

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Date of Hearing: 9.7.2019

Petition No. 56/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 dated 15.5.2018.

Petitioner : Vaayu Renewable Energy (Sironj) Private Limited (VRE(S)PL)

Respondent : Power Grid Corporation of India Limited (PGCIL)

Petition No. 57/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 dated 15.5.2018.

Petitioner : Vaayu Renewable Energy (Kaveri) Private Limited (VRE(K)PL)

Respondent : Power Grid Corporation of India Limited (PGCIL)

Petition No. 58/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 dated 15.5.2018.

Petitioner : Vaayu Renewable Energy (Krishan) Private Limited (VRE(K)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
Shri Shubham Arya, Advocate, Vaayu Renewable
Shri Sunil Kumar, Vaayu Renewable
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Jyoti Prasad, PGCIL
Shri Ranjeet S Rajput, PGCIL
Shri Siddharat Sharma, PGCIL
Shri Siddharth Sharma, PGCIL

Record of Proceedings

Learned senior counsel for the Petitioners submitted that the present Petitions 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 restricting freedom of bidders to chose appropriate sub-station. The sub-station presently specified do not include the Bhuj 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 bids. Learned senior counsel submitted that the Petitioner is not in a position to foresee conducive development in the near future. Learned senior counsel submitted that the Petitioner is agreeable to revocation of Stage-II Connectivity if its bank guarantee is returned by PGCIL.

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. 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 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 4.4.2019 shall be continued till the next date of hearing.

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

By order of the Commission

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