-Bhadla (PG) 765 kV D/C line, as a result of which the FBTL line is limited to the LILO point (of Circuit-I) and Asset-6 (which was at the termination point of the FBTL line) was diverted towards the other line, i.e., Bhadla-I to Bhadla-II line being developed by the Petitioner under SEZ Phase-I scheme. AREPRL has also contended that the Commission vide its order dated 9.8.2019 in Petition No. 23/MP/2019, granted regulatory approval to the Petitioner for execution of the transmission scheme for Solar Energy Zones in Rajasthan including the said LILO arrangement and, as such from 5.7.2019 onwards, due to implementation of LILO arrangement in FBTL line, Asset-6 did not form part of ATS of the Fatehgarh Solar Park. Therefore, no liability can be imposed on AREPRL (i.e. well before COD of Asset-6 on 27.9.2019 or completion of Asset-6).



61. In response, the Petitioner has contended that Asset-6, i.e. 2 no. of 400 kV line bays at Bhadla (Powergrid) Sub-station, were ready from 27.9.2019 onwards. However, the 765 kV transmission line connecting to it was implemented by FBTL, which achieved COD on 31.7.2021, and as such, the Petitioner was granted deemed COD by the Commission under Regulation 5(2) of the 2019 Tariff Regulations, and FBTL was directed to pay transmission charges till 30.7.2021. It is contended that from 31.7.2021 onwards, the transmission charges of Asset-6 are to be borne by AREPRL till COD of the generation under the control of AREPRL. AREPRL did not raise any objection, nor did it raise any issue regarding the contingency scheme and LILO arrangement of the FBTL line. The Petitioner has contended that the Commission had rightly directed AREPRL to pay from 31.7.2021 till COD of generation by AREPRL as the bays remained unutilized due to AREPRL.

62. It is apt here to discuss the information furnished by CTUIL in the matter. CTUIL has contended that to facilitate the transfer of power from 8.9 GW of renewable energy potential in Western Rajasthan, the Transmission System for Solar Energy Zones in Rajasthan under Phase-I, was planned to be implemented. As part of the above scheme, LILO of both circuits of Fatehgarh PS–Bhadla (PG) 765 kV D/C line at Fatehgarh-II Pooling Station was envisaged, thus forming Fatehgarh PS–Fatehgarh-II PS and Fatehgarh-II PS–Bhadla (PG) section. Charging of Fatehgarh-II PS–Bhadla (PG) section at its rated voltage, i.e., 765 kV level, was also planned. It was also agreed that 2 nos. of 400 kV bays at Bhadla (PG) (earlier used for termination of Fatehgarh PS –Bhadla (PG) 765 kV D/C line (to be operated at 400 kV), which was to be vacated after charging of Fatehgarh-II PS–Bhadla (PG) section at 765 kV, would be utilized for termination of Bhadla-II PS – Bhadla (PG) 400 kV D/C line. Meanwhile, in view of the readiness of various renewable energy generators at Fatehgarh-II PS as part of the 8.9

GW RE potential and the delay in the implementation of the Phase-I transmission scheme, a contingency scheme was agreed upon till the commissioning of the identified Phase-I transmission scheme in the CEA Meeting held on 5.7.2021. Under the said contingency scheme, it was agreed that one circuit of Fatehgarh (TBCB)-Bhadla (PG) 765 kV D/C line, which was to be LILOed at Fatehgarh-II, would be used as Fatehgarh-II-Bhadla 400 kV line for transmitting the power of Fatehgarh-II to Bhadla (PG) at 400 kV voltage level. Further, one circuit of 400 kV D/C Bhadla- Bhadla-II line could also be charged by using some part of circuit-2 of Fatehgarh (TBCB)-Bhadla (PG) 765 kV D/C line for evacuation of power from Bhadla Sub-station through Bhadla-II Sub-station.

63. Under the contingency scheme, part of the FBTL system was utilized by other renewable generation projects at Fatehgarh-II Sub-station and for onward flow of power through Bhadla-II Sub-station w.e.f. 10.8.2021 (i.e. one circuit and one bay utilized for inter-connection with Fatehgarh-II Sub-station) and w.e.f. 5.9.2021 (i.e. the other circuit and bay utilized for interconnection with Bhadla-II Sub-station).

64. We have carefully considered the above contentions of AREPRL, Petitioner and CTUIL. The Commission vide its order dated 11.6.2022 has held that on 31.7.2021, the Associated Transmission System (ATS) for Fatehgarh Solar Park was ready. However, the generation plant under AREPRL was not ready. Therefore, transmission charges for Asset-6 from 31.7.2021 till COD of generation under Fatehgarh Solar Park were to be borne by AREPRL.

65. We have gone through the CEA minutes of the meeting held on 5.7.2021 through video conferencing to discuss the contingency scheme of the Petitioner/PGCIL for the evacuation of RE power from Fatehgarh-II Sub-station. The relevant extracts of the minutes are as follows:

Member (Power System), CEA, welcomed the participants and requested Chief Engineer,(PSPA-I), CEA, to take up the agenda. Chief Engineer (PSPA-1), CEA, stated



that the meeting had been convened to discuss contingency scheme proposed by Powergrid for evacuation of RE power of the solar generators ready for commissioning at Fatehgarh-II substation as the approved transmission system for evacuation of power (under implementation by Powergrid) from these generators would be ready by August, 2021. He then requested Director (PSPA-I), CEA, to elaborate the proposal.

1. Director (PSPA-I), CEA, stated that the 765/400 kV Fatehgarh-II Sub-station and LILO of both circuits of Fatehgarh (TBCB) - Bhadla (PG) 765 kV D/C Line (operating at 400 kV) at Fatehgarh-II (PS) so as to establish Fatehgarh (TBCB) - Fatehgarh -II 765 kV D/C Line (to be operated at 400 kV) and Fatehgarh-II - Bhadla 765 kV D/C Line are being executed by POWERGRID under Transmission Scheme for Solar Energy Zones in Rajasthan as Ph-I of 66.5 GW in Northern Region. Now, POWERGRID vide letter dated 22.06.2021 has submitted that the works are on the verge of completion, however, due to 2nd wave of COVID-19 pandemic, commissioning schedule has been extended to August, 21. Powergrid has further intimated that in a meeting with SECI and RE generators, it emerged that RE generators (M/s Eden, M/s Adani & M/s Renew Power) are ready / will be ready to inject RE Power at 220 kV voltage level at Fatehgarh-II substation by July, 21. However, as POWERGRID's entire 765/400/220 kV transmission system under Phase-I shall be ready for commissioning only by August, 21, POWERGRID has proposed a contingency scheme for the evacuation of power from above mentioned RE Generators from Fatehgarh-II Substation for July/Aug'21, till the commissioning of approved system. Director (PSPA-I), CEA, requested POWERGRID to present the proposed contingency arrangement.

2. Powergrid stated that the proposed contingency scheme is as follows:

(i) 01 No 220 kV line Bay No. 203 shall be made ready for M/S Eden at Fatehgarh-II substation.

(ii) 02 Nos. of 220 kV line bays (211 & 212) shall be made ready for M/S Adani at Fatehgarh-II substation.

(iii) Power will be transformed from 220 kV Voltage level to 400 kV Voltage level through 2x500 MVA, 400/220 kV ICTs at Fatehgarh-II substation.

(iv) One circuit of Fatehgarh (TBCB) - Bhadla (PG) 765 kV D/C Line (presently charged at 400 kV Voltage level on anti-theft) which is to be LILOed at Fatehgarh-II shall be used as Fatehgarh-II - Bhadla 400 kV Line for transmitting the power of Fatehgarh-II to Bhadla (PG) at 400 kV Voltage level, which is already connected with Bikaner — Ajmer/Moga by 765 kV D/c lines.

(v) Further, one circuit of 400 kV D/C Bhadla- Bhadla-II line may also be charged by using some part of circuit-2 of Fatehgarh (TBCB) - Bhadla (PG) 765 kV D/C Line (presently charged at 400 kV Voltage level on anti-theft from Bhadla (PG))

The schematic of the proposed contingency arrangement is enclosed as **Annexure-II**.

3. POWERGRID further highlighted that the contingency scheme has been proposed based on the review meeting with SECI. However, same would be implemented only if the generators are willing to get their power evacuated through the proposed contingency arrangement for the month of July and August, 21, till the commissioning of approved transmission system.

4. Member (Power System), CEA, enquired about the commissioning schedule of the RE generators and whether the RE generators intend to evacuate power through the contingency scheme proposed by POWERGRID till the commissioning of approved transmission system.

5. Adani stated that their total RE generation to be evacuated through Fatehgarh-II substation is 390 MW out of which 230 MW is expected to be commissioned by July, 21 end which they intend to evacuate through the proposed contingency arrangement. Rest 160 MW RE capacity would be commissioned in August, 21.



6. Eden Renewable stated that 300 MW RE generation would be ready for commissioning by 15th July, 2021 which they intend to evacuate through proposed contingency scheme till the commissioning of approved transmission system.

7. ReNew stated that 150 MW RE generation is ready for commissioning and POWERGRID has intimated that their bay would be available by July end. Renew requested POWERGRID to expedite the same. POWERGRID clarified that bay for ReNew is being developed in a separate section which would be available in August only. Therefore, RE power from ReNew won't be evacuated through the proposed contingency scheme.

8. FBTL stated that as per the contingency scheme, one circuit of Fatehgarh (TBCB) - Bhadla (PG) 765 kV D/c line of FBTL (presently charged at 400 kV voltage level on antitheft) is proposed to be LILOed at Fatehgarh-II. However, Fatehgarh (TBCB) – Bhadla (PG) 765 kV D/c line (presently charged at 400 kV Voltage level on anti-theft) is ready for commissioning. If the line would be LILOed at Fatehgarh-II, commissioning of the line would be delayed. Also, for the commissioning, 2 bays would be required at Bhadla (PG) substation. However, wave trap for one of the circuits has been shifted by POWERGRID to Fatehgarh-II substation for implementation of the proposed contingency scheme.

9. FBTL further stated that Fatehgarh substation and Fatehgarh (TBCB) - Bhadla (PG) 765 kV D/c line are being implemented by FBTL as TBCB projects and construction work has already been completed. However, commissioning was delayed due to a court case which has now been cleared. Therefore, they do not intend to further delay the commissioning of Fatehgarh substation and Fatehgarh (TBCB) - Bhadla (PG) 765 kV D/c line.

10. CTUIL suggested that at present, no generation plant which was to be evacuation through Fatehgarh substation is ready, therefore, even if Fatehgarh (TBCB) - Bhadla (PG) 765 kV D/c line of FBTL is commissioned, it would be a floating line only with no power flow. Rather, as generation to be evacuated through Fatehgarh-II substation are ready, it is suggested that one circuit of the line may be commissioned and the second circuit whose wave trap has been shifted at Fatehgarh-II may be considered as deemed commissioned as even after commissioning, no power would flow on this line and POWERGRID may proceed with the LILO of 2nd circuit of the line at Fatehgarh-II as per the contingency scheme so that RE power at Fatehgarh-II substation does not get bottled up and can be evacuated.

11. Member (Power System), CEA, enquired POSOCO if one circuit of Fatehgarh (TBCB) - Bhadla (PG) 765 kV D/c line of FBTL which is proposed to be LILOed at Fatehgarh-II as per the contingency arrangement may be considered as deemed commissioned.

12. POSOCO clarified that as no power would flow on this line in absence of RE generators at Fatehgarh substation, the only advantage FBTL would get by commissioning of the line is that they can show availability of the line. However, availability certificates are issued by RPC, therefore, their consent would be required in this case.

13. POSOCO raised following observations on the proposed contingency arrangement:

(i) At present, voltage at 400 kV bus of Bhadla substation dips upto 380 kV in the solar peak generation scenario, which is expected to go further down with the commissioning of more RE generators at Fatehgarh-II substation.

(ii) SPS was approved at Bhadla (PG) substation for the 220/400 kV ICTs at Bhadla(PG) along with Bikaner-Bhadla 765 kV line, which is yet to be commissioned. With RE generators getting connected at Fatehgarh-II substation, the power would eventually be



evacuated through Bhadla- Bikaner circuits which further necessitate the commissioning of the SPS, as any tripping would lead to flow of power to RVPNL intra-state transmission network regarding which RVPNL may have objections. Also, as bus splitting approved at Moga substation has not yet been commissioned, PSTCL may also have concerns regarding overloading of 400/220 kV ICTs at Moga substation. The additional power injection from Bhadla may aggravate the problem at Moga during day time, forcing to reduce the import ATC of Punjab in the paddy season.

(iii) Whether any analysis has been carried out by POWERGRID to check whether the proposed contingency scheme would be beneficial from economical angle.

14. CTUIL stated that during the peak load scenario the load of Punjab increases which increases the transformer loading at Moga. With the proposed interim arrangement, the RE generators would get connected to the grid and may be able to inject power in short term as per the margins available in the transmission system in real time.

15. After deliberations, following was decided:

(i) The contingency arrangement as proposed by PGCIL for evacuation of RE power from Fatehgarh-II substation was agreed in-principle so that the RE generators which are ready for commissioning at Fatehgarh-II may get connected to the grid.

(ii) POWERGRID to expedite the implementation of SPS at Bhadla substation.”

66. As per the above contingency scheme, one 400 kV Bay at Bhadla Sub-station was connected to Fatehgarh-II through Loop in the portion of Circuit I of 400 kV Fatehgarh -Bhadla (PG) Transmission line and COD of “Loop in portion of Circuit-I of 400 kV Fatehgarh- Bhadla Transmission line along with associated bays at Fatehgarh-II Bhadla Substation” declared on 10.8.2021. Further, another 400 kV bay at Bhadla sub-station was connected to Bhadla-II sub-station, and COD was declared for Circuit-2 of 400 D/C Bhadla-II-Bhadla PG line along with associated bays at Bhadla-II Bhadla Sub-station on 5.9.2021. Accordingly, the utilization of 2 Numbers of 400 kV Bays of Asset-6 had started from 10.8.2021 and 5.9.2021, respectively.

67. Further, it is evident from the above that the AREPRL had not raised any objection against contingency arrangement as the AREPRL itself intended to evacuate the Power through the proposed contingency arrangement as their total RE generation to be evacuated through Fatehgarh-II substation is 390 MW out of which 230 MW was expected to be commissioned by the end of July, 2021 and the remaining 160 MW RE capacity was to be commissioned in August, 2021.



68. Loop in portion of Circuit-I of 400 kV Fatehgarh- Bhadla Transmission line along with associated bays at Fatehgarh-II Bhadla Substation, declared on 10.8.2021. Further, another 400 kV bay at Bhadla sub-station was connected to Bhadla-II sub-station, and COD was declared for Circuit-2 of 400 D/C Bhadla-II-Bhadla PG line along with associated bays at Bhadla-II Bhadla Sub-station on 5.9.2021. The Circuit-I of 400 kV Fatehgarh- Bhadla Transmission line is put to use from 10.08.2021, and Circuit-2 of 400 kV Fatehgarh- Bhadla Transmission line is put to use from 5.09.2021. Therefore, 50% of the transmission charges approved for Asset-6 shall be borne by AREPRL from 31.7.2021 to 9.8.2021, and after that, the said charges shall be included in the PoC from 10.8.2021. Further, as the other circuit and bay were charged on 5.9.2021, w.e.f. 5.9.2021, 100% of transmission charges pertaining to Asset-6 shall be shared in accordance with Regulations 5 to 8 of the 2020 Sharing Regulations.

69. Accordingly, the recovery of the transmission charges for Asset-6 shall be revised as tabulated below:

Asset- 6: Recovery of Transmission charges as per order dated 11.6.2022	Asset- 6: Revised recovery of Transmission charges after APTEL remand
Transmission charges of Asset-6 from 27.9.2019 to 29.7.2021 shall be borne by FBTCL. As on 30.7.2021 both the transmission line and associated bays are ready, but the generation under the control of AREPRL is not ready. Therefore, from 30.7.2021 onwards, the transmission charges of Asset-6 shall be borne by AREPRL till COD of the generation under the control of AREPRL.	Transmission charges of Asset-6 from 27.9.2019 to 29.7.2021 shall be borne by FBTCL. As on 30.7.2021 both the transmission line and associated bays are ready, but the generation under the control of AREPRL is not ready. Therefore, from 31.7.2021 to 9.8.2021, 50% of the transmission charges approved for Asset-6 shall be borne by AREPRL and, from 10.8.2021, the said charges shall be shared in accordance with Regulations 5 to 8 of 2020 Sharing Regulations . From 31.7.2021 to 05.09.2021 the balance of 50% of the transmission charges shall be borne by AREPRL and from 06.09.2021, the said charges shall be shared in accordance with Regulations 5 to 8 of 2020 Sharing Regulations . .

Issue No.4: Whether the liability of transmission charges for Asset-1(c), Asset-3 and Asset-4 ought to be saddled on ESUCRL, while commissioning of 450 MW Solar park gets delayed on account of force majeure, and MNRE had conveyed the extension of time up to 31.3.2024?

70. ESUCRL contended that on account of various Force Majeure events which were beyond their control, they were not in a position to operationalise 450 MW. Out of 450 MW, 150 MW has been operationalised on 28.3.2024, and 300 MW is yet to be operationalised. They informed the Petitioner about the Force majeure events and sought the extension of the effectiveness of the 450 LTA out of the 750 MW LTA granted to the Solar Parks 750 MW. However, the Petitioner did not respond. The MNRE also conveyed the approval of extension of time for the Solar Power Park -750 MW up to 31.3.2024, and ESUCRL has sought further extension up to 31.12.2024. Accordingly, the liability of transmission charges for Asset-1(c), Asset-3 and Asset-4 due to any alleged delay in the commissioning of 750 MW Phalodi-Pokhran Solar Park ought not to be saddled on EUSCRL.

71. The Petitioner submitted that the Hon'ble Commission has determined the liability of payment of transmission charges for Asset-1(c), Asset-3 and Asset-4 in the Subject Transmission System vide its First Tariff Order as per Regulations 8(5) and 8(6) of the Sharing Regulations, 2010. Hon'ble Commission, in its regulatory approval dated 31.03.2016 in Petition No. 1/MP/2016, has also explicitly held that any delay in the commissioning of the solar park by the developers or generators will result in transmission charges being borne by those developers or generators, as per the prevailing regulations. At this stage, ESUCRL is liable to make payments of the transmission charges for the said mismatch period, which is in line with the relevant regulations and the regulatory approval passed by the Hon'ble Commission. All the claims by ESUCRL allegedly in support of the delay in commissioning of the associated



generator are independent of the present proceedings claim and ought to be raised by ESUCRL in a separate Petition. The reliefs for the Force Majeure event (if any) can only be sought qua its beneficiaries, and the same cannot be claimed against the petitioner. Therefore, the aforesaid delays cannot in any way prejudice the rights of Petitioner to receive the transmission charges for the mismatch period, wherein Petitioner was ready with its assets, and the said assets could not be put into regular service due to the delay caused by ESUCRL. ESUCRL cannot wriggle out of its obligations to pay the transmission charges for the mismatch period in terms of the Regulations.

72. We have considered the submission of the Petitioner and the Respondents. We are of the view that the instant petition was for the determination of the transmission tariff of the 2019-14 tariff period in respect of seven assets of the Petitioner for Solar Power Park at Bhadla. The directions for liability of transmission charges were issued based on the mismatch of the COD of the generators and the ATS system, if any. The ESUCRL may file a separate petition to claim the relief for the delay in commissioning of 750 MW Phalodi-Pokhran Solar park due to Force majeure events, if any.

73. Therefore, in view of the above, the contention of ESUCRL is hereby rejected and as directed vide Order dated 11.6.2022 in the instant Petition, the liability for payment of Transmission charges for Asset-1(c), Asset-3, and Asset-4 will remain on ESUCRL.

74. In view of the above discussions and findings, Petition No. 9/TT/2021, on remand, is disposed of. However, other terms and conditions of our earlier order dated 11.6.2022 shall remain unchanged.

sd/-
(Harish Dudani)
Member

sd/-
(Ramesh Babu V)
Member

sd/-
(Jishnu Barua)
Chairperson

