

CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi

Petition No. 103/MP/2021 alongwith IA No. 71/2021

- Subject** : Petition under Section 79 of the Electricity Act, 2003 along with statutory framework and the Tripartite Transmission Agreement dated 28.10.2018 executed between Power Grid Corporation of India Limited, ACME Solar Holdings Pvt Ltd and Fatehgarh-Bhadla Transmission Ltd., the Transmission Service Agreement dated 28.1.2019 executed between ACME Solar Holdings Pvt Ltd. and Power Grid Corporation of India Ltd. and the Long-Term Access Agreement dated 3.6.2019 executed between Power Grid Corporation of India Ltd. and ACME Solar Holdings Pvt Ltd. seeking directions to PGCIL to extend start date of LTA/commencement of LTA for ACME Deoghar Solar Power Pvt. Ltd., ACME Dhaulpur Powertech Pvt. Ltd. and align the same with the SCOD of the Projects, as extended by SECI.
- Petitioner** : ACME Deoghar Solar Power Pvt. Ltd. & Ors.
- Respondents** : Power Grid Corporation of India Ltd. (PGCIL) & Ors.

Petition No. 104/MP/2021 alongwith IA No. 72/2021

- Subject** : Petition under Section 79 of the Electricity Act, 2003 along with statutory framework and the Tripartite Transmission Agreement dated 25.09.2018 executed between Power Grid Corporation of India Limited, ACME Solar Holdings Pvt Ltd and Fatehgarh-Bhadla Transmission Ltd., the Transmission Service Agreement dated 28.1.2019 executed between ACME Solar Holdings Pvt Ltd. and Power Grid Corporation of India Ltd. and the Long-Term Access Agreement dated 16.5.2019 executed b Power Grid Corporation of India Ltd. and ACME Solar Holdings Pvt Ltd. seeking directions to PGCIL to extend start date of LTA/commencement of LTA for ACME Phalodi Solar Energy Pvt. Ltd., ACME Raisar Solar Energy Pvt. Ltd. and align the same with the SCOD of the Projects, as extended by SECI.
- Petitioner** : ACME Phalodi Solar Energy Pvt. Ltd. & Ors.
- Respondents** : Power Grid Corporation of India Ltd. (PGCIL) & Ors.
- Date of Hearing** : 6.10.2021



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

Parties Present : Shri Vishrov Mukherjee, Advocate, ACME
Shri Girik Bhalla, Advocate, ACME
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Soumya Singh, Advocate, PGCIL
Shri Tushar Mathru, Advocate, PGCIL
Shri Yatin Sharma, CTU
Shri Swapnil Verma, CTU
Shri Siddharth Sharma, CTU
Shri Ranjeet Singh Rajput, CTU

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioners submitted that Petition No. 103/MP/2021 and 104/MP/2021 have been filed seeking directions to PGCIL to extend start date of LTA/ commencement of LTA for ACME Deoghar Solar Energy Pvt. Ltd. ('ACME Deoghar') and ACME Phalodi Solar Energy Pvt. Ltd ('ACME Phalodi') and to align the same with the scheduled COD of their projects as extended by SECI. Interlocutory Applications (IA) 71/IA/2021 and 72/IA/2021 have been filed in Petition No.103/MP/2021 and Petition No.104/MP/2021 respectively by the Petitioner seeking to restrain PGCIL from operationalising the Long Term Access (LTA) from 1.9.2021 and other consequential reliefs. He further submitted that after filing of the Petition No. 103/MP/2021 and 104/MP/2021, PGCIL vide letter dated 12.8.2021 informed the Petitioners that the LTA granted for 300 MW each for the proposed Fatehgarh I, Fatehgarh II, Fatehgarh III and Fatehgarh IV Solar Power Plant in Jaisalmer, Rajasthan ("Project") vide letter dated 17.1.2019 would commence from 1.9.2021. Accordingly, the Petitioners have filed the instant IAs seeking stay of operation of PGCIL's letters dated 12.8.2021 and for restraining PGCIL from operationalizing the LTA w.e.f. 1.9.2021.

3. Learned counsel for the Petitioners submitted that the Project falls within the habitat of the GIB and uncertainties have cropped up regarding implementation of these projects as there is no clarity with respect to GIB area. The Petitioners cannot work/ construct any transmission line/ bays in such area and the applications on the grant of clarity of such GIB area is pending before the Hon'ble Supreme Court. He prayed that pending adjudication of Petition No. 103/MP/2021 and 104/MP/2021 and clarity over the habitat of GIB, no coercive steps be taken against the Petitioners and PGCIL be enjoined to operationalise the LTA on 1.9.2021. He submitted that the implementation of the Project would still remain surrounded in uncertainty till the time the directions of the Hon'ble Supreme Court in order dated 19.4.2021 in I.A no 85618 of 2020 are complied with. Accordingly, he requested that the operationalisation of LTA be kept at abeyance till the time pleadings in the Petition No. 103/MP/2021 and 104/MP/2021 are completed.



4. Learned counsel appearing on behalf of CTU submitted that a study team has been constituted by Ministry of Power ('MoP') comprising of member of MNRE, PGCIL, CEA and other expert representatives of Wildlife Institute of India for studying various aspects relating to GIB area. She submitted that the study team constituted by the MoP has recommended to file an IA before the Hon'ble Supreme Court, inter alia, requesting to allow installation of renewable energy projects and laying of future transmission lines in potential habitat of GIB. She requested to allow the Respondent to place on record the facts on the issue of GIB area in the instant petition and other related petitions.

5. In response to a query of the Commission regarding the provision under which the extension of operationalisation of LTA and other reliefs are being sought by the Petitioner, the learned counsel for the Petitioners submitted that reliefs are being sought under Regulation 13(1)(c) of the 2020 Sharing Regulations.

6. In response to another query of the Commission regarding the provision under which the extension of operationalisation of LTA has been granted to the Petitioner by CTU, the learned counsel for PGCIL submitted that pursuant to the letter issued by the MoP, operationalization of LTA granted to the Petitioner has been extended by 8 months. When the Commission observed that operationalization of LTA granted can be extended only under specific provisions of the Regulations and asked the learned counsel for PGCIL to place such provisions before the Commission, she submitted that she will seek instructions of CTU in this regard and submit the details in the instant case as well as in other cases wherein MoP letters have been relied upon to extend the operationalisation of LTA granted. The Commission permitted the learned counsel for PGCIL to file these details and reply on affidavit by 29.10.2021 with a copy to other parties.

7. The Commission directed the Petitioners to file its rejoinder to the reply of CTU on affidavit by 25.10.2021. The Commission further directed the parties to file following information by 29.10.2021 on affidavit with a copy to the other parties in the proceedings:

- a. The Petitioners to submit the schematic diagram of the instant Project i.e. from SPD to Fatehgarh sub-station,
- b. FBTL to submit the current status of commissioning of Fatehgarh-I sub-station and associated ISTS.
- c. CTU to submit the complete schematic diagram of transmission system for Rajasthan SEZ (20 GW).

8. The Commission further directed the parties to comply with the directions within the timeline specified and observed that no extension of time shall be granted.

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

By order of the Commission

sd/-
(V. Sreenivas)
Deputy Chief (Law)

