

**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 (ERBPL)

Respondents : Central Transmission Utility of India Limited (CTUIL) & 3 Ors.

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

Petitioner : Eden Renewable Passy Private Limited (ERPPL)

Respondents : Central Transmission Utility of India Limited & 2 Ors.

Date of Hearing : **15.9.2023**

Coram : Shri Jishnu Barura, 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 Rajesh Joshi, NHPC Limited  
Shri Kashish Bhambhani, CTUIL  
Shri Yatin Sharma, CTUIL  
Shri Ranjit Singh Rajput, CTUIL

**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 mainly submitted as under:

- (a) The Petitioners are developing 300 MW Solar Power Projects each in Jaisalmer district in the State of Rajasthan, and for the purpose of evacuation of the power to be generated therefrom, the Petitioners obtained the connectivity at Fatehgarh-II, which was granted by CTUIL vide its letters dated 10.9.2020 & 9.10.2020.

(b) However, on 19.4.2021, the Hon'ble Supreme Court, by its order in W.P (c) No. 838 of 2019 titled "M. K. Ranjitsinh & Ors. v. UoI and Ors. (GIB Order) issued certain directions for measures to be adopted *inter- alia* towards existing and future over-head transmission lines in the priority and potential habitats of Great India Bustard (GIB).

(c) In compliance with the directions issued by the Hon'ble Supreme Court in GIB Order, the Petitioners issued a communication to the GIB Committee, as constituted in terms of the GIB Order, submitting the details of the Projects and the transmission line, namely, 220 kV overhead line to be constructed for evacuation of the power from the Projects to Fatehgarh-II for the purpose of ratification/permission of the Committee.

(d) However, the GIB Committee, vide its response dated 26.6.2023, indicated that the proposed transmission line by the Petitioners poses a very high risk to GIB species and, therefore, cannot be considered for overhead laying. The Petitioners were further asked to explore the feasibility of (i) re-routing the lines in such a way that the length of the line in the prioritized area is minimized and, in such case, the section of line lying in the prioritized area needs to be undergrounded, (ii) connecting the projects at Fatehgarh-III or any other sub-station outside the prioritized area.

(e) Insofar as the alternative under (i) above is concerned, the Petitioners would be required to lay a significant length of underground cable (approximately 21 km) which is neither commercially nor technically feasible. In this regard, reliance was placed on the "Report of the Committee constituted by the Ministry of Power for preparation of report on technical feasibility of transmission system that can be installed in the GIB areas-Reg." dated 1.8.2022 to submit that in the said report it has been unequivocally concluded that on account of different constraints, the undergrounding of transmission lines of 66 kV and above voltage levels is not technically feasible for evacuation of bulk power.

(f) Consequently, the Petitioners made various representations to CTUIL for shifting the connectivity of their Projects from Fatehgarh-II to Fatehgarh-III or Bhadla- II. Apart from the intermediary procurers, NHPC & SECI, the Ministry of New and Renewable Energy (MNRE) vide its OM dated 2.8.2023 has also recommended to the Ministry of Power to consider the request of the Petitioners herein to shift/transfer/reallocate their Stage-II connectivity from Fatehgarh-II to Fatehgarh-III.

(g) CTUIL, in its letter dated 8.8.2023, had indicated that the appropriate actions against the above request of the Petitioners will be taken in accordance with the outcome of the request of the MNRE to the Ministry of Power. However, the Petitioners are not aware of any subsequent developments, if any, in this regard, and CTUIL is yet to consider the request of the Petitioners for shifting its connectivity.

2. The representative of CTUIL submitted that there are no vacant bays at Fatehgarh-III and Bhadla-II to consider/accommodate the request of the Petitioners to shift their connectivity to Fatehgarh-III or Bhadla-II from Fatehgarh-II. There were certain bays at Fatehgarh-III 2-3 months back, which got vacated during the transition process. However, they have been re-allocated during the re-allocation meeting. It is stated that at Fatehgarh-III, there is a certain space. However, the

same cannot be allocated to the Petitioner due to application priority. The representative of CTUIL further submitted that while Fatehgarh-III has ample/additional space, there is no vacant/spare bays or planned system to accommodate the evacuation of power from the Petitioners' Projects. He also added that concerned transmission elements (including bays) for the operationalisation of LTA to the Petitioners at Fatehgarh-II are already at an advanced stage. The representative of CTUIL submitted that it might also not be proper to allocate the bays to Petitioners at the alternate S/s by displacing the applicants already in the queue. It was mentioned by the representative of CTUIL that certain developers are coming up in the vicinity of Fatehgarh-II, and that the Petitioners may also consider setting-up their Projects in the vicinity of Fatehgarh-II so that the requirement of underground cable can be minimized. The representative of CTUIL pointed out that recommendations of the MNRE vide OM dated 2.8.2023 to MoP were subject to taking the appropriate steps, including the concerns of squatting of connectivity as well as reasonably addressing the various concerns raised by the CEA and PGCIL, etc., therein in respect of such transfer of connectivity.

3. In response, learned counsel for the Petitioners submitted that all the lands in the vicinity of Fatehgarh-II are already occupied by the other developers, and no further land is available for the Petitioners to set-up their Projects. Learned counsel pointed out that certain bays at Fatehgarh-III have been allocated to the various entities only on a provisional basis and, in this regard, placed their reliance on the Minutes of Meeting for 'Reallocation of Connectivity Bays at Fatehgarh-II, Bhadla-II PS & Bikaner II PS' as held on 20.6.2023.

4. The representative of CTUIL, however, clarified that the aforesaid minutes as relied upon by the Petitioners, are old, and subsequently, bays at these Pooling sub-stations have been allocated to the developers on a finalized basis. In response, learned counsel for the Petitioners urged that the CTUIL may be directed to maintain the *status-quo* (with regard to any further allocation of bays) at Fatehgarh-III and Bhadla-II PS till the present matters are under consideration by the Commission.

5. After hearing the learned counsel for the Petitioners and the representative of the CTUIL, the Commission observed that CTUIL might explore to shift battery storage from Fatehgarh-III to Fatehgarh-II since it does not need any transmission line. In that way, Fatehgarh-II would also be utilised. In response, the representative of CTUIL submitted that CTUIL has allocated 13 acres to SECI in Fatehgarh-III sub-station for the establishment of the battery storage.

6. Considering the submissions made by the learned counsel for the Petitioners and the representative of CTUIL, the Commission ordered as under:

(a) Admit.

(b) The Respondents to file their reply to the Petitions, if any, within three days with a copy to the Petitioners, who may file their rejoinder, if any, within two days thereafter.

(c) CTUIL to furnish the following details/information along with its reply:

(i) Details of the total connectivity and LTA already granted vis a vis available margin for Connectivity and LTA, respectively, as on date at Fatehgarh-II, Fatehgarh-III and Bhadla-II sub-stations. The details of

allocation of bays including the date of allocation/ reallocation, basis of allocation/reallocation and status of transmission agreement for the bays at these sub-stations.

(ii) Treatment of bays at Fatehgarh-IV when entities at Fatehgarh-IV are being shifted to Fatehgarh-III.

(iii) Report on the feasibility of shifting the total connectivity quantum of Petitioner at Fatehgarh-III and at Bhadla-II sub-station.

(iv) The procedure to carry out shifting of generators across different sub-stations. Does it apply bay charges or stranded capacity charges while shifting? The timeframe for the grant of a connectivity, when CTUIL allows a generator to seek shifting of bays. Whether the procedure of shifting across sub-stations is standardised and available in the public domain or is done on a case-to-case basis?

(v) As per the intimation for the grant of Stage-II connectivity dated 10.9.2020, in respect of Eden Passy, the connectivity to the Petitioner was granted at Fatehgarh-III PS. Clarify when connectivity granted was shifted to Fatehgarh-II and the process followed. Whether, due to this, any bays were stranded at Fatehgarh-III. To whom such bays were allocated?

(d) The Petitioner to furnish the following details/information, on an affidavit, within four days:

(i) Report to the effect that whether it can avail the connectivity at Fatehgarh-IV sub-station, if the bays (or) space is not available at Fatehgarh-III and Bhadla-II Pooling sub-station.

(ii) Intimation of the grant of connectivity to the Petitioner at Fatehgarh-II in Petition No. 269/MP/2023.

(iii) Undertaking to the effect that there is no sufficient land available for the Petitioners to develop their Projects (either of them) in the vicinity of Fatehgarh-II sub-station so that length of underground cable can be minimized.

(e) In the meanwhile, CTUIL will maintain the status-quo with regard to the allocation of bays/space at Fatehgarh-III and Bhadla-II till the next date of hearing.

6. The Petitions shall be listed for hearing on **22.9.2023**.

**By order of the Commission**

**Sd/-**

**(T.D. Pant)**

**Joint Chief (Law)**