

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 80/MP/2022
With IA No. 11/2022**

Coram:

**Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P.K.Singh, Member**

Date of Order: 8th July, 2022

In the matter of

Petition under Section 79(1)(c), Section 79(1)(f) and Section 79(1)(k) of the Electricity Act, 2003 read with Regulations 27 and 28 of the Central Electricity Regulatory Commission (Sharing of Inter State Transmission Charges and Losses) Regulations, 2020 and provisions of the Transmission Service Agreement dated 13.02.2019, Long Term Access Agreement dated 26.11.2019 and the Supplementary Long-Term Access Agreement dated 31.08.2021 executed between Central Transmission Utility (erstwhile, Power Grid Corporation of India Limited) and Mahindra Susten Private Limited, seeking directions to Central Transmission Utility of India Limited, to extend the start date of long-term access for Mahindra Susten Private Limited and align the same with Scheduled Commercial Operation Date of the project as extended by Solar Energy Corporation of India Limited, or with further extensions as may be granted as per the terms of the PPA.

And

In the matter of

Mahindra Susten Private Limited,

Mahindra Towers, Dr. G.M. Bhosle Marg,
P.K Kurne Chowk, Worli,
Mumbai, Maharashtra- 400018

Mega SuryaUrja Private Limited,

Khasra No 1, Bhivji ka Gaon, Tehsil BAAP,
Jodhpur, Rajasthan, 342307

...Petitioners

Vs.

Central Transmission Utility of India Limited,

Plot No.2, Sector-29,
Gurgaon,
Haryana- 122001

Solar Energy Corporation of India Limited

06th Floor, Plate B NBCC Office,
Block Tower-2, East Kidwai Nagar,

ORDER

The Petitioners, Mahindra Susten Private Limited and Mega Surya Urja Private Limited, have jointly filed the present Petition along with the following prayers:

“Declare that the Petitioners are not liable to pay transmission charges/losses for delay in commencement of LTA, on account of extension of SCOD by SECI due to force majeure events;

(b) Direct CTU to grant extension in the timelines under the TSA dated 13.02.2019, Long Term Access Agreement dated 26.11.2019 and Supplementary Long-term Access Agreement dated 31.08.2021 in alignment with the extended SCOD of the Project or with further extensions as may be granted by SECI;

Interlocutory Application (IA) No. 11/2022

2. The Petitioners have filed IA along with following prayers:

“(a) Allow the present Application and issue appropriate direction(s) to Central Transmission Utility of India Limited to not encash the Bank Guarantee of Rs. 5 Crores (being Bank Guarantee No. 13940100011985 dated 27.11.2019 which was submitted by the Applicants in terms of the grant of connectivity to MSPL;

(b) Direct Central Transmission Utility of India Limited to not take any coercive/precipitative actions against the Applicants till the pendency of the present proceedings;

(c) Grant ad-interim ex-parte relief(s) in terms of prayers (a) and (b) above.”

3. Learned counsel for the Petitioners vide its letter dated 4.7.2022 has submitted that the present Petition is yet to be listed for hearing on admission and has sought permission to withdraw the present Petition and IA. Learned counsel for the Petitioners have requested to return the filing fees paid in the Petition and IA or adjust the same against the Petition to be filed in future.

4. The Petition is being decided by circulation. In view of the submission of the learned counsel for the Petitioner vide its letter dated 4.7.2022, the Petitioner is permitted to withdraw the present Petition. The filing fees paid in the matter shall be adjusted against the Petition to be filed in future.

5. Accordingly, the Petition No. 80/MP/2022 and IA No. 11/2022 are disposed of as withdrawn.

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

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

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