

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 227/MP/2022 along with IA No.55/2022**

Subject : Petition under Section 79 of the Electricity Act, 2003 seeking to set aside Transmission Charges bills raised by CTUIL and declaration that the Petitioners stands discharged from performance under, Transmission Service Agreement dated 29.1.2018, LTA Agreement dated 29.1.2018 (Tranche 1), Agreement for Long Term Access dated 6.9.2018 (Tranche 2) and Bipartite Connection Agreement dated 11.1.2019 executed between ReNew Power Pvt. Ltd. and Central Transmission Utility of India Ltd. (earlier Power Grid Corporation of India Ltd.) on account of Force Majeure and impossibility of performance under the Power Purchase Agreement dated 23.5.2022 executed with Solar Energy Corporation of India Ltd and consequential relief thereto.

Date of Hearing : 20.10.2022

Coram : Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member

Petitioners : ReNew Wind Energy (AP2) Private Limited (RWEPL) Anr.

Respondents : Central Transmission Utility of India Limited (CTUIL) and 2 Ors.

Parties Present : Shri Vishrov Mukerjee, Advocate, RWEPL  
Shri Girik Bhalla, Advocate, RWEPL  
Ms. Priyanka Vyas, Advocate, RWEPL  
Ms. Suparna Srivastava, Advocate, CTUIL  
Shri Ajay Upadhyay, CTUIL  
Shri Ajay Kumar, CTUIL  
Shri Swapnil Verma, CTUIL  
Shri Siddharth Sharma, CTUIL  
Ms. Muskan Agarwal, CTUIL  
Shri Yogeshwar, CTUIL

**Record of Proceedings**

Learned counsel for the Petitioners submitted that the present Petition has been filed, *inter-alia*, seeking to set aside transmission charges bills raised by CTUIL and declaration that the Petitioners stands discharged from the performance under Transmission Service Agreement dated 29.1.2018, LTA Agreement dated 29.1.2018 (Tranche 1), Agreement for Long Term Access dated 6.9.2018 and Connection Agreement dated 11.1.2019 executed between the Petitioner No. 2 and CTUIL on account of force majeure and impossibility of performance under the Power Purchase Agreement dated 23.5.2022 executed with SECI and consequential relief thereto. The learned counsel for the Petitioners further requested to admit the matter and to list it



for hearing along with the Petition No.56/MP/2022 as the factual matrix involved in the both these matters are identical.

2. In response to the observation of the Commission that the issue involved herein is already covered by the earlier orders of the Commission, the learned counsel submitted that the said orders, namely, order dated 23.5.2020 in Petition No. 525/MP/2020 and order dated 8.6.2022 in Petition Nos. 103/MP/2021 and Ors., have been stayed by the Appellate Tribunal for Electricity (APTEL). The learned counsel further referred to order of APTEL dated 8.7.2022 in Appeal Nos. 260 & 261 of 2022 (against order dated 8.6.2022 in Petition Nos. 103/MP/2021 and Ors.) and submitted that APTEL while directing the stay against the recovery of transmission charges from the generator therein has, *inter-alia*, also observed that the said order, *prima facie*, appears to be in teeth of the directives of the Central Government under Section 107 of the Electricity Act, 2003 ('the Act'). The learned counsel submitted that on 15.1.2021, Ministry of Power, Government of India has issued directions under Section 107 of the Act to the Commission directing that where a renewable energy generation capacity which is eligible for ISTS waiver is granted extension for commissioning by competent authority on account of force majeure, the commencement and the period of LTA shall also get extended accordingly. The learned counsel submitted that benefit of the said direction ought to be given to the Petitioners herein.

3. Learned counsel for the Respondent No.1, CTUIL submitted that the Commission has already taken a view on the matters concerning the extension of start date of LTA in its earlier orders. The learned counsel submitted that while the legal issue involved in the matter is covered by the earlier orders, the Commission may consider the matter on its individual facts as the force majeure events pleaded in each case(s) are different. The learned counsel also submitted that the order of APTEL as referred to by the Petitioners was also in view of the peculiar facts and circumstances of that case. The learned counsel further submitted that approximately Rs. 92 crore is outstanding against the Petitioners and LC has also not been opened by the Petitioners and in such circumstances, the Petitioners ought to be directed to make at least part-payment against such outstanding transmission charges.

4. In response, the learned counsel for the Petitioners submitted that the Petitioners have also filed IA No.55/2022 praying for stay on the levy & recovery of transmission charges raised by CTUIL till the final adjudication and disposal of the Petition and to also restrain the Respondents from taking any coercive action/steps against the Petitioners pending final adjudication of the petition. The learned counsel submitted that such interim protection has been given by the Commission in the earlier matters including the ACME matter and even APTEL has restrained the precipitative actions by CTUIL in these matters pending before it.

5. After hearing the learned counsel for the Petitioners and CTUIL, the Commission ordered as under:

- (a) Admit. Issue notice to the Respondents.
- (b) The Petitioner to serve copy of the Petition on the Respondents and Respondents to file their reply, covering the aspects of maintainability and merits, to the Petition, if any, within three weeks after serving copy of the same to the Petitioner, who may file its rejoinder, within three weeks thereafter.

(c) Parties to comply with the above directions within specified timeline and no extension of time shall be granted.

6. The Petition shall be listed for hearing on 17.1.2023.

**By order of the Commission**

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