

# PROJECTS, ENERGY & INFRASTRUCTURE

## MONTHLY NEWSLETTER

### FEBRUARY 2023



# LEGAL & POLICY UPDATES



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## Draft Electricity (Amendment) Rules, 2023

- The Ministry of Power (**MOP**) by way of the draft Electricity (Amendment) Rules, 2023 intends to amend/add Rule 4 A to the Electricity Rules, 2005.
- The proposed amendment to Rule 4A provides that where any person or entity, including a Government Company, was functioning as a licensee under the previous Act, and continues to function as a licensee under the provision of Section 14 of the Electricity Act, 2003, and where the duration of the license was not prescribed under the previous Act, in such cases the period of the license shall be 25 years from the date of coming into force of the Electricity Act, 2003. Licensees are required to apply for and obtain the renewal of their license before the date of expiry of their license.

## Notification of the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Amendment Rules, 2023

- The Electricity (Promoting Renewable Energy Through Green Energy Open Access) Amendment Rules, 2023 (**Amendment Rules 2023**), notified by the Ministry of Power (**MOP**) on January 27, 2023, amend the provisions of the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 (**Original Rules**) which were notified on June 6, 2022 in order to further accelerate India's ambitious renewable energy programs, with the objective of ensuring access to affordable, reliable, sustainable and green energy for all.
- According to the Amendment Rules 2023, any consumer may elect to purchase green energy either up to a certain percentage of the consumption or its entire consumption and they may place a requisition for this with their Distribution Licensee, which shall procure such quantity of green energy and supply it and the consumer shall have the flexibility to give separate requisition for solar and non-solar. Provided that the credit for banked energy shall not be permitted to be carried forward to subsequent banking cycles and shall be adjusted during the same banking cycle. Further, the unutilized surplus banked energy shall be considered as lapsed at the end of each banking cycle and the renewable energy generating station shall be entitled to get Renewable Energy Certificates (**RECs**) to the extent of the lapsed banked energy.
- The charges to be levied on Green Energy Open Access consumers are transmission charges, wheeling charges, cross subsidy surcharge, standby charges wherever applicable, banking charge and other fees and charges such as Load Despatch Centre fees and scheduling charges, deviation settlement charges as per the relevant regulations of the Commission.

- Cross subsidy surcharge and additional surcharge shall not be applicable in case power produced from a non-fossil fuel-based waste-to-energy plant is supplied to the Open Access consumer and additional surcharge shall not be applicable in case electricity produced from offshore wind projects, which are commissioned up to December 2025 and supplied to the Open Access Consumer.
- The standby charges, wherever applicable, shall be specified by the State Commission and such charges shall not be applicable if the Green Energy Open Access consumers have given notice, at least a day in advance, before closure time of the Day Ahead Market on 'D - [minus] 1' day, 'D' being the day of delivery of power for standby arrangement to the Distribution Licensee.

## Major Ports Adjudicatory Board Rules, 2023 notified on January 17, 2023

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- On January 14, 2023, the Ministry of Ports, Shipping and Waterways notified the Major Ports Adjudicatory Board Rules, 2023 (**Adjudicatory Rules 2023**). The Adjudicatory Rules 2023 are framed in exercise of the powers conferred by sub-Section (3) and (5) of Section 56 and sub-Section (2) of Section 58 read with Clauses (g), (k), (l), (m), (n), (o), (p) and (q) of sub-Section (2) of Section 71 of the Major Port Authorities Act, 2021 (1 of 2021).
- Section 3 of the Adjudicatory Rules 2023 provides that the Presiding Officer and members of the Adjudicatory Board shall be appointed by the Central Government on recommendation of a Selection Committee consisting of the Chief Justice of India or his nominee, Secretary-in-charge of the Ministry of Ports, Shipping and Waterways, Secretary-in-charge of the Department of Personnel and Training.
- Section 28 of the Adjudicatory Rules 2023 provides that the Adjudicatory Board shall exercise the powers and perform the functions as provided in Section 58 of the Act and shall receive, review and adjudicate upon the following categories:
  - Category A – Cases in respect of matters stipulated under Clause (a) of sub-Section (1) of Section 58 of the Act.
  - Category B – Any dispute, difference or claim related to the rights and obligations of Major Ports and Public Private Partnership concessionaires or captive users for dedicated berth within the framework of their concession agreements under Clause (b) of sub-Section (1) of Section 58 of the Act.
  - Category C – Stressed Public Private Partnership projects referred by the Central Government or the Board of the Major Port Authority to the Adjudicatory Board under Clause (c) of sub-Section (1) of Section 58 of the Act.
  - Category D – Complaints received from port users under Clause (d) of sub-Section (1) of Section 58 of the Act.
  - Category E – References under Clause (e) of sub-Section (1) of Section 58 of the Act.
  - Category F – Applications made under Section 32 of the Act.
- Every case, application, review, or any document related thereto shall be filed to the Adjudicatory Board in English and the same shall be fairly and legibly type written, lithographed, or printed. Every case, application, review, or related document shall be divided into paragraphs and shall be numbered consecutively, and each paragraph shall contain as nearly as may be, a separate fact or allegation or point.
- Every case, application, review, or document shall explicitly state the following:
  - Facts of the case, application, review sought
  - Point of issue
  - Relief sought
  - Address for service of notice
- Adjudicatory Board for the disposal of such case, application, or review within six months from the date of its presentation before the Adjudicatory Board.

## Comments/suggestions sought on Quality Control Manual for Grid Connected Rooftop Solar PV Systems and Solar PV Water Pumping Systems

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- The Ministry of New & Renewable Energy (**MNRE**) by way of the Office Memorandum dated February 25, 2023, has published draft manual to ensure the quality of installation and a structured mechanism for monitoring of the installations of the Grid-connected Rooftop Solar PV System and Standalone Solar PV Water Pumping System and Solarization of existing individual agricultural pumps (**Draft Manual**).

- The MNRE has sought comments/suggestions from the stakeholder on the Draft Manual by 5:00 PM, March 10, 2023.

### **Extension for implementation of solar PV/solar PV-wind hybrid power projects**

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- The MNRE on January 25, 2023, has extended time for completion of the of the PV/solar PV – wind hybrid projects up to March, 2024. Earlier the solar PV/solar PV-wind hybrid projects were to be completed by March 9, 2021.

### **Extension for compliance and implementation of the Quality Control Order, 2017 for SPV inverters (items 4-5)**

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- The MNRE had issued Solar Photovoltaics, Systems, Devices and Components Goods (Requirements for Compulsory Registration) Order, 2017 vide S.O. 2920 (E) dated September 05, 2017 for six products included in the Schedule with the date of coming into force with effect from September 09, 2018 and the same was modified vide S.O. 5259(E) published in Gazette of India dated December 12, 2018. And whereas, self- certification for SPV inverters (items 4-5) was extended up to December 31, 2022 vide S.O. 3535(E) published in Gazette of India dated July 28, 2022.
- By way of the notification dated January 24, 2023 MNRE has extended time for compliance with the implementation of Quality Control Order, 2017 for SPV inverters (items 4-5) from December 31, 2022 to June 30, 2023 or till further orders, whichever is earlier, based on self-certification, subject to the condition that such manufacturers have valid IEC certificates corresponding to IS (IS 16221(Part 2):2015/IEC 62109-2:2011 for item No 4 and IS 16169:2014/IEC 62116:2008 for item No. 5), specified in the said order for these items and test reports from accredited test labs, for smooth implementation of the order.

### **Draft guidelines to promote development of Pump Storage Projects (PSP)**

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- Vide notification dated February 15, 2023, the Ministry of Power (**MoP**) has issued draft guidelines to promote development of Pump Storage Projects (**PSP**) in the country. PSPs are seen as vital for grid stabilization as well as meeting the peaking power demand, and a need for formulating separate guidelines to promote PSPS was felt in order to aid their development. MoP has sought comments and suggestions from all stake holders by March 3, 2023.



# RECENT JUDGMENTS



## In this Section

Tata Power Company Ltd v. Gujarat Urja Vikas Nigam Ltd & Ors

The Additional Executive Engineer, Auda Vahani Project Sub-Division, Maharashtra State Electricity Parashan Company Ltd & Ors v. Kishor & Ors

MB Power (Madhya Pradesh) Ltd v. Central Electricity Regulatory Commission & Ors And Central Transmission Utility of India Ltd v. Central Electricity Regulatory Commission & Ors

## Tata Power Company Ltd v. Gujarat Urja Vikas Nigam Ltd & Ors

Central Electricity Regulatory Commission (CERC) | Order dated January 03, 2023 in Petition No. 128/MP/2022

### Background facts

- The Tata Power Company Ltd (TPCL) is a 'generating station' based on coal imported from Indonesia under Section 2(28) of the Electricity Act, 2003 (Act) and operating a 4000MW Ultra Mega Power Project at Mundra (Project), District Kutch, Gujarat having a Power Purchase Agreement dated April 22, 2023 (PPA) with Discoms in the States of Gujarat, Maharashtra, Punjab, Haryana and Rajasthan (Procurers).
- In 2012, TPCL's Project had been adversely affected due to promulgation of Indonesian Regulations which sharply increased the price of importing coal from Indonesia. However, such an increase was not allowed as Change in Law to TPCL by way of Apex Court's decision in *Energy Watchdog v. CERC*<sup>1</sup>.
- Subsequently, through numerous efforts like HPC Report, meetings under the aegis of Ministry of Power (MoP) and negotiations for Supplementary Power Purchase Agreement (SPPA), there was an effort to reach a mutually agreeable tariff between TPCL and its Procurers as the PPA Tariff did not address the increase in importing coal from Indonesia. These efforts are still ongoing.
- On May 05, 2022, MoP issued directions under Section 11 of the Act to address the energy crisis in the country directing all imported coal-based plants inter alia to operate and generate power to their full capacity (Directions).
- The Directions recognized that existing PPAs do not have adequate provision for pass through of the entire increase in the international coal price and thus directed that the rate at which power would be supplied (ECR) shall be determined by a Committee constituted by the MoP with representatives from MoP, Central Electricity Regulatory Commission (CERC) and Central Electricity Authority (Committee) on basis of the Argus Index. Accordingly, MoP had been periodically revising the ECR and issued clarifications from time to time to delineate the terms of generating and supplying power under the Directions (Clarifications).
- The ECR determined by MoP in regard to TPCL included deduction of Mining Profit. TPCL had submitted the same had been wrongly applied since deduction of Mining Profit had been a concession discussed during the negotiations for SPPA, being prior to the issuance of Directions, which should not be considered in case of determination of compensation under Section 11(2) of the Act. Per contra, the Procurers had argued that TPCL ought to share 100% of the mining profit earned by it with Procurers. TPCL being aggrieved of such tariff declared / determined by the Committee, approached CERC in terms of Section 11 (2) of the Act seeking offset of adverse financial impact on account of complying with Section 11 Directions.

<sup>1</sup> (2017) 14 SCC 80

- CERC on June 17, 2022 passed an interim order directing the Procurers to comply with the Directions in 'letter and spirit'. Further, in response to TPCL's Interim Application seeking the compliance of the interim order dated June 17, 2022, CERC passed Order dated September 13, 2022 inter alia directing all Procurers to pay fixed charges at INR 0.90/kWh without any deductions even in case they were not procuring power under the Directions and to maintain appropriate Letter of Credit for weekly payment of invoices during pendency of the Directions.

### Issues at hand

- What is the scope of jurisdiction of CERC under Section 11(2) of the Act?
- What should be the principles to determine the Adverse Financial Impact under Section 11(2) of the Act?
- What parameters shall be considered for the determination of ECR for supply of power under the Directions?
- Whether Mining Profit shall be deducted from ECR?

### Decision of the Commission

- Upon considering the submissions of all the parties, CERC held as under:
  - The power to offset the adverse financial impact of the Direction issued by MoP has been granted to CERC under Section 11 (2) of the Act.
  - The rates decided by MoP are interim in nature and are subject to determination of adverse financial impact by the Commission under Section 11(2) of the Act. Further, such determination requires CERC to compensate TPCL to cover the cost plus a reasonable margin of profit, in the light of the principles decided by APTEL in its judgement dated May 23, 2014 in Appeal No. 37 of 2013 and 303 of 2013 (**GMR Judgement**).
  - In the absence of a signed SPPA, it cannot be said that there was a binding mutual agreement between the Parties with regard to reduction of 20 paise/kWh from the fixed charges. After issue of the Section 11 directions, there is no mutual agreement between the Parties for reduction of fixed charges by 20 paise/kWh and generation and supply of power by TPCL in terms of the draft SPPA cannot bind TPCL to generate and supply power under Section 11 to the Respondent Procurers on the same terms and conditions.
  - CERC has stated that TPCL shall not be entitled for incentive in terms of the PPA for declaring capacity above 85% since TPCL is already entitled to recover full fixed charges as agreed in the PPA on declaring 80% availability while getting the reasonable margin by way of the quoted fixed charges. In view thereof, granting incentive for declaration of availability beyond 85% of capacity, will go beyond the construct of reasonable margin as provided in the GMR Judgement.
  - On issue of rebate, CERC declined to allow TPCL's submission that rebate should be one-fourth the PPA rate and held that rebate is to be calculated at the rate provided under PPA by extrapolating the PPA provisions payments made on weekly basis.
  - PPA holders who are not scheduling power from the generating station of TPCL shall be liable to pay the capacity charges and shall be entitled for sharing of profit, in any. The Procurers who are not scheduling power from TPCL during the operation of Section 11 directions shall be required to maintain LC commensurate with the fixed charges for one week for their contracted power.
  - As regards FOB price of coal, CERC did not accept the Argus derived price for the reason that the export of coal from Indonesia is permitted only on HPB price based on HBA index. Hence FOB shall be lower of actuals or HBA derived price. Ocean Freight and Handling charges and Forex Rate shall be as per PPA. However, CERC has held that since PPA does not provide for reimbursement of Other Charges, same would not be granted for ECR.
  - As regards, Operational parameters, CERC has held that while deciding the adverse financial impact of Section 11 directions which has to cover the variable cost of generation and a reasonable margin as per the Appellate Tribunal's judgement in GMR case it shall not adopt the operational parameters which was approved in order dated December 06, 2016 in Petition No.159/MP/2012. Such parameters shall be lower of the actual or as per Tariff Regulations, 2009.
  - In case of coal received from sources other than Indonesia, CIF cost of coal shall be considered. However, the CIF price of coal plus the mining profit per tonne (decided during the month in respect of Indonesian coal per tonne) shall not be more than the CIF price of Indonesian coal received during the said month.
  - CERC has also held that TPCL shall share the profits earned through sale at the Power Exchanges in proportion to the un-requisitioned capacity of the procurers during the relevant month.
- On the issue of Mining Profits, CERC was of the view that actual profits from coal mining operations in Indonesia shall be calculated based on the total incremental revenue after payment

of taxes and royalty in Indonesia and India for coal supplied to CGPL for generation and supply of electricity. Since TPCL has 30% stake in KPC, the profit to be shared shall be considered to the extent of 30% after payment of all taxes and charges.



#### HSA **Viewpoint**

CERC through the present order has settled the legal principles regarding its jurisdiction and the methodology to be adopted while exercising its function under Section 11(2) of the Act. In much needed relief to TPCL, it recognized that TPCL has faced higher running costs in order to comply with the Directions issued by MoP and has addressed the adverse financial impact on account of the same allowing TPCL's Plant to recover full cost incurred for supplying power along with reasonable margin in terms of the Directions. Further, CERC has settled the position that directions under Section 11 are interim in nature and subject to offset by the 'Appropriate Commission'. In light of the issues being faced by imported coal-based power plants, this decision comes as great relief to such power producers, especially those complying with Section 11 directions, who shall likely benefit from a similar consideration from CERC.

## The Additional Executive Engineer, Auda Vahani Project Sub-Division, Maharashtra State Electricity Parashan Company Ltd & Ors v. Kishor & Ors

High Court Of Bombay (Nagpur Bench) | Judgment dated February 7, 2022 in Civil Revision Application No. 122/2022

### Background facts

- The Revision Application was filed by Maharashtra State Electricity Parashan Company Ltd (**Applicant**) being aggrieved by the order passed by the Civil Judge Junior Division, Nagpur in Regular Civil Suit No. 574/2022. The Applicant had filed application before the lower court under Section 9 read with Order VII Rule 11 of the Civil Procedure Code for rejection of the plaint filed by the Defendant before the Civil Judge. However, the application for rejection of plaint was dismissed.
- The Defendants had filed the suit against the Applicant company for declaration and permanent injunction. The Defendants also preferred an application for grant of temporary injunction. The Defendants had challenged the action of erecting and installing of electric towers for supplying the electricity from the generating plant to specified destination. The Defendants had also sought relief of temporary injunction against the Applicant with the prayer that the Applicant may be restrained from creating any third-party interest in the Suit Property. Further, the work undertaken by the Applicant company falls under the purview of Section 40 of the Electricity Act, 2003.
- The contention of the Applicant company was that in view of the bar under Section 145 of the Electricity Act, 2003, the Civil Court has no jurisdiction to entertain any suit or proceedings in respect of any matter in which assessing Officer referred to in Section 126 or the Appellate Authority under Section 127 or the Adjudicating Authority appointed under the Electricity Act, 2003 is empowered to determine and no injunction shall be granted by any Court in respect of any action taken in pursuance of any power conferred by or under the Electricity Act, 2003.
- It was contended by the Applicant company that the jurisdiction of the Civil court is expressly barred under the provisions of Section 145 of Electricity Act, 2003.

### Issue at hand

- Whether Section 145 of Electricity Act, 2003 bars the jurisdiction of Civil Courts from granting any injunction in respect of an action taken by the Authority under the Electricity Act, 2003?

### Decision of the Court

- The High Court of Bombay relied on the judgment of High Court of Madras in the case of **A. Kaleur Rahman v. P. Kanna**<sup>2</sup> and also the judgment of the High Court of Punjab & Haryana in the case of **Parminder Kaur & Satinder Kaur v. Punjab State Power Corporation Ltd & Anr**<sup>3</sup> decided on April 22, 2016, to hold that it is clear that Section 145 of the Electricity Act, 2003 clearly bars the jurisdiction of the Civil Court from granting any injunction in respect of an action to be taken by the Authority under the said Act.
- The bar contemplated under Section 145 is two-fold:
  - The first part of the Section deals with Suits or Proceedings being filed in respect of any matter which an Assessing Officer is required under Section 126 or an Appellate Authority

<sup>2</sup> AIR Online 2019 Mad 1751

<sup>3</sup> R.S.A. No. 1664/2015

under Section 127 or the Adjudicating Officer under the said Act is empowered by or under the Act to determine.

- The second limb of the Section deals with any action being instituted in any Court or before any Authority with reference to any action taken or proposed to be taken in pursuance to any powers conferred under the said Act.
- Therefore, on reading of the above Section it is clear that not only is the Suit or Proceedings before the Civil Court barred in respect of the matters under Section 126 or Section 127 or before the Adjudicating Officer under the Act, but the Suit or Proceedings before the Civil Court is also barred if an injunction is sought for to prevent or to direct any action to be taken by any Authority under the Act. The installation of towers for supply of electricity is the act which is done by the Authorities or Authorized Licensee under the said Act. Therefore, the Suit for injunction restraining them from erecting any fresh tower for supply of electricity falls within the bar of Section 145 of the said Act.
- Thus, the application was allowed, and the order of the Ld. Joint Civil Judge Junior Division was quashed and set aside.



#### HSA **Viewpoint**

The High Court has correctly given a literal interpretation to Section 145 of the Electricity Act, 2003. The Electricity Act, 2003 is a special statute and any particular bar created under a special statute will supersede the general exercise of powers by a Civil Court.

## **MB Power (Madhya Pradesh) Ltd v. Central Electricity Regulatory Commission & Ors**

And

## **Central Transmission Utility of India Ltd v. Central Electricity Regulatory Commission & Ors**

**APTEL | Appeal No.73 of 2018 and Appeal No. 196 of 2019**

### **Background facts**

- MB Power (Madhya Pradesh) Ltd (**Generator / MBPMPL**), the Appellant in the first captioned Appeal i.e. Appeal No. 73 of 2018 is a Generating Company, has filed the Appeal-73 against the order passed by Central Electricity Regulatory Commission (**Central Commission**).
- Separately, the Central Transmission Utility of India Ltd (CTU), the Appellant in the second captioned Appeal i.e. Appeal No. 196 of 2019 aggrieved by order dated May 10, 2019 (**Impugned Order-96**) passed by CERC in Petition No.96/MP/2018, filed the second captioned Appeal i.e. Appeal-196.
- The Connectivity agreement was signed for the Generating capacity of 1200 MW with effective date from February 01, 2013 (evacuation capacity for 1122 MW, reduced due to auxiliary consumption) against the scheduled date of commissioning of Unit-1 of the Generating Station as on August 01, 2013 and on December 01, 2013 for Unit-2, through 400 kV transmission system to be built by PGCIL whereas the BPTA was signed for supply of power to the tune of 392 MW for 25 years starting from August 01, 2013 with target beneficiaries as Western Region (WR) and Northern Region (NR).
- As per the relevant provisions of the 2014 Tariff Regulations, a transmission asset can be declared operational/commissioned, if the following is accomplished:
  - The transmission asset is in 'regular service'
  - The transmission asset has achieved 'successful trial-run operation'
  - Successful charging of the transmission asset for 24 hours at continuous flow of power, with requisite metering system along with protection system in service
  - Concerned Regional Load Despatch Centre (**RLDC**) has issued certificate endorsing 'successful trial-run operation'
- In addition to the aforementioned mandatory compliances under 2014 Tariff Regulations, the Central Electricity Authority, which has been statutorily vested with powers and functions to specify technical standards and safety requirements and conditions for installation of meters.
- Also added that CEA (Measures relating to Safety and Electric Supply) Regulations, 2010 (CEA Safety Regulations) mandates that prior to commencement of supply of power, a certificate under Section 43 of the CEA Safety Regulations will be obtained, the Respondent – PGCIL has failed to comply with the aforementioned statutory and regulatory mandates and the Central Commission,



has regardless allowed COD and tariff for the transmission asset in utter disregard to the settled law.

### Issues at hand

- The Generator, in Appeal, has challenged the decision of the Central Commission on the following issues:
  - Declaring the commissioning of the Transmission Asset on August 08, 2014 and DOCO on February 25, 2015, directing the Appellant to pay IDC & IEDC to PGCIL from August 08, 2014 to the DOCO (February 25, 2015) of the Transmission Asset.
  - (ii) Directing the Generator to pay transmission charges in relation to the Transmission Asset from February 25, 2015 to May 19, 2015.
- The CTU, in Appeal, has challenged the decision of the Central Commission vide the Impugned Order-96 on the following issues:
  - Directing CTU to pay transmission charges to the Generator from May 20, 2015 till August 26, 2015 for the period for which LTA has been delayed.
  - CTU to return the bank guarantee of INR 60 crore (subsequently reduced to INR 30 crores) to the Generator within 15 days of issuance of the Impugned Order.
  - CTU to reimburse the bank charges paid by the Generator to the issuing bank towards extension of validity period of the bank guarantee beyond November 20, 2015 till the date of release of the said bank guarantee.

### Decision of the Tribunal

- APTEL has allowed for payment of reverse transmission charges by the transmission licensee i.e., PGCIL to the generator MBPMPL, and held that the Connectivity of the Dedicated Transmission Asset cannot be treated as separate and distinct from the grant of Long Term Access (LTA) for providing end-to-end connectivity for supplying power to the beneficiaries under the LTA and the 'regular service' of the transmission line cannot be achieved without first operationalisation of the LTA.
- With regard to transmission charges to be paid by generator i.e., MBPMPL, APTEL held that MBPMPL will be liable to pay the charges for evacuation of power generated to the pooling substation through the Dedicated Transmission Asset, only to the extent of supplying power to the other beneficiaries, and not the beneficiaries under the LTA. The said issue is remanded back to the Central Electricity Regulatory Commission (CERC) for re-examination.
- APTEL considered the submission of MBPMPL and PGCIL. It has been held that such demand of PGCIL was against the provisions of the Connectivity Regulations and the Detailed Procedure framed thereunder. The Petitioner had to pay bank charges in keeping the BG alive only because of insistence of PGCIL to extend the BGs.
- Having declared that the BGs should have been returned by November 20, 2015, APTEL directed PGCIL to reimburse bank charges towards extension of validity period of the Bank Guarantee kept with the bank for issuance of the Bank Guarantee.
- In terms of the above, the Generator, MBPMPL's appeal was allowed and CTU's appeal was dismissed by APTEL.



#### HSA **Viewpoint**

APTEL's decision is one of its kind where PGCIL/CTU was directed to return the Bank Guarantee to MBPMPL. [\*HSA Advocates successfully represented MBPMPL in these proceedings.\*](#) The allowance of payment of reverse transmission charges is perhaps the first of its kind. This course setting decision will have far reaching impact on the sector.

## CONTRIBUTIONS BY

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