

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 144/MP/2019

Subject : Petition under Section 79 (1) of the Electricity Act, 2003 read with Regulations 27 and 33A of the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term and Medium Terms Open Access in inter-State Transmission and related matters) Regulations, 2009 for time extension of infusion of equity 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.

Date of Hearing : 24.5.2019

Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member
Shri I.S. Jha, Member

Petitioner : Airpower Windfarms Private Limited (AWPL)

Respondent : Power Grid Corporation of India Limited (PGCIL)

Parties present : Shri M.G. Ramachandran, Senior Advocate, AWPL
Ms. Poorva Saigal, Advocate, AWPL
Ms. Tanya Sareen, Advocate, AWPL

Record of Proceeding

Learned senior counsel for the Petitioner mentioned the matter and submitted that the Petitioner, Airpower Windfarms Private Limited, has filed the present Petition for seeking extension of time by five months for 10% equity infusion as provided under the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term and Medium Term Open Access in Inter State Transmission and related matters) Regulations, 2009 read with Clause 9.3.2 of the Detailed Procedure made thereunder. Learned senior counsel further submitted as under:

(a) On 8.9.2017, the Petitioner applied for Stage-I Connectivity for development of 250 MW Wind Farm and Generation Project at Khambaliya, Devbhumi Dwarka in the State of Gujarat. PGCIL vide its letter dated 13.7.2018 granted Stage-I Connectivity and advised the Petitioner to apply for Stage-II Connectivity and LTA in advance to enable to plan for the system strengthening in the event it becomes necessary.

(b) In terms of the provisions of the Detailed Procedure, on 20.7.2018, the Petitioner applied for Stage-II Connectivity. As per the provisions of clause 9.2.2 of the Detailed Procedure, the Petitioner is required to fulfil the conditions for acquiring the ownership on lease rights or land use rights for 50% of the land required for setting up the Project along with the condition of achieving the financial closure or release of atleast 10% of the funds towards execution of the Project.

(c) Due to Lok Sabha election, the investors were waiting for formation of the New Government whereupon there would be significant increase in the bidding process for selection of bidder to generation and supply of electricity from non-conventional sources. Therefore, the Petitioner has not been able to proceed with the remnant financial arrangement for infusion of the requisite equity fund.

(d) The Petitioner has given bank guarantee for Stage-II Connectivity which is expiring on 24.5.2019. Learned senior counsel requested to restrain the Respondent, PGCIL from invocation of bank guarantee dated 19.9.2018 till the decision in the present Petition.

2. After hearing the learned senior counsel for the Petitioner, the Commission directed the Respondent not to take any coercive measure against the Petitioner till the next date of hearing. The Commission directed the Petitioner to keep the bank guarantee alive till the decision in the Petition.

3. The Commission observed that, if any, other applicant fulfils the conditions of Stage-II Connectivity prior to the Petitioner, it may be given priority for Stage-II Connectivity. The priority of the Petitioner will be fixed on the date it fulfills the conditions of Stage-II Connectivity.

4. The Commission admitted the Petition and directed to issue notice to the Respondent.

5. The Commission directed the Petitioner to serve copy of the Petition on the Respondent immediately. The Respondent was directed to file its reply by 18.6.2019 with an advance copy to the Petitioner who may file its rejoinder, if any, by 28.6.2019. The Commission directed that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

6. The Petition shall be listed for hearing in due course for which separate notice will be issued.

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