

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

I.A. Diary No. 241/2026

In

Petition Diary No. 233/2026

Coram:

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

Date of Order: 02.09.2026

In the matter of:

Interlocutory Application under Regulation 26 read with Regulation 27 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 seeking exemption/ deferment from payment of filing fees.

And in the matter of:

Essar Power Transmission Company Limited,
Essar Power MP Limited, Power Plant, Village Bandhaura,
Post Karsualal, Singrauli- 486 886, Madhya Pradesh

...Petitioner

Versus

- 1. Essar Power MP Limited,**
Adani Corporate House, Shantigram,
Near Vaishno Devi Circle, S. G. Highway,
Khodiyar, Gandhinagar– 382 421, Gujarat, India.
- 2. Central Transmission Utility of India Limited,**
Saudamini, Plot No. 2, Sector 29,
Near IFFCO Chowk Metro Station,
Gurgaon– 121 001, Haryana.
- 3. National Load Despatch Centre,**
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi, Delhi-110 016.
- 4. Western Region Power Committee,**
F-3, MIDC Area, Marol, Andheri (East),
Mumbai – 400 093.



5. Essar Steel India Limited,
27th KM on Surat-Hazira Road,
Hazira -394 270 District-Surat.

6. Government of Madhya Pradesh Energy Department,
Mantralaya, Vallabh Bhavan,
Bhopal – 462 004, Madhya Pradesh

...Respondent(s)

Parties Present: Ms. Swapna Seshadri, Advocate, EPTCL
Shri Amal Nair, Advocate, EPTCL
Shri Devyani Prasad, Advocate, EPTCL

ORDER

The Applicant, Essar Power Transmission Company Limited, now known as AMNS Power Transmission Company Limited (hereinafter referred to as EPTCL/ AMNS) has filed the instant Interlocutory Application (hereinafter referred to as 'the IA') seeking exemption/ deferment from payment of filing fees in respect of the Petition (Diary No. 233/2026) for the truing up of the transmission tariff for the 2014-19 and 2019-24 tariff periods.

2. The Petitioner, AMNS Power Transmission Company Limited, has filed the Petition (Diary No. 233/2026) for truing up of the transmission tariff for (a) Stage-1 Assets and (b) LILO in accordance with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 ("2014 Tariff Regulations") for the period from 1.4.2014 to 31.3.2019 and as per the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 ("2019 Tariff Regulations") for the period from 1.4.2019 to 31.3.2024.

3. The Petitioner, in the IA, has made the following prayers:

"a) Grant exemption from payment of filing fees, in whole or in part, as this Commission may deems it; and/or



- b) In the alternative, grant deferment of payment of filing fees in respect of the accompanying Petition;*
- c) Pass any such other of further order as this Commission may deem it and proper in the facts and circumstances of the present case.”*

4. The Petitioner, in support of the reliefs sought in the IA, has submitted as under:

- (a) EPTCL is an inter-State transmission licensee within the meaning of Section 2(73) of the Electricity Act, 2003. Due to regulatory and operational factors, the Petitioner is presently undergoing significant financial stress, which has affected its cash flows and liquidity position. The Commission, vide order dated 14.3.2022 in Petition No. 145/TT/2018, had determined the transmission tariff of ₹335.65 crore for the Stage-II Assets. Pursuant to the said tariff determination, CTUIL adjusted/recovered approximately ₹292 crore from the Petitioner on account of tariff adjustments arising from the revised tariff determination vide order dated 14.3.2022 in Petition No. 145/TT/2018, thereby affecting its cash flows, adversely impacting its financial position, and affecting its working capital availability.
- (b) The tariff amounting to approximately ₹12.77 crore with respect to the LILO transmission line for the period from July 2020 to June 2022 remains unrecovered despite the APTEL’s judgment dated 1.7.2025 in Appeal No. 106 of 2020 (which was jointly preferred by MEL and EPTCL - the Applicant herein - against the Commission’s order dated 21.1.2020 in Petition No. 132/MP/2018), wherein the APTEL held that the LILO constitutes an inter-State transmission asset, the consequential remand order is yet to be passed by the Commission and the corresponding recovery through the POC



mechanism has not yet materialized. The tariff arrears of approximately ₹48.91 crore for the FY 2013–14 remain outstanding.

- (c) Considering the nature of the instant Petition and issues involved, the cumulative adverse financial impact arising from the aforesaid factor(s) is approximately ₹353.68 crore. Further, the instant Petition covers two control periods, i.e., FY 2014–19 and 2019–24, resulting in higher filing fee liability. Accordingly, the payment of such substantial filing fees, at this juncture, would impose an undue financial burden in light of the prevailing liquidity constraints.

5. The IA was listed for the hearing on 25.5.2026, and after hearing the learned counsel(s) for the Petitioner, the Commission reserved the order on the IA.

Analysis and Decision

6. We have considered the submission of the learned counsel(s) for the Petitioner and perused the documents available on record. The issue arising for consideration in the IA is whether the Petitioner has established sufficient grounds under Regulations 26 and 27 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 for seeking exemption/ deferment and/or waiver of filing fees?

7. The Petitioner has filed the instant IA under Regulation 26 (3)(k) and 27(4) of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 (hereinafter referred to as the “2023 COB Regulations”), which provide as under:

“26. Interlocutory Applications:

3) An interlocutory application shall be filed to seek any of the following reliefs:



Xxxxx

(k) Waiver of fees for filing a petition;

Xxxxx”

“27. Fees for Filing Petition:

Xxxx

4) In case waiver of payment of fees is sought in respect of any petition, the concerned party shall separately make a request indicating the reasons for such waiver, along with documentary proof, if any, and upload the request for waiver alongwith the petition on the e-filing portal of the Commission.”

8. Regulations 26 and 27 of the 2023 COB Regulations permit the filing of an IA seeking procedural reliefs, including exemption/waiver from payment of filing fees, subject to sufficient reasons and supporting material being placed on record. The Petitioner has primarily relied on liquidity constraints, pending tariff recoveries, and financial stress arising out of regulatory and operational factors. However, the Petitioner has not placed on record any audited financial statements, cash flow records, insolvency-related proceedings, or any other documentary material substantiating genuine financial incapacity or exceptional circumstances warranting exemption/ deferment and/or waiver from payment of the prescribed filing fees.

9. We further examined that the financial constraints pleaded by the Petitioner, including pending tariff recoveries, liquidity constraints, and working capital stress, arose out of commercial and regulatory operations undertaken in the ordinary course of its business as a transmission licensee. It is noted that the grounds projected by the Petitioner are not sufficient for a relaxation from compliance with the statutory requirement relating to the payment of filing fees. Any exemption/ deferment and/or waiver from payment of filing fees can be granted only upon demonstration of exceptional

circumstances supported by cogent material placed on record. Moreover, there is no provision for exemption and/ or deferment of the filing fee under Regulations 26 and 27 of the 2023 COB Regulations.

10. It is noted that the Petitioner, being a commercial entity, cannot ordinarily seek exemption/deferment and/or waiver from compliance with the statutory requirement relating to payment of filing fees, particularly in the absence of adequate material establishing genuine financial incapacity or other exceptional circumstances.

11. Order XXXIII of the Civil Procedure Code, 1908 (CPC), with regard to the institution of suits by indigent persons, provides as under:

*“1. **Suits may be instituted by indigent persons**-Subject to the following provisions, any suit may be instituted by an indigent person.*

Explanation I.- A person is an indigent person, -

(a) If he is not possessed of sufficient means (other than property exempt from attachment in execution of a decree and the subject-matter of the suit) to enable him to pay the fee prescribed by law for the plaint in such suit, or

(b) where no such fee is prescribed, if he is not entitled to property worth one thousand rupees other than the property exempt from attachment in execution of a decree, and the subject-matter of the suit.

Explanation II - Any property which is acquired by a person after the presentation of his application for permission to sue as an indigent person, and before the decision of the application, shall be taken into account in considering the question whether or not the applicant is an indigent person.

Explanation III - Where the plaintiff sues in a representative capacity, the question whether he is an indigent person shall be determined with reference to the means possessed by him in such capacity.

xxxxx”

12. In terms of the explicit provisions under Order XXXIII of CPC, 1908, read with Regulations 26 and 27 of the 2023 COB Regulations, we are of the view that the Petitioner has failed to establish exceptional circumstances warranting the exercise of discretion



under the above-mentioned rule of law. Accordingly, the I.A. (Diary No. 241/2026) for exemption/ deferment and/or waiver from payment of filing fees deserves to be rejected and is therefore, rejected.

13. The Petitioner is directed to rectify all deficiencies notified by the Registry in the main Petition on the e-filing portal within the stipulated time and deposit the filing fee in accordance with the Payment of Fees Regulations.

14. The Registry is directed to register the main Petition (Diary No. 233/2026) only upon compliance with the above directions by the Petitioner.

15. Accordingly, I.A. (Diary) No. 241/2026 stands disposed of in terms of the above discussions and findings.

Sd/-
(Ravinder Singh Dhillon)
Member

Sd/-
(Harish Dudani)
Member

Sd/-
(Ramesh Babu V.)
Member

Sd/-
(Jishnu Barua)
Chairperson

