

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 263/MP/2023

Subject : Petition under Section 79 of the Electricity Act, 2003, seeking a declaration that no State transmission charges and losses can be imposed upon the Petitioner towards the supply of power to MPSEZ Utilities Limited, amongst other reliefs

Date of Hearing : 24.1.2024

Coram : Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Adani Power Limited (APL)

Respondent : Gujarat Energy Transmission Corporation Limited (GETCO)
& 4 Others

Parties present : Shri Sanjay Sen, Senior Advocate, APL
Shri Amol Shetty, Advocate, APL
Shri Roberta Ruth Edwin, Advocate, APL
Ms. Neha M. Dabral, APL
Shri Hemant Singh, Advocate, APL
Ms. Ranjitha Ramchandran, Advocate, SLDC & GETCO
Shri Kumar Gaurav, APL
Shri Aditya P Das, WRLDC
Shri Alok Mishra, WRLDC
Shri Swapnil Verma, CTUIL
Shri Ranjeet S. Rajput, CTUIL

Record of Proceedings

The instant petition is filed by the Adani Power Limited (APL) seeking declaration that no State transmission charges and losses can be imposed upon the Petitioner towards the supply of power to MPSEZ Utilities Limited (MUL) and direct the Respondent No.1, GETCO, to refund State transmission charges recovered from the till May 2023 along with interest thereon.

2. The learned counsel for the Petitioner made elaborate submissions in this regard.
3. The learned counsel for the Respondents, SLDC & GETCO raised the issue of 'maintainability' of the petition on the following grounds:
 - a. The Petitioner has no locus to file the petition;



- b. The issue involves State transmission charges and losses and is within the jurisdiction of Gujarat State Commission;
- c. MUL is an intra-State entity and the scheduling is under the Gujarat SLDC. Therefore, the jurisdiction is with the Gujarat State Commission;
- d. The petition is barred by limitation and doctrine of laches;
- e. The Petitioner is barred by principles of waiver, estoppel and acquiescence.

4. The learned counsel for SLDC & GETCO submitted that the Petitioner is not a trading licensee and could not supply power to MUL from any other source other than its own generating station. Therefore, the Petitioner's claim of supply of power through alternate source deserves investigation. She submitted that the Petitioner is not only using its dedicated line for transmission of power from its own generating station in Karnataka, but also for other sources which is violation of Section 12 of the Electricity Act, 2003. She further submitted that the bus bar of a generating station cannot be used to connect one transmission line to another. The same has to be kept separate.

5. Learned counsel for SLDC & GETCO also submitted that SLDC has filed the reply in the matter and GETCO adopts the same.

6. After hearing the parties, the Commission directed the Petitioner and the Respondents to furnish the following information on an affidavit by 10.2.2024 with an advance copy to the opposite parties:

A. The Petitioner:

- a. Transmission arrangement for drawl of power by MUL from UPCL or other sources under STOA from power exchange.
- b. Copy of the correspondences, if any, made with MUL/ Gujarat SLDC regarding the payment of State transmission charges being made under protest.

B. The Gujarat SLDC:

- a. Clarify how the State transmission network was being used while drawl of power by MUL from UPCL or other sources under STOA from power exchange.
- b. Clarify if State transmission losses and charges were levied on MUL for drawl of power from UPCL or other sources including STOA from power exchanges before May, 2018. If not, the reasons thereof, and the reasons for change of treatment after May, 2018. What are the regulatory provisions of the State Commission in this regard?



C. MUL:

- a. Whether it had made any correspondence with the Gujarat SLDC regarding imposition of state transmission charges while availing power from UPCL or other sources under STOA from power exchange, during the period August 2018 to June 2022?

7. The Commission further directed the parties to file the written submissions with a copy to the other parties and also directed the parties to strictly adhere to the aforesaid timelines and observed that no extension of time shall be granted.

8. The parties present submitted that no further oral hearing in the matter is required.

9. Accordingly, the Commission reserved the order in the matter.

By order of the Commission

sd/-
(V. Sreenivas)
Joint Chief (Law)

