

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Petition No.210/MP/2023

- Subject : Petition under Section 63, 79(1) (c), 79(1)(d) and 79(1)(f) of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking appropriate orders and directions concerning Section 63 transmission licensees to address issues relating to recovery of tariff, including the likely under-recovery of tariff, where the scheduled commercial operation date of transmission projects has been extended by the competent authority on account of uncontrollable events.
- Date of Hearing : **15.9.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioners : Electric Power Transmission Association (EPTA) and 6 Ors.
- Respondents : Central Transmission Utility of India Limited and 38 Ors.
- Parties Present : Shri Jafar Alam, Advocate, EPTA
Shri Deep Rao, Advocate, EPTA
Shri Neeraj Verma, SEPL
Ms. Nishtha Goel, Advocate, MSEDCL
Shri Anup Jain, Advocate, MSEDCL
Shri Md. Sharique Afzal, Sterlite Power
Shri Gajendra Singh, NLDC

Record of Proceedings

Learned counsel for the Petitioners submitted that the present Petition has been filed, *inter alia*, to seek appropriate orders and directions appertaining to Section 63 transmission licensees, mainly to address issues relating to the recovery of tariff, including the probable under-recovery of tariff, where the scheduled commercial operation date of transmission projects has been extended by the competent authority on account of uncontrollable events. Learned counsel pointed out that the gap in payment of transmission charges for the shifted Operating Period had also been noted by the Commission in its order dated 15.1.2020 in Petition No.7/RP/2019 in the case of NRSS XXXI (B) Transmission Limited, wherein the Commission had granted the liberty to the licensee to file a fresh Petition regarding the tariff for the extended period. Learned counsel submitted that since the present Petition raises questions of law concerning the standard bidding documents issued under Section 63 of the Act with an impact on the TBCB transmission sector as a whole, the issuance of a Public Notice in the present Petition inviting responses from the affected persons may be required.



2. Learned counsel for Respondent No.5, MSEDCL, accepted the notice and sought time for filing a reply to the Petition.
3. Considering the submissions made by the learned counsels for the parties, the Commission directed as under:
 - (i) Issue notice on both the maintainability and merits of the case;
 - (ii) The Respondents to file their reply on both the maintainability & merits of case if any, within four weeks with a copy to the Petitioners who may file their rejoinder(s), if any, within four weeks thereafter; and the
 - (iii) Office of the Commission to report as to whether the First Petitioner is a recognized association to file a Petition in a representative capacity within the meaning of Regulation 18 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, as amended from time to time.
4. The Petition will be listed for hearing on **20.12.2023**.

By order of the Commission

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