

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**I.A No.3/2018
in Petition No. 18/MP/2018**

Subject : Interlocutory application to stay the operation of the notice dated 5.1.2018 issued by PGCIL till disposal of the petition.

Date of hearing : 18.1.2018

Coram : Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Applicant : Adani Green Energy Limited (AGEL).

Respondent : Power Grid Corporation of India Limited (PGCIL).

Parties present : Shri Buddy Ranganadhan, Advocate, AGEL
Shri Raunak Jain, Advocate, AGEL
Shri Vishvendra Tomar, Advocate, AGEL
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Sanjana Dua, Advocate, PGCIL
Ms. Jyoti Prasad, PGCIL

Record of Proceedings

Learned counsel for the Applicant submitted that PGCIL has given a notice dated 5.1.2018 urging the petitioner to sign the Transmission Service Agreement (TSA) and LTA Agreement within 15 days from the date of notice i.e. by 20.1.2018 failing which the LTAs granted to the applicant shall be cancelled in accordance with the provisions of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State transmission and related matters) Regulations, 2009. The IA has been filed for stay on the notice of PGCIL till the disposal of the petition due to the following reasons:

(a) The petitioner was granted LTA for 2250 MW projects (1000 MW wind energy+ 500 MW wind energy + 750 MW solar energy) in village Khavda of Kutch District of Gujarat vide PGCIL's letter dated 13.11.2017. The petitioner was required to sign the LTA Agreements within thirty days from the date of intimation.

(b) The petitioner made a proposal for optimization of the connectivity arrangement by establishing 2 nos. of pooling stations and single 400 kV D/C (quad) line which was included in the Agenda circulated vide letter dated 31.7.2017 for 25th WR Connectivity and LTA meeting. Meanwhile, the Commission vide order dated 29.9.2017 in Petition No. 145/MP/2017 directed PGCIL to frame objective criteria to be prescribed in the Detailed Procedure. After issue of the said order, PGCIL put on hold the consideration of the petitioner's application for



optimization of connectivity arrangement till the finalization of the procedure and circulated the revised agenda note for 25th meeting of WR constituents regarding Connectivity and Long Term Access Applications of WR applications from RE developers in WR.

(c) Pending consideration and decision on its proposal for optimization of connectivity, the Applicant cannot execute the TSA or LTA and consequently, there cannot be any cancellation of LTA as intimated by PGCIL vide its notice dated 5.1.2018. Time may be granted for signing of LTA or TSA till the consideration of the Applicant's proposal after issuance of the amendment to the Detailed Procedure.

2. Learned counsel for PGCIL submitted that there is no provision in the Regulation or Detailed Procedure to extend the timeline for signing of the LTA Agreement or TSA.
3. After hearing the learned counsel for the Applicant, the Commission admitted the petition and directed the Applicant to serve the copy of the petition on the respondent immediately, if not served already. The respondent was directed to file its reply to the petition on affidavit, by 5.2.2018 with an advance copy to the Applicant, who may file its rejoinder, if any, by 15.2.2018. The Commission directed that due date of filing reply and rejoinder should be strictly complied with. No extension shall be granted on that account.
4. The Commission directed that no coercive measure shall be taken by PGCIL till the next date of hearing. Accordingly, the IA was disposed of.
5. The petition shall be listed for hearing on 13.3.2018.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Legal)**

