

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.301/MP/2023

Subject : Petition under Sections 63 and 79(1)(c) and 79(1)(f) of the Electricity Act, 2003 *inter alia* seeking recovery of transmission charges due to the Petitioner, along with the supporting affidavit.

Date of Hearing : **14.2.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Lakadia-Vadodara Transmission Project Limited (LVTPL)

Respondent : Adani Wind Energy Kutchh One Limited & 4 Ors.

Parties Present : Shri Syed Jafar Alam, Advocate, LVTPL
Shri Deep Rao Palepu, Advocate, LVTPL
Shri Siddharth Sharma, CTUIL
Shri Yogeshwar, CTUIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed *inter-alia* seeking recovery of the transmission charges for its project as set out in the Transmission Service Agreement (TSA) dated 23.4.2019, along with the applicable late payment surcharge for the period from 28.1.2023 to 5.4.2023, corresponding to its commissioned transmission elements and corresponding directions to the Central Transmission Utility of India Limited (CTUIL). Learned counsel further submitted that the SCOD of the Petitioner's Project was 31.12.2020. However, due to certain uncontrollable events, including the force majeure and Change in Law events, the actual commissioning of the Project was achieved on 28.1.2023 (excluding tie-bays) and on 6.4.2023 (including tie-bays). Learned counsel submitted that as on 28.1.2023, amongst the four tie-bays (required to be implemented by the Petitioner), one tie bay at the Vadodara sub-station was operational, and from 28.1.2023 onwards, there has been consistent power flow in the Lakadia-Vadodara Line ('LV Line'). However, no tariff has been paid to the Petitioner until 6.4.2023 due to the non-commissioning of the tie bays as on 28.1.2023. Learned counsel pointed out that in the meeting held amongst the Petitioner, CEA, CTUIL and Grid-India under the Chairmanship of the Member (Power Systems), CEA, on 6.6.2023 on the above issue, it was agreed that since the LV Line has been utilised for the effectiveness of the MTOAs/LTAs from 28.1.2023 onwards, the Petitioner may approach the Commission for any part payment of the transmission tariff on the basis of utilization of the portion of the transmission asset prior to the declaration of COD.

2. In response to a specific query of the Commission regarding taking up the present Petition along with other Petitions filed by the Petitioner in relation to the force majeure and/or Change in Law claims so that the comprehensive view can be

taken in all such cases, the learned counsel submitted that in relation to the Petitioner's Change in Law claims which are entirely covered under the Change in Law Rules, the Petitioner has already filed Petition No. 256/MP/2023 before this Commission. Whereas, for its claims/reliefs in relation to force majeure events and the Change in Law events prior to Change in Law Rules, the Petitioner is in the process of filing a comprehensive Petition. Learned counsel, however, added that the issue involved in the present matter is, as such, not linked with the issues involved in the above cases.

3. After hearing the learned counsel for the Petitioner, the Commission observed that it would be better to hear/adjudicate the entire claims of the Petitioner, including Change in Law and Force Majeure claims, comprehensively. Hence, the present Petition, along with other petitions pertaining to the Change in Law and Force Majeure claims (Claims before Change in Law Rules and claims after Change in Law Rules) will be heard together as the claims of the Petitioner are related to the same project.

3. The Commission directed as under:

(a) The Petitioner to implead the beneficiaries of Western Region as party to the Petition and file a revised memo of parties within a week.

(b) Admit and issue notice to the Respondents, including the impleaded Respondents.

(c) The Respondents to file their respective replies to the Petition, if any, within three weeks after serving a copy of the same to the Petitioner, who may file its rejoinder within two weeks thereafter.

4. The Commission directed the Petitioner to file the following information on an affidavit within two weeks:

(a) Reasons for the delay in commissioning of the tie bays.

(b) Under which provision of the TSA, the Petitioner has declared the COD of its project without commissioning all the elements of the transmission system.

(c) A copy of the SLD of the Lakadia and Vadodara sub-stations indicating the 765 kV main bays as well as tie bays, which are in the scope of the Petitioner.

(d) A copy of the document in which the scope of the Petitioner mentioning the tie bays has been specified.

4. The Petition, along with Petitions connected to the Project, will be listed for the hearing on **10.4.2024**.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)