

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.124/MP/2022

Subject : Petition under Section 79(1)(c) read with Section 79(1)(f) of the Electricity Act, 2003 for seeking a direction against Respondent No. 1 to extend the start date of the Long-Term Access, as sought for by Petitioner No. 1 vide its letter dated 10.1.2022, and further restrain Respondent No. 1 from taking any coercive and precipitative measures, including but not limited to levying any penalty/ charges etc. for non- operationalisation of 150 MW out of the total 350 MW, on the premise of the start date of LTA being taken as 25.2.2022, till the final disposal of the present proceedings.

Petitioners : Avaada Energy Private Limited (AEPL) and Anr.

Respondents : Central Transmission Utility of India Limited (CTUIL) and Anr.

Date of Hearing : **3.2.2026**

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

Parties Present : Shri Avijeet Lala, Advocate, AEPL
Ms. Asmita Narula, Advocate, AEPL
Shri Shubham Arya, Advocate, CTUIL
Ms. Kaavya Madaan, Advocate, CTUIL
Ms. Sneha Singh, Advocate, MSEDCL
Shri Vyom Chaturvedi, Advocate, MSEDCL

Record of Proceedings

Learned counsel for the Petitioners submitted that the present Petition has been filed *inter alia* seeking a direction to the Respondent, CTUIL, to extend the Start Date of the Long-Term Access (LTA) for the 100 MW out of 350 MW contracted capacity of its Solar Power Project at Bikaner, Rajasthan. The learned counsel further submitted as under:

(a) The Petitioner is seeking the extension of the LTA Start Date from 25.2.2022 till 8.4.2022 on account of *Force Majeure* conditions. Pertinently, in view of these very Force Majeure conditions, Maharashtra Electricity Regulatory Commission has already granted a similar extension under the Power Purchase Agreement entered into with Respondent, MSEDCL.

(b) CTUIL has objected to such an extension on the ground that the LTA Agreement is a statutory contract and does not provide for the extension of the Start Date. However, in such circumstances, the rule of positive law under Section 56 of the Indian Contract Act would apply, and the Petitioner's case would need to be considered in terms thereof. The Petitioner may be permitted to file a brief note of submissions on the above aspect.

(c) The Start Date of LTA had already been deferred twice previously on account of the non-readiness of the transmission system due to Force Majeure. If the benefit of Force Majeure can be extended to the transmission licensee, it needs to be extended to the generating stations.

(d) Various orders of this Commission relied upon by CTUIL are distinguishable as they do not address the above aspects.

2. In response, the learned counsel for the Respondent, CTUIL, submitted that the issues raised in this case are squarely covered by the earlier orders of the Commission including the order dated 23.5.2022 passed in Petition No. 525/MP/2020 (Sprng Renewable Energy Pvt. Ltd. v. PGCIL and Anr.) and order dated 30.12.2022 passed in Petition No. 628/MP/2020 (Azure Power India Pvt. Ltd. and Ors. v . PGCIL and Ors.). The learned counsel sought liberty to file a brief note of submissions in the matter.

3. Learned counsel for the Respondent, MSEDCL, submitted that MSEDCL has already filed a reply in the matter. The learned counsel further submitted that as the Petitioners have not sought any prayers or reliefs against MSEDCL, no adverse orders or directions be passed against it.

4. Considering the submissions made by the learned counsels for the parties, the Commission permitted both sides to file their respective notes of submissions, if any, within a week, with a copy to the other side.

5. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

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