

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 55/MP/2019

Subject : Petition under Section 79 (1) (c) of the Electricity Act, 2003 read with Regulations 27 and 33A 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 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.

Petitioner : Vaayu Renewable Energy (Mevasa) Private Limited (VRE(M)PL)

Respondent : Power Grid Corporation of India Limited (PGCIL)

Date of Hearing : 9.7.2019

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

Parties present : Shri M.G. Ramachandran, Senior Advocate, Vaayu Renewable
Ms. Ranjitha Ramachandran, Advocate, Vaayu Renewable
Shri Shubham Arya, Advocate, Vaayu Renewable
Ms. Tanya Sareen, Advocate, Vaayu Renewable
Shri P.Sunil Kumar, Vaayu Renewable
Shri M. Krishna Kumar, Vaayu Renewable
Shri Vikas, Vaayu Renewable
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Sanjana Dua, Advocate, PGCIL
Ms. Jyoti Prasad, PGCIL

Record of Proceedings

Learned senior counsel for the Petitioner submitted that the present Petition have been filed for seeking extension of time to achieve the financial closure due to delay in land acquisition owing to change in Land Policy in the State of Gujarat which is beyond the control of the Petitioner and therefore qualifies as force majeure event in terms of 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 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 where the Petitioner`s connectivity pooling sub-station i.e Jamkhambhaliya is also listed. Learned senior counsel submitted that the construction activities of the Jamkhambhaliya substation have not been yet commenced. Learned senior counsel requested to grant extension of time to achieve financial closure and completion of schedules realigned with completion schedules of Jamkhambhaliya sub-station.

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

3. In response to the Commission`s query whether the construction activities of sub-station have been commenced, learned counsel for PGCIL submitted that the information in this regard will be submitted after confirmation.

4. 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) Details of applicants seeking stage-II Connectivity at the same location;

(b) How many such cases are there where Stage-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.

(c) Submit the view regarding return of bank guarantee if no investment has been made by it after examining the relevant provisions in this regard.

5. 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.

6. The Commission directed that interim direction dated 4.4.2019 shall be continued till the next date of hearing.

7. 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)