

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 259/MP/2021**

**Coram:**

**Shri I.S. Jha, Member**

**Shri Arun Goyal, Member**

**Shri P.K. Singh, Member**

**Date of Order 3<sup>rd</sup> July, 2023**

**In the matter of**

Petition under Sections 79(1)(c), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003, seeking deferment of operationalization of Long-Term Access (LTA) granted by the Central Transmission Utility (CTU) to the Petitioner.

**And**

**In the matter of**

SBSR Power Cleantech Eleven Private Limited  
Having its registered office at  
First floor, Worldmark-02, Asset Area-8,  
Hospitality District, Aerocity, NH-8  
New Delhi-110037

**...Petitioner**

**VERSUS**

1. Central Transmission Utility of India Limited,  
Having its Registered office at  
Power Grid Corporation of India Limited  
CTU-Planning (1st Floor-A Wing)  
Saudamini, Plot No. – 2, Sector – 29  
Near IFFCO Chowk Metro Station  
Gurgaon, Haryana– 122 001

2. Powergrid Corporation of India Limited,  
Saudamini, Plot No. 2, Sector- 29,  
Gurugram, Haryana- 492001

3. Solar Energy Corporation of India Limited,  
6th Floor, Plate-B,  
NBCC Office Block Tower-2,  
East Kidwai Nagar, New Delhi-110023

**.....Respondents**

**Parties present:**

Shri Hemant Singh, Advocate for the Petitioner  
Shri Lakshyajit Singh, Advocate for the Petitioner

Shri Swapna Seshadri, Advocate for CTUIL  
Shri Astha Jain Advocate for CTUIL  
Shri Ranjeet Singh, CTUIL  
Shri Priyansi Jadiya, CTUIL,

### **ORDER**

The Petitioner, SBSR Power Cleantech Eleven Private Limited has filed the present Petition with the following prayers:

*“(a) direct the Respondent Nos. 1 and 2 to extend/ defer the operationalization of the Long-Term Access (LTA) granted to the Petitioner vide the LTA Agreement dated 26.11.2019 and Supplementary LTA Agreement dated 21.09.2021, till the actual SCOD/ COD is achieved by the Petitioner, or till 02.07.2022, whichever is earlier;*

*(b) in the interim, direct Respondent Nos. 2 and 3 not to operationalize the LTA of the Petitioner and levy any transmission charges, as stated in the present Petition, till the pendency of the same;*

*(c) pass any other and further order or orders as this Hon'ble Commission may graciously deem fit and proper under the peculiar facts and circumstances of the present case and in the interest of justice.”*

2. The Petitioner, vide its affidavit dated 26.6.2023, has submitted as under:

(a) Subsequent to filing of the present Petition, CTUIL operationalized the LTA with effect 20.11.2021. Based on the same, SECI also aligned the SCOD of the project from 20.11.2021. Further, in a parallel proceeding i.e., Petition No. 192/MP/2021, the Commission vide order dated 5.6.2023 passed in I.A. No. 3/2023 in Petition No. 192/MP/2021 acknowledged that the contracted capacity of the Petitioner now stands reduced to 150 MW out of the originally envisaged 300 MW, in lieu of the fact that the SCOD of the Petitioner stands at 20.11.2021. In fact, the only issue which now remains to be adjudicated as prayed for in the above Petition (192/MP/2021) is whether the Petitioner is liable towards any liability on account of delay in commissioning of the contracted capacity (150 MW) and the un-commissioned capacity of 150 MW (*which is now out of the scope of the contract*).

(b) Therefore, since the present prayer of the Petition has become infructuous in the wake of the LTA operationalisation, the Petitioner has sought the permission to withdraw the present Petition, with a liberty to file a fresh Petition on the issue of payment of transmission charges for the mismatch

period, if any.

(c) The filing fees paid in the present petition may be adjusted with the fresh Petition to be filed by the Petitioner in future.

3. The matter was called for hearing on 30.6.2023. During the course of the hearing, learned counsel for the Petitioner reiterated the submissions made in the affidavit dated 26.6.2023 and submitted that the Petitioner has filed an affidavit seeking withdrawal of the Petition. Accordingly, the learned counsel for the Petitioner prayed to pass the order in this regard.

4. Learned counsel appearing on behalf of the CTUIL had no objection in this regard.

5. In view of the affidavit filed by the Petitioner and the submissions of learned counsels for the Petitioner and CTUIL made during the hearing of the matter, the Petitioner is permitted to withdraw the present Petition with a liberty to file a fresh Petition. However, the prayer of adjustment of filing fees is not allowed.

6. Accordingly, the Petition No. 259/MP/2021 is disposed of as withdrawn.

**Sd/-**  
**(P.K. Singh)**  
**Member**

**sd/-**  
**(Arun Goyal)**  
**Member**

**sd/-**  
**(I.S. Jha)**  
**Member**