

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 551/MP/2020

Subject: Petition under Sections 79(1)(c), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003 read with Regulations 27, 33A and 33B 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 and the Detailed Procedure for Grant of Connectivity to Projects based on Renewable Sources to Inter-State Transmission System seeking relaxation of time period stipulated under Clause 11.2 of the Detailed Procedure and attendant Forms and Agreements for construction of dedicated transmission line and associated pooling sub-station.

Date of Hearing: 9.3.2022

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

Petitioner: Avikaran Solar India Private Limited (AS IPL)

Respondents: Power Grid Corporation of India Limited (PGCIL)

Parties Present: Shri Saahil Kaul, Advocate, AS IPL
Shri Jafar Alam, Advocate, AS IPL
Ms. Suparna Srivastava, Advocate, CTUIL
Shri Tushar Mathur, Advocate, CTUIL
Ms. Soumya Singh, Advocate, CTUIL
Ms. Swapna Seshdhari, Advocate, PGCIL
Shri Aditya. H. Dubey, Advocate, PGCIL
Shri V. Srinivas, CTUIL
Shri P.S Das, CTUIL
Shri Swapnil Verma, CTUIL
Shri Bhaskhar Wagh, CTUIL
Shri Ashok Pal, CTUIL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for PGCIL explained the chronology of events leading to filing and registration of the tariff petition for Bhuj Pooling Station and due to



misunderstanding an incorrect and misleading statement was made on behalf of PGCIL on the last date of hearing. She submitted that there has been slight delay in filing of petition for determination of tariff as three of the assets under the project "System Strengthening Scheme at Tuticorin-II and Bhuj PS" in WR were put into commercial operation in May,2021. She submitted that the criteria for filing the petition as per Regulation 9(1) of the 2019 Tariff Regulations was met only in May, 2021 since 70% of the expenditure was incurred by the said date. However, due to severity of second Covid-19 wave during May-July, 2021, preparation of requisite inputs and Auditor certificates was delayed. After finalization of Auditor certificates in August, 2021, the tariff petition was finalised and approved by the Competent Authority in October, 2021. The petition was ready for e-filing in November, 2021. The process of e-filing petition was initiated in December, 2021 and fee was deposited on 29.12.2021. However, some defects remained and due to third wave of Covid-19, there was a delay in removal of defects and the defects were cured on 8.2.2022. On the basis of the Reference No.538/2021 generated on initiation of filing of the petition on 28.12.2021, an incorrect statement that tariff petition has been filed was made. She has apologised for the incorrect statement.

3. The CEO, CTUIL appeared and rendered his unqualified apology for making an incorrect and misleading statement by learned counsel. He assured that there will be coordination between CTUIL and PGCIL and correct information will be submitted in future.

4. The Commission accepted the apologies rendered by CTUIL and PGCIL, and observed that in future CTUIL should identify the issues raised in petitions against CTUIL/PGCIL and submit its comments on such issues in coordinated manner.

5. Learned counsel for the Petitioner submitted that the owing to delay in completion of the Project due to various uncontrollable events, SECI had extended the SCOD of the Project as provided under the PPA to 17.12 2021. The Petitioner had also conveyed to PGCIL about the extension granted by SECI, and PGCIL accepted the Petitioner's request for extension of time for completion of dedicated transmission system till October, 2021.

6. Learned counsel for the Petitioner submitted that the construction of DTL was completed on 12.1.2022 and the line was energised on 28.1.2022. PGCIL was also intimated about the completion of DTL on 31.1.2022. The 285 MW power plant of the Petitioner has been commissioned to the extent of 77.7 MW and power from the same is flowing to the distribution companies. He further submitted that as per Article 4.6.2 of the amended provisions of PPA entered between the Petitioner and SECI, the project can be completed within 9 months from the extended SCOD. He submitted that the completion of DTL falls within the time frame prescribed under the amended PPA i.e 9 months from the date of SCOD. Accordingly, the instant petition may be disposed of in terms of Clause 11.2.(a) of the Revised Detailed Procedure for grant of connectivity for projects based on renewable sources to inter-State transmission system which provides for completion of DTL on or before the SCOD in cases where extended or delayed commissioning is permitted by the Renewable Energy Implementing Agency. He submitted that SECI has also clarified that the



revised SCOD of the project was 17.12.2021 and as per Article 4.6.2 of the amended PPA, the Petitioner is allowed to commission the project by 15.9.2022.

7. The learned counsel for the CTUIL submitted that in terms of Clause 11.2(a) of the Revised Detailed Procedure and the SCOD extension granted by SECI, nothing survives in the instant petition. The instant petition is confined to the extension of time for completion of DTL and the same has already been completed on 12.1.2022.

8. Subject to the above, the Commission reserved order in the matter.

By order of the Commission

sd/-

(V. Sreenivas)
Joint Chief (Legal)

