

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 144/MP/2019

Subject : Petition under Section 79(1)(c) of the Electricity Act, 2003 read with Regulation 27 and 33A of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-Term and Medium-Term 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 Commission for 'Grant of Connectivity to Projects based on Renewable Sources to the Inter-State Transmission System' dated 15.5.2018

Date of Hearing : 22.10.2021

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

Petitioner : Airpower Windfarms Private Limited (AWPL)

Respondent : Power Grid Corporation of India Limited (CTUIL)

Parties Present : Shri Amit Kapur, Advocate, AWPL
Shri Akshat Jain, Advocate, AWPL
Shri Pratyush Singh, Advocate, AWPL
Shri Rahul Singh, AWPL
Shri Jayendra Rane, AWPL
Ms. Suparna Srivastava, Advocate, CTUIL
Shri Tushar Mathur, Advocate, CTUIL
Ms. Soumya Singh, Advocate, CTUIL
Shri Bhaskar Wagh, CTUIL
Shri Ranjeet Singh, CTUIL
Ms. Swapnil Verma, CTUIL

Record of Proceedings

Case was called out for virtual hearing.

2. During the course of hearing, the learned counsel for the Petitioner advanced detailed submissions and submitted that the Petitioner made an application to CTU for grant of stage-I connectivity for development of 250 MW Wind Farm and Generation Project (in short 'the Project') at Khambaliya, Devbhumi Dwarka in the State of Gujarat. PGCIL vide its letter dated 13.7.2018 granted stage-I connectivity to the Petitioner. Thereafter, on 20.7.2018, the Petitioner applied for stage-II connectivity under Clause 9.2.2 of the Detailed Procedure made under Connectivity Regulations. 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 at least 10% of the funds towards execution of the Project. The learned counsel submitted that subsequent to filing of the

present Petition, SECI invited bids under Tranche-X. However, the sub-station presently specified in the tender issued by SECI does not include any of the PGCIL sub-stations in Gujarat including Jam-khambaliya sub-station where the Petitioner holds connectivity. Therefore, this has prevented the Petitioner from participating in the tenders issued by SECI. The learned counsel submitted that GEDA has refused to extend the validity of developer's permissions granted to the Petitioner for setting up the Project due to change in Policy issued by Government of Gujarat. He further added that due to covid-19 pandemic, supply chain, etc. was disrupted and Airport authority and Ministry of Defence delayed in grant of NOC with respect to Jam khambaliya airstrip and in addition, the delay by PGCIL in scheduled date of commissioning of the transmission system of Jam-khambaliya pooling stations from which the Petitioner was to evacuate power are events beyond control of the Petitioner which rendered the establishment of the Project impossible under the Connectivity Agreement. The learned counsel submitted that the above facts have been placed on record by the Petitioner vide its affidavit dated 10.3.2021.

3. The learned counsel for the Petitioner submitted that the Petitioner may be allowed to surrender its stage-II connectivity and CTUIL be directed to refund the Bank Guarantees submitted by the Petitioner. The learned counsel prayed to continue interim protection granted by the Commission vide Record of Proceedings for the hearing dated 24.5.2019.

4. The learned counsel for the Respondent, CTUIL submitted that CTUIL has no objection to the request of the learned counsel for the Petitioner for choosing the option of surrendering its stage-II connectivity and as regards the bank guarantee, the same can be considered in terms of revised Detailed Procedure. It was further submitted by CTUIL that in the last JCC meeting held on 27.9.2021, for which minutes of meeting are yet to be issued, it was decided that pooling station shall be completed by 30.11.2021.

6. Considering the request of learned counsel for the Petitioner, the Commission directed the Respondent not to take any coercive measure against the Petitioner till the next date of hearing and the Petitioner was directed to keep the Bank Guarantee alive.

7. The Commission directed CTUIL to submit the following information on affidavit on or before by 5.11.2021:

(a) Status of revocation of the stage-II connectivity of the Petitioner,

(b) Commissioning status of ISTS bay at Jam-khambaliya pooling station where the Petitioner's dedicated transmission line was proposed to be connected, and

(c) Treatment of Bank Guarantees as per Detailed Procedure, if the Petitioner surrenders its stage-II connectivity.

8. 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)
Joint Chief (Law)**