

To,

The Secretary  
Central Electricity Regulatory Commission ("CERC")  
6th, 7th & 8th Floors, Tower B, World Trade Centre  
Nauroji Nagar, New Delhi- 110029

**Subject:** Submission of objections/submissions regarding proposed draft notification dated 03.03.2025 ("4<sup>th</sup> Amendment Regulation") to amend the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 (hereinafter referred to as "the Principal Regulations")

Dear Sir,

Greeting from **Enfinity Global Surya Kiran Private Limited** ("Company" or the "SPV").

At the outset, we would like to convey our gratitude to the Member of Central Electricity Regulatory Commission ("CERC") Limited for promoting power generation through renewable energy sources.

We are writing on behalf of Enfinity Global Surya Kiran Private Limited. This is with reference to the 4th Amendment Regulation proposed by CERC to amend Principal Regulations.

At the outset, it is stated that no act, rule or legislation can be construed to have retrospective application unless such an intent is clearly expressed. In view of the same and upon perusal of the 4th Amendment Regulation which ought to be applicable even on the in principle and final connectivity's granted to the generators. Hence, seems to be applicable in a retrospective manner.

It is pertinent to mention that retrospective application of any regulation can disrupt the plans, as companies have made decisions based on the laws and regulations in place at the time. When regulations are applied retrospectively, businesses may face unexpected liabilities or obligations, affecting their financial forecasts and risk assessment. Such action on part of authorities may result in significant financial losses and may disrupt their financial model.

Hence, the proposed 4th Amendment Regulation shall not be applicable retrospectively. Furtherance, to the same enclosed with the letter are detailed submissions and objections pertaining to 4th Amendment Regulation on behalf of Enfinity Global Surya Kiran Private Limited.

We look forward for your kind support and early response in this regard and we would be happy to furnish any other information, if required, at your good office.

Enfinity Global Surya Kiran Private Limited

A handwritten signature in blue ink, appearing to read "Radheshyam Goyal", written over a horizontal line.

Radheshyam Goyal  
Head Projects



**Comments on Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) (Fourth Amendment) Regulations, 2025**

S. No	Draft Clause as per 4th Amendment	Proposed Clause	Rationale
1.	<p><b>New Regulation 5.2a provides as under:</b>  <b>5.2a</b> The additional generation capacity under Regulation 5.2 of these regulations shall be subject to the following conditions:                      (a) Connectivity Bank Guarantee Conn-BG1 and Conn-BG3 under Regulation 8 of these regulations shall be furnished by the existing grantee for such additional generation capacity;                      .....                      (c) In case additional capacity for which approval is sought under Regulation 5.2 of these regulations is REGS (with or without ESS) or ESS (except PSP), the scheduled date of commercial operation for such additional capacity shall not be later than 18 months from date of approval by the Nodal Agency;                      ....</p>	<p><b>New Regulation 5.2a provides as under:</b>  <b>5.2a</b> The additional generation capacity under Regulation 5.2 of these regulations shall be subject to the following conditions:                      (a) Connectivity Bank Guarantee Conn-BG1 and Conn-BG3 under Regulation 8 of these regulations shall be furnished by the existing grantee for such additional generation capacity</p> <p><i>Provided where an entity proposes to share its dedicated transmission system with existing grantee who, such entity shall be permitted to share such Connectivity Bank Guarantee viz Conn-BG1 and Conn-BG3, already furnished by existing grantee under Regulation 8 of the principal Regulations, such sharing must be on prorate basis between the entity under Regulation 5.2a and entity covered under Regulation 5 which is an existing grantee under the principal regulations.</i></p> <p><i>Provided further that where an existing grantee is seeking additional generation capacity under regulation 5.2 of these regulations and shares</i></p>	<p>The requirement for furnishing Bank Guarantees by entities seeking to add generational capacity through the same dedicated transmission system under regulation 5.2 of these regulations shall not be mandatory. The Nodal Agency shall, instead, consider the Bank Guarantees already provided by the entity under the main connectivity, on a prorated basis, in the same manner as is proposed to be applied to entities covered under Regulation 5.11(a) [Annexure IV(1)(h)]</p> <p>In support of the above proposal, and on perusal of clause 28 of the explanatory memorandum passed by this Ld. Commission for draft GNA 4<sup>th</sup> Amendment, it can be understood that the Commission has proposed a case where if the existing entity shares its dedicated transmission system with another entity, the Conn-BG 2 and</p>

Comments on Draft 4<sup>th</sup> Amendments to CERC GNA Regulations

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		<p><i>the same dedicated transmission system, such entity shall not require submission of Conn BG-1 and Conn BG-3.</i></p> <p>.....</p>	<p>Conn-BG3 shall be shared among the existing and the new entity, in proportion to their quantum of Connectivity. The new Applicant based on Wind (with or without ESS) or ESS shall submit proportionate Conn-BG2 and Conn-BG3, and the existing Applicant shall submit the fresh reduced BGs. After receipt of the fresh BGs, the Nodal Agency shall return to the original BG of the existing Applicant. The new Applicant is required to submit the Conn-BG1 for full quantum, which is a fixed amount irrespective of the quantum of Connectivity sought.</p> <p>On the above reasoning, it is kindly requested from this Ld. Commission to relax the requirement for furnishing a bank guarantees in cases similar to above so that both the cases be given similar treatment under the regulations.</p> <p>Further, it is requested that the scheduled date of commercial operation for such additional capacity</p>

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			shall be linked either with the SCOD of the RPPD or shall be 10 months from date of approval by the Nodal Agency whichever is later.
2	5.8 (d) The Renewable Power Park Developer shall furnish the scheduled date of commercial operation of the generating station under the Park prior to grant of final connectivity.	<del>5.8 (d) The Renewable Power Park Developer shall furnish the scheduled date of commercial operation of the generating station under the Park prior to grant of final connectivity.</del>	<p>A RPPD develops a park with the objective of offering the infrastructure and connectivity to prospective RE developers for developing a RE project within the park. At the time of development of the park and securing the connectivity, the RE developer is not finalised. It would not be possible for a RPPD to furnish the SCOD of the generating station, that too prior to grant of final connectivity. It is hence suggested that this proposed draft be removed.</p> <p>RPPD should be required under Regulation 11A to intimate the Nodal Agency before six months from start date of connectivity, the details of the generation station(s) coming up within the park along with their SCOD(s).</p>
3	6.1 A new Clause (6) shall be added after Clause (5) of Regulation 11A of the Principal Regulations, as under:	6.1 A new Clause (6) shall be added after Clause (5) of Regulation 11A of the Principal Regulations, as under:	It is possible that there may be change in shareholding of connectivity grantee within the same group company having the same ultimate parent

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	<p>“(6) Any changes in shareholding pattern of the Connectivity grantee upto CoD of the project shall be subject to the following:</p> <p>(a) The promoters of the Connectivity grantee shall not cede control (where control shall mean the ownership, directly or indirectly, of more than 50% of the voting shares of such Company or right to appoint majority Directors) of the Company.</p> <p>(b) In case the Connectivity grantee has multiple promoters (but none of the shareholders have more than 50% of voting rights and paid-up share capital), the shareholding pattern shall be maintained and cannot be changed upto COD of the project.</p> <p>(c) Any change in shareholding pattern other than covered in sub-clauses (a) and (b) shall require prior approval of the nodal agency and shall be filed for information of commission within 45 days of such approval. Nodal Agency may allow such application considering the practical requirement for change in shareholding.</p>	<p>“(6) Any changes in shareholding pattern of the Connectivity grantee upto CoD of the project shall be subject to the following:</p> <p>(a) The promoters of the Connectivity grantee shall not cede control (where control shall mean the ownership, directly or indirectly, of more than 50% of the voting shares of such Company or right to appoint majority Directors) of the Company.</p> <p>(b) In case the Connectivity grantee has multiple promoters (but none of the shareholders have more than 50% of voting rights and paid-up share capital), the shareholding pattern shall be maintained and cannot be changed upto COD of the project.</p> <p>(c) Any change in shareholding pattern other than covered in sub-clauses (a) and (b) shall require prior approval of the nodal agency and shall be filed for information of commission within 45 days of such approval. Nodal Agency may allow such application considering the practical requirement for change in shareholding.</p>	<p>company with an objective of internal restructuring etc, or it is a public listed company, then there should not be any restrictions as proposed in the draft given that the same ultimate parent company still holds the controlling shareholding of grantee either directly or indirectly which shows that such group is serious player and is not engaging in trading of connectivity. This amendment seeks to clarify that changes in the shareholding structure within the same corporate group (i.e., companies under the same ultimate parent and same promoter group) shall not be treated as a breach of any regulatory conditions. The objective is to facilitate internal corporate restructuring or changes in ownership without triggering unnecessary restrictions or compliance burdens, provided the ultimate control of the parent company remains unchanged.</p> <p>We therefore request clarity on the proposed amendment so as to avoid</p>

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	<p>(d) In case any change in control or shareholding pattern of the Connectivity grantee is carried out in contravention to sub-clauses (a) to (c) of this Clause, the Connectivity shall be revoked, Bank Guarantee submitted under subclause (c) of Clause (vii) or sub-clause (c) of Clause (xi) of Regulation 5.8 of these regulations shall be encashed, and Conn-BG1, Conn-BG2 and Conn-BG3 shall be treated in terms of Regulation 24.2 or Regulation 24.3 of these regulations, as applicable.</p> <p>Annexure-IV Modalities of Restricted Access for Solar Hours and Non-Solar Hours of the day-</p> <p>(1) Grant of Connectivity with restricted access to an entity covered under Regulation 5.11 (a) of these regulations: .....</p> <p>(2) Connectivity for an entity covered under Regulation 5.11 (b) and 5.11(c) of these Regulations:</p> <p>(6) NLDC shall notify the Solar hours and Non-solar hours beginning from date of</p>	<p>(d) In case any change in control or shareholding pattern of the Connectivity grantee is carried out in contravention to sub-clauses (a) to (c) of this Clause, the Connectivity shall be revoked, Bank Guarantee submitted under subclause (c) of Clause (vii) or sub-clause (c) of Clause (xi) of Regulation 5.8 of these regulations shall be encashed, and Conn-BG1, Conn-BG2 and Conn-BG3 shall be treated in terms of Regulation 24.2 or Regulation 24.3 of these regulations, as applicable.</p> <p><i>Provided that any change in shareholding within a listed entity /corporate group, and where such companies are controlled by the same parent or ultimate parent company, shall not be subject to any restrictions or limitations, of any kind, under this regulation.</i></p> <p>Annexure-IV Modalities of Restricted Access for Solar Hours and Non-Solar Hours of the day- . ....</p>	<p>future litigation and a clear direction to CTU.</p> <p>The proposed amendment is to provide greater operational flexibility to the parent company in executing generation projects. The ability to execute additional generation through either itself or any of its subsidiaries, whether the same or different from the entity executing the solar or wind project, is essential for fostering efficient project development. It allows the parent company to adapt to changing market conditions, optimize resource allocation, and ensure the timely and cost-effective implementation of projects.</p> <p>Additionally, in some cases, the parent company may wish to utilize a different subsidiary, which may possess more specialized expertise or operational capacity to handle the specific generation project. Allowing this flexibility will not only align with common business practices but also enhance the ability of developers to</p>

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	<p>notification of these amendments on a weekly basis for each State. NLDC may revise such hours during the week in case of unforeseen contingency including weather changes.</p>	<p>.....  <b>(7) Where the Parent company has obtained additional connectivity under Regulation 5.2 or 5.11, it may execute such additional generation capacity through itself or its subsidiary which may be same or different as of subsidiary executing the solar/wind project under regulation 5.11 (b) or 5.11 (c).</b>  <i>(6) NLDC shall notify the Solar Hours and Non-Solar Hours on a weekly basis for each State, beginning from the date of notification of these amendments. NLDC may revise these hours during the week in the event of unforeseen contingencies, including weather-related changes. Additionally, NLDC shall develop and publish a detailed procedure outlining the criteria and methodology for determining the Solar and Non-Solar Hours. This procedure shall be open for consultation and comments by stakeholders prior to its finalization.</i></p>	<p>deploy renewable energy projects more effectively, which ultimately supports the overarching goal of expanding renewable energy capacity in the country.</p> <p>This amendment aims to provide clarity and consistency regarding the definition and management of Solar and Non-Solar Hours. By requiring NLDC to notify these hours on a weekly basis, stakeholders can anticipate and plan for the availability of solar generation more effectively. Furthermore, the provision allowing revisions during unforeseen contingencies, such as weather changes, ensures that the system remains adaptable to real-time conditions.</p> <p>The amendment also mandates that NLDC establishes a transparent procedure for determining Solar and Non-Solar Hours. Opening this procedure to consultation and comments from stakeholders will ensure that the methodology is robust,</p>

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			fair, and reflects the input of all affected parties, thus fostering collaboration and reducing potential conflicts in the future.
4	<p>24.6 (1)</p> <p>(d)Connectivity granted to a Renewable Power Park developer shall be revoked for the corresponding capacity, if the Connectivity and corresponding GNA has been made effective in terms of Clause (a) of Regulation 22.4 of these regulations and generating station(s) within the Power Park fails to achieve COD on or before,</p> <p>(i) scheduled date of commercial operation of the generation project as per LOA or PPA as extended or delayed commissioning permitted by the Renewable Energy Implementing Agency or the distribution licensee or the authorized agency on behalf of distribution licensee, as the case may be.</p> <p>(ii) six months after the scheduled date of commercial operation for generating station(s) being set up without LOA or PPA.</p>	<p>24.6 (1)</p> <p>(d)Connectivity granted to a Renewable Power Park developer shall be revoked for the corresponding capacity, if the Connectivity and corresponding GNA has been made effective in terms of Clause (a) of Regulation 22.4 of these regulations and Renewable Power Park Developer has not engaged with generating station(s) to come up within the park and the generating station(s) within the Power Park fails to achieve COD on or before,</p> <p>(i) scheduled date of commercial operation of the generation project as per LOA or PPA as extended or delayed commissioning permitted by the Renewable Energy Implementing Agency or the distribution licensee or the authorized agency on behalf of distribution licensee, as the case may be.</p> <p>(ii) six months after the scheduled date of commercial operation for generating</p>	<p>It is suggested that connectivity granted to a RPPD may be revoked six months after the start date of connectivity if RPPD fails to engage with generating station(s) to come up within its park. In the event, RPPD engages with generating station(s) to come up within its park, information of such engagement shall be intimated to the Nodal Agency along with the SCOD(s) of the stations and revocation of connectivity be governed as per the SCOD(s) of the generating station(s).</p>



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		station(s) being set up without LOA or PPA.	

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It is pertinent to mention here that retrospective application of any regulation can disrupt these plans, as companies have made decisions based on the laws and regulations in place at the time. When regulations are applied retroactively, businesses may face unexpected liabilities or obligations, affecting their financial forecasts and risk assessment. Such action on part of authorities may result in significant financial losses and may disrupt their financial model.

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