

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 159/MP/2019**

Subject : Petition under Section 79 (1) of the Electricity Act, 2003 read with Regulations 27 and 33A of the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term and Medium Terms Open Access in inter-State Transmission and related matters) Regulations, 2009 for time extension of achieving financial closure as provided under clause 9.3.2 of the Detailed Procedure issued by the Central Commission for 'Grant of Connectivity to projects based on Renewable sources to the inter-State Transmission System' dated 15.5.2018.

Date of Hearing : 9.7.2019

Coram : Shri P. K. Pujari, Chairperson  
Dr. M. K. Iyer, Member  
Shri I.S. Jha, Member

Petitioner : Toramba Renewable Energy Private Limited (TREPL)

Respondent : Power Grid Corporation of India Limited (PGCIL)

Parties present : Shri M.G. Ramachandran, Senior Advocate, TREPL  
Shri Shubham Arya, Advocate, TREPL  
Ms. Suparna Srivastava, Advocate, PGCIL  
Ms. Jyoti Prasad, PGCIL  
Shri Siddharth Sharma, PGCIL  
Shri Swapnil Verma, PGCIL

**Record of Proceeding**

Learned senior counsel for the Petitioner submitted that the Petitioner, Toramba Renewable Energy Private Limited, has filed the present Petition for seeking extension of time to procure the balance land and to achieve financial closure. Learned senior counsel submitted that the time frame in which land policy for ISTS projects by Government of Maharashtra will be finalized is not clearly known and therefore qualifies as force majeure as per Regulation 33 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term and Medium Term Open Access in Inter State Transmission and related matters) Regulations, 2009. Learned senior counsel submitted that on 26.6.2019, SECI has floated tender for 1800 MW wind power projects (Tranche-VIII) and it is stipulated that the delivery points for the projects shall be chosen by the bidder only out of the specified ISTS sub-stations restricting freedom of bidders to

chose appropriate sub-stations. The sub-stations presently specified do not include the Solarpur Pooling sub-station where the Petitioner holds connectivity. This new development is also beyond the control of the Petitioner and preventing the Petitioner to participate in the SECI bid. Learned senior counsel submitted that the Petitioner is agree to revocation of Stage-II connectivity if its construction bank guarantee is returned by CTU.

2. Learned counsel for the Respondent, PGCIL submitted that clause 9.3.3 of Detailed Procedure made under Connectivity Regulations provides that in the event of failure of developer to achieve the milestones as listed in clause 9.3.1 or clause 9.3.2, as the case may be, the Stage-II Connectivity shall be revoked by CTU under intimation to grantee. Learned counsel submitted that there is no specific provision with regard to action to be taken against the bank guarantee submitted by the Petitioner and direction is required from the Commission in this regard.

3. After hearing the learned senior counsel for the Petitioner and PGCIL, the Commission directed PGCIL to submit on affidavit, on or before 26.7.2019:

- (a) Whether any expenditure has been incurred by it based upon the connectivity granted to the Petitioner;
- (b) Details of applicants seeking stage-II Connectivity at the same location;
- (c) How many such cases are there where State-II grantee has not come up with submissions of documents as per clauses 9.3.1 or 9.3.2 of the Detailed Procedure made under Connectivity Regulations within nine months from the date of grant of Stage-II Connectivity.

4. The Petitioner was directed to submit the following information on affidavit by 26.7.2019:

- (a) Reason, why the Petitioner has not applied for all foot prints of land at the time of allocation of those land which have been allocated to it; and
- (b) Detailed plan for achieving timeline in case its request for grant of time extension is permitted.

5. The Commission directed that interim direction dated 12.6.2019 shall be continued till the next date of hearing.

6. The Commission directed to list the Petition for hearing in due course for which separate notice will be issued.

**By order of the Commission**

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