

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.268/MP/2023

Subject : Petition under Section 79(1)(c) and 79(1)(f) of the Electricity Act, 2003.

Petitioner : Eden Renewable Bercy Private Limited.

Respondents : Central Transmission Utility of India Limited & Ors.

Petition No.269/MP/2023

Subject : Petition under Section 79(1)(c) and 79(1)(f) of the Electricity Act, 2003.

Petitioner : Eden Renewable Passy Private Limited.

Respondents : Central Transmission Utility of India Limited & Ors.

Date of Hearing : **22.9.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Parties Present : Shri Venkatesh, Advocate, Eden Renewable
Shri Ashutosh Srivastava, Advocate, Eden Renewable
Shri Aashwyn Singh, Advocate, Eden Renewable
Shri Punyan Bhutani, Advocate, Eden Renewable
Shri Vivek Kodesia, Eden Renewable
Shri Prateek Mohanty, Eden Renewable
Shri Swapnil Verma, CTUIL
Shri Akshayvat Kislay, CTUIL
Shri Ranjit Singh Rajput, CTUIL
Ms. Priyansi Jadiya, CTUIL
Shri Kashish Bhambhani, CTUIL
Shri Narendra Sathvik, CTUIL
Shri Yatin Sharma, CTUIL
Shri Rajiv Shankar Dvivedi, Advocate, NHPC
Shri Rishabh Jain, Advocate, NHPC

Record of Proceedings

Learned counsel for the Petitioners submitted that the present Petitions have been filed *inter-alia* seeking directions upon Respondent No. 1, Central Transmission Utility of India Limited (CTUIL), for shifting the connectivity of their 300 MW Solar Power Projects, each being set up in Jaisalmer district in the State of Rajasthan ('the Projects') from Fatehgarh-II Pooling sub-station ('Fatehgarh-II') to Fatehgarh-III Pooling sub-station ('Fatehgarh-III') or Bhadla-II Pooling sub-station ('Bhadla-II').

Learned counsel submitted that CTUIL, in its affidavit dated 21.9.2023 has indicated that with respect to 600 MW of surrendered capacity at Bhadla-II, Connectivity was offered to other RE developers at Bhadla-III PS for shifting/reallocation of their Connectivity at Bhadla-II PS in the reallocation meeting held on 20.6.2023. However, no developer opted for such shifting/reallocation and subsequently, surrendered 220 kV bays were offered to “new applicants” during the 23rd CMETS-NR meeting held on 29.8.2023 wherein Project Nine Renewable Power Private Limited opted for Stage-II Connectivity (450 MW) at Bhadla-II as per their application priority. Learned counsel submitted that, keeping in view that the Petitioners have been requesting to shift their Connectivity from Fatehpur-II since June 2023 itself, the request of the Petitioners for shifting of Connectivity to Bhadla-II could have been considered rather than allocating the Connectivity to “new applicants”.

2. The representative of CTUIL referred to the CTUIL’s affidavit dated 21.9.2023 in detail and pointed out that, insofar as Fatehgarh-III is concerned, the said Pooling Station is being implemented in two Sections, namely, Sections I & II and the only available margin for the Connectivity is 40 MW (at 220 kV) at Section-II. The representative of CTUIL submitted that although during the transition to GNA, 3033 MW (1 Nos. 220 kV and 3 Nos. of 400 kV bays) of the Connectivities were surrendered, they were then offered to the Connectivity grantees/applicants at Fatehgarh-IV to shift to Fatehgarh-III based on the application priority and willingness during the meetings held on 20.6.2023, 3.8.2023 and 29.8.2023 (23rd CMETS-NR). The representative of the CTUIL added that while the minutes of meetings held on 20.6.2023 & 3.8.2023 have already been placed on the record, the minutes of meeting held on 29.8.2023 and the consequent intimations to the developers are yet to be issued. He further submitted that, insofar as Bhadla-II is concerned, out of the total surrendered capacity of 600 MW during the GNA transition, surrendered 220 kV bays were offered to the new applicants during the 23rd CMETS-NR meeting held on 29.8.2023 and Project Nine Renewable Power Private Limited has opted for Stage-II Connectivity (450 MW) at Bhadla-II as per its application priority, and presently, only a 150 MW margin is available for the grant of Connectivity at Bhadla II PS. The representative of CTUIL added that in the event of shifting the Petitioners’ Connectivity at any other location, there would also be obligation w.r.t. transmission charges of ISTS bays that would be commissioned at Fatehgarh-II, as well as obligation associated with LTA upon the Petitioners.

3. After hearing the learned counsel for the Petitioners and the representative of CTUIL, the Commission observed that, keeping in view the genuine difficulties being faced by the Petitioners in getting connected to Fatehgarh-II pursuant to the Hon’ble Supreme Court’s GIB Order, which has also been acknowledged by the intermediary procures, SECI & NHPC as well as MNRE in its OM dated 2.8.2023, it would be appropriate that the Petitioners and CTUIL may explore the feasibility/possibility of granting Connectivity to the Petitioners at Fatehgarh-III or Bhadla-II. The Commission also observed that many of the vacant bays at these Pooling Stations have come to be allotted in recent meetings, including during the 23rd CMETS-NR as held on 29.8.2023 for which the minutes as well as consequent allocation intimations have yet to be issued. In the above circumstances, CTUIL may also explore and examine the urgency of Connectivity vis-à-vis their commissioning schedules and whether the Petitioners can be accommodated in lieu thereof, if the other RE developers are willing to defer or in this case, surrender their Connectivity. Accordingly, the Commission directed the CTUIL and Petitioners to carry out a joint consultation (with the Petitioners and other project developers) to explore the feasibility/possibility shifting the

Connectivity of the Petitioners to the Fatehgarh-III or Bhadla-II pooling sub-station maintaining the Petitioners' priority and to file the outcome of such consultation within two weeks. The Commission also instructed CTUIL to apprise the Petitioners about the obligation of transmission charges associated with such shifting as per the extant Regulations.

5. The Petitions will be listed for hearing on **25.11.2023**.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)