

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.169/Suo Motu/2012

**Coram: Shri Gireesh B. Pradhan, Chairperson
Shri Deena Dayalan, Member
Shri A.K.Singhal, Member
Shri A.S.Bakshi, Member**

Date of Order: 19.1.2015

In the matter of

Signing of Connection Agreements by old and existing generating stations

And

In the matter of

Central Transmission Utility

... **Respondent**

ORDER

As per Regulation 8(5) of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 (hereinafter referred to as "Connectivity Regulations"), the applicants or inter-State transmission licensees are mandated to sign a connection agreement with the CTU. The term 'applicant' has been defined in the Connectivity Regulations as under:-

"(b) 'Applicant' means

(i) a Generating station of installed capacity 250 MW and above, including captive generating plant of exportable capacity of 250 MW and above or bulk consumer in respect of grant of connectivity and

(ii) a generating station including a captive generating plant, a consumer, an Electricity Trader or a distribution licensee, in respect of long-term access or medium-term open access, as the case may be".

2. The Commission in its order dated 21.8.2012 had directed the CTU to devise a connection agreement to be executed by the old and existing generating stations which

achieved commercial operation prior to 1.1.2010 and accordingly submit the format of the Connection Agreement for approval of the Commission. The relevant portion of the above said order is as under:-

"4.....We are also of the view that Con 6 prescribed in the Detailed Procedure issued under the Connectivity Regulations requires to be modified to take care of the peculiar conditions of the old and existing generating stations. Accordingly, we direct the CTU to devise a connection agreement to be executed by the old and existing generating stations which achieved commercial operation prior to 1.1.2010. The format of the Connection Agreement for old and existing stations should be submitted by the CTU for approval of the Commission by 15.9.2012."

3. In compliance with the above directions, CTU vide letter dated 24.9.2012 had submitted the draft connection agreement for approval of the Commission. It is observed that clause (1) of Regulation 27 of the Connectivity Regulations provide as under:

"27(1) Subject to the provisions of these regulations, the Central Transmission Utility shall submit the detailed procedure to the Commission for approval within 60 days of notification of these regulations in the Official Gazette:

Provided that prior to submitting the detailed procedure to the Commission for approval, the Central Transmission Utility shall make the same available to the public and invite comments by putting the draft detailed procedure on its website and giving a period of one month to submit comments;

Provided further that while submitting the detailed procedure to the Commission, the Central Transmission Utility shall submit a statement indicating as to which of the comments of stakeholders have not been accepted by it along with reasons thereof"

4. Also, Regulation 27 (2) of the Connectivity Regulations provide that the detailed procedure submitted by the Central Transmission Utility shall in particular include the *proforma* for the connection agreement, referred to in clause (5) of Regulation 8 of the said regulations.

5. Since the Connection Agreement as per Format Con-6 forms part of the detailed procedure for making application for grant of connectivity to ISTS, which mandates the CTU to seek comments of stakeholders prior to approval of the Commission, the CTU

was directed by letter dated 28.3.2013 to invite comments from stakeholders on the draft connection agreement and to submit the same along with the statement containing the suggestions of stakeholders which have been accepted or otherwise. Also, by letter dated 9.1.2014, the Commission directed the CTU to submit the said information after complying with the procedure specified under Regulation 27 of the Connectivity Regulations.

6. It is observed that CTU, in compliance with the directions of the Commission as aforesaid, had by letter dated 13.5.2013 invited comments from the stakeholders and the summary of the comments/observations received from the stakeholders along with the recommendations of the CTU on the same was submitted to the Commission by letter dated 20.8.2014 with prayer to approve the draft connection agreement.

7. The draft connection agreement submitted by the CTU has been examined in the backdrop of the comments received from the stakeholders and the same is approved with minor modifications and is enclosed as Annexure-I to this order. None of the stakeholders have submitted their comments on the technical data and other data to be included as part of the connection agreement as in Format Con-4 and Format Con-5 respectively. Hence, these details are considered to be in order and have been retained.

8. Accordingly, the Connection Agreement duly approved by the Commission in respect of the generating stations commissioned prior to 1.1.2010 as above, shall be sent by the CTU to the generating companies by 31.1.2015 and the generating companies shall complete signing of the Connection Agreements by 28.2.2015. Any information required for completing the formats as sought for by CTU for signing the

Connection Agreement shall be provided by the generating companies promptly. We also direct that all generators shall sign the Connection Agreements as per formats prescribed by 28.2.2015 and a compliance report to that effect shall be filed by the CTU with the Commission by 16.3.2015.

9. With the above directions, Petition No.169/SM/2012 is disposed of.

Sd/-
[A.S.Bakshi]
Member

Sd/-
[A.K.Singhal]
Member

Sd/-
[M. Deena Dayalan]
Member

Sd/-
[Gireesh B.Pradhan]
Chairperson