

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 124/MP/2022

- Subject : Petition under Section 79(1)(c) read with Section 79(1)(f) of the Electricity Act, 2003 for seeking a direction against Respondent No. 1 to extend the start date of the Long Term Access, as sought for by Petitioner No. 1 vide its letter dated 10.01.2022, and further restrain Respondent No. 1 from taking any coercive and precipitative measures, including but not limited to levying any penalty/ charges etc. for non-operationalisation of 150 MW out of the total 350 MW, on the premise of the start date of LTA being taken as 25.02.2022, till the final disposal of the present proceedings.
- Date of Hearing : 20.10.2022
- Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioners : Avaada Energy Private Limited (AEPL) and Anr.
- Respondents : Central Transmission Utility of India Limited (CTUIL) and Anr.
- Parties Present : Shri Vineet Tayal, Advocate, AEPL
Shri Ashish, Advocate, AEPL
Shri Rishi, Advocate, AEPL
Ms. Suparna Srivastava, Advocate, CTUIL
Shri Ajay Upadhyay, CTUIL
Shri Swapnil Verma, CTUIL
Shri Siddharth Sharma, CTUIL
Shri Muskan Agarwal, CTUIL
Shri Yogeshwar, CTUIL

Record of Proceedings

The learned counsel for the Petitioners submitted that the present Petition has been filed, *inter-alia*, seeking direction against Respondent No.1, CTUIL to extend the start date of Long-Term Access (LTA) as sought by the Petitioner No.1 vide letter dated 10.1.2022 and further to restrain CTUIL from taking any coercive and precipitative measures including but not limited to levying any penalty/charges, etc. for non-operationalisation of 150 MW out of 350 MW, on the premise of the start date of LTA being taken as 25.2.2022 till the final disposal of the present proceedings. The learned counsel submitted that vide order dated 24.8.2022 of Maharashtra Electricity Regulatory Commission, the Scheduled Commercial Operation Date (SCOD) of the Petitioner's Project upto 8.4.2022 being the date when the Petitioners achieved the complete commissioning and operationalization of their entire 350 MW solar power plant and accordingly, the Petitioners are also seeking extension of start date of LTA in sync and line with the SCOD.



2. In response to the specific query of the Commission as to the relevant provisions of Act/Regulations/Agreement under which deferment/postponement of start date of LTA has been sought, the learned counsel referred to Clause 11.2 of the Grant of Connectivity to Projects based on Renewable Sources to Inter-state Transmission System dated 20.2.2021 and Regulation 13(1)(c) of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020. The learned counsel referred to the order of Ministry of Power dated 27.7.2020 and submitted that on basis of the said order, CTUIL had earlier extended the start date of LTA granted to the Petitioners vide letter dated 16.12.2020.

3. Learned counsel for the Respondent No.1, CTUIL submitted that issue involved in the matter is squarely covered by the earlier orders of the Commission dated 23.5.2020 in Petition No. 525/MP/2020 (Sprng Renewable Energy Pvt. Ltd. v. CTUIL and Anr.) and order dated 8.6.2022 in Petition No. 103/MP/2021 and Ors. (ACME Deoghar Solar Power Pvt. Ltd. & Ors. v. PGCIL & Ors.).

4. After hearing the learned counsel for the parties, the Commission directed as under:

(a) Admit. Issue notice to the Respondents on maintainability as well as on merits;

(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 in three weeks thereafter; and

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

5. The Petition shall be listed for hearing on 22.12.2022.

By order of the Commission

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