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Fwd: Comments on Draft CERC (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2021

1 message

Abhishek Rohilla <abhishek.rohilla@delhi.gov.in>
To: cerc abhishek <cerc.abhishek@gmail.com>

20 February 2022 at 12:00

Regards,
Abhishek Rohilla
Dy. Chief (Engg.)
Central Electricity Regulatory Commission
3rd Floor, Chanderlok Building,
[36, Janpath, New Delhi-110001](#)

Mb. 9643439120

From: "Shilpa Agarwal" <shilpa@cercind.gov.in>
To: "Abhishek Rohilla" <abhishek.rohilla@gov.in>, "Ratnesh Kumar" <ratnesh.cea@gov.in>
Sent: Tuesday, February 15, 2022 3:59:43 PM
Subject: Fwd: Comments on Draft CERC (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2021

From: "shubhayu sanyal" <shubhayu.sanyal@rpsg.in>
To: "Sanoj Kumar Jha" <secy@cercind.gov.in>, "Shilpa Agarwal" <shilpa@cercind.gov.in>
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Sent: Tuesday, February 15, 2022 1:34:52 PM
Subject: Comments on Draft CERC (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2021

Dear Sir/Madam,

On behalf of Dhariwal Infrastructure Limited, please find attached the comments on Draft Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2021 for your kind consideration.

Thanks & regards,

Shubhayu Sanyal





Comments on Draft CERC (Connectivity & GNA) Regulations 2021_15.02.2022.pdf

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At the outset, Dhariwal Infrastructure Limited (“DIL”) would like to thank the Hon’ble Central Electricity Regulatory Commission (“**Hon’ble Commission**”) for bringing out the Draft CERC (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2021 (“**Draft GNA Regulations 2021**”) and providing the stakeholders an opportunity to provide comments/suggestions and seek clarifications on the same. Accordingly, the comments and suggestions on the Draft GNA Regulations 2021 and its terms on behalf of are provided in the following matrix for the kind perusal of the Hon’ble Commission.

REGULATION NO.	PROPOSED REGULATION	COMMENTS AND SUGGESTIONS
Application for Grant of Connectivity		
Regulation 5.6	<i>An Applicant may apply for grant of Connectivity at (i) a terminal bay of an ISTS sub-station already allocated to another Connectivity grantee or (ii) switchyard of a generating station having Connectivity to ISTS, with an agreement duly signed between the Applicant and the said Connectivity grantee or the generating station having Connectivity to ISTS, as the case may be, for sharing the terminal bay or the switchyard and the dedicated transmission lines, if any. The applicable Connectivity Bank Guarantee as per Regulation 8 of these regulations shall be submitted by such Applicant.</i>	<p>We request the Hon’ble Commission to clarify that in case an Applicant is allocated to a terminal bay(s), which is developed and owned by the ISTS licensee/CTU, and wherein a Connectivity grantee had already been allocated earlier, whether there would be any requirement of signing of agreement between the Applicant and such other Connectivity grantee allocated to the same terminal bay(s).</p> <ul style="list-style-type: none"> • Regulations 7.1 and 7.2 provide for development and maintenance of terminal bay(s) at the ISTS Sub-station by the ISTS licensee/CTU as per extant practice. Further, in Regulation 12.4, it has been provided that terminal bay(s) at the ISTS Sub-station can be developed and maintained by Connectivity grantee, subject to approval of the concerned ISTS licensee/CTU.
Regulation 5.7	<i>Two or more Applicants may apply for grant of Connectivity at a common terminal bay with an agreement duly signed by such Applicants for sharing the dedicated transmission lines and the terminal bay(s). The applicable Connectivity Bank Guarantee as per Regulation 8 of these regulations shall be submitted by each such Applicant.</i>	<ul style="list-style-type: none"> • It is submitted that, in case two or more Connectivity grantees are allocated in a terminal bay(s) which is constructed and owned by ISTS licensee/CTU, the requirement for signing separate agreement between such Connectivity grantees who would be sharing the bay may not be required since such allocation would be under the supervision and guidance of the ISTS licensee/CTU itself. Only in cases where the Connectivity grantees would be sharing the bay(s)

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		developed by any one of such grantees, only in such cases, there would be a requirement for entering into a separate agreement for sharing such terminal bay(s).
Connectivity Agreement		
Regulation 10.3	<i>Within 30 days of the intimation of connection details by the Nodal Agency under Regulation 10.2, Connectivity Agreement shall be signed between the Nodal Agency and the entity which has been intimated final grant of Connectivity. On signing of the Connectivity Agreement such entity shall become the Connectivity grantee.</i>	<p>We request the Hon'ble Commission to stipulate for confirmation of the final coordinates by the Nodal Agency prior to the grant of final connectivity.</p> <ul style="list-style-type: none"> In cases wherein the dedicated transmission lines may be developed by the Connectivity grantee in terms of Regulation 12.4, the assurance on the final coordinates of the ISTS sub-station and the terminal bay(s) would be critical for the Connectivity grantee to place work order for the erection of the dedicated transmission lines from its premise up to the ISTS Sub-station. Any change in final co-ordinates after two months of signing the Connectivity Agreement would put the Connectivity grantee developing the dedicated transmission lines under uncertainty and financial risk. Further, in case of any change of final co-ordinates made by the ISTS Licensee/CTU after two months, subsequent changes need to be incorporated by such Connectivity grantee in its dedicated transmission line project and the same would get delayed.
Regulation 10.5	<i>Where Connectivity is granted at a proposed ISTS sub-station, the Nodal Agency, shall confirm the final coordinates within 2 months of signing of the Connectivity Agreement and such coordinates shall not be outside the radius of 5 km of the tentative coordinates already intimated.</i>	
Dedicated Transmission Lines and Bay(s)		
Regulation 12.4	<i>The terminal bay(s) at the ISTS sub-station shall be under the scope of the transmission licensee owning the ISTS sub-station:</i> <i>Provided that the Connectivity grantee may, if it so chooses, construct and maintain the terminal bay(s)</i>	We request the Hon'ble Commission to enable only the ISTS licensee/CTU to allocate/approve the share of any Applicant on the terminal bay(s) developed by any Connectivity grantee in order to fulfil the requirement u/s 38 (2) (d) to provide non-discriminatory open access to the transmission system user.

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	<p><i>at its own cost by entering into an agreement with the transmission licensee owning the ISTS sub-station, subject to prior approval of the Nodal Agency:</i></p>	<ul style="list-style-type: none"> Under Section 38 (2) (d) of the Electricity Act 2003 (“the Act”), the CTU/ISTS Licensee are obligated to provide non-discriminatory open access to the intending users of the transmission system. In case, the terminal bay(s) at the ISTS Sub-station are developed by any Connectivity grantee, the right to allocate/approve the access of any other Applicant in such bay should lie with the CTU/ISTS Licensee. This will prevent the Connectivity grantee who would own/develop the terminal bay(s) at the ISTS Sub-station under Regulation 12.4 to exercise any discrimination in providing its consent for sharing such terminal bay(s).
Application for Grant of Connectivity and Eligibility for GNA		
Regulation 17.1	<p><i>The following entities shall be eligible as Applicants to apply for grant of GNA or for enhancement of the quantum of GNA:</i></p> <p><i>(i) State Transmission Utility on behalf of distribution licensees connected to intra-State transmission system and other intra-State entities;</i></p>	<p>Since the GNA for an STU would be determined based on ISTS drawals of earlier years, the injection, if any, done by any embedded generating station for transfer of power outside the State would not be factored in the GNA to be granted to the STU. The Hon’ble Commission may, therefore, clarify that for an embedded generating station connected to STU network and seeking to transfer capacity available to buyers outside the State, whether the GNA requirement will be accommodated within the GNA of the concerned STU where the embedded generator is located. Further, in such case, will the embedded generator be charged for any GNA charges, like applicants under Regulation 4.1, by the STU for facilitating the said inter- state transaction?</p> <ul style="list-style-type: none"> The draft Regulations propose GNA to be granted to the STU, including the intra-state entities based on average ISTS drawal for the past three years. However, in many cases, there are embedded generating stations which are connected to the STU network may require to sell the available surplus under short-term/long-term route to buyers outside the State. Such generating stations not being connected to the ISTS

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		<p>directly cannot seek Connectivity and GNA themselves. The evacuation of power from such generating stations would be routed through the STU network only. The Hon'ble Commission may clarify whether the GNA applicable for the STU would cater for the power to be evacuated from such embedded generating stations.</p>
Regulation 17.2	<p>...</p> <p><i>17.2. Entities not covered under Regulation 17.1, which as on the date of coming into force of these regulations, are connected to the ISTS or for whom Connectivity granted under Connectivity regulations has become effective, shall be eligible for applying for grant of GNA to the ISTS for the quantum equal to the quantum of Connectivity, which shall be processed as per Regulation 37.6 of these regulations.</i></p>	<p>In our humble opinion, this Hon'ble Commission may clarify whether the applicant shall apply for GNA to the nodal agency for a quantum equal to net installed capacity of generating station, i.e., gross installed capacity less the auxiliary power consumption. Further, if the installed capacity as mentioned by this Hon'ble Commission implies the net installed capacity, the definition of the same may be included while issuing the final Regulations.</p> <ul style="list-style-type: none"> As per the draft regulations, all generators connected to ISTS will have to obtain GNA for the quantum equal to the quantum of connectivity, which implies to the installed capacity to generating plant. In this context, it is pertinent to note that the saleable capacity would only be the quantum post deduction of auxiliary power consumption and hence, this Hon'ble Commission may clarify the same while applying for connectivity.
Deemed Grant of GNA and Grant of GNA to Entities other than STU		
Regulation 18.1	<p><i>Deemed Grant of GNA</i></p> <p><i>On the date, these regulations come into force,.....</i></p> <p>....</p> <p>....</p> <p>....</p> <p><i>(f) Entity(ies) covered under Regulation 4.1 of these regulations where Long Term Access granted to such entity or to its identified buyer, under the</i></p>	<p>We request the Hon'ble Commission to clarify whether the existing Coal based thermal generating stations, who are having Connectivity to the ISTS not equal to the installed capacity due to the existing provision in the Connectivity Regulations under which LTA/MTOA have been granted only up to net capacity equivalent to installed capacity less auxiliary consumption, need to apply for fresh connectivity of the balance quantum upto the installed capacity or shall be granted deemed Connectivity upto the installed capacity.</p>

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	<i>Connectivity Regulations has become effective, shall be deemed to have been granted GNA equal to the quantum of such Long term Access, under these regulations.</i>	
Regulation 18.1 (f) read with 22.2	<p><i>Regulation 18.1(f)</i> <i>Entity(ies) covered under Regulation 4.1 of these regulations where Long Term Access granted to such entity or to its identified buyer, under the Connectivity Regulations has become effective, shall be deemed to have been granted GNA equal to the quantum of such Long term Access, under these regulations</i></p> <p><i>Regulation 22.2</i> <i>Connectivity grantees covered under Regulation 4.1 of these regulations shall be deemed to have been granted GNA, equal to the quantum of Connectivity from the start date of Connectivity. In the event of split or transfer of Connectivity in terms of Regulation 15 of these regulations, the corresponding GNA shall be deemed to have been split or transferred, as the case may be</i></p>	<p>The Hon’ble Commission is requested to incorporate suitable modification to distinguish Regulation 18.1 (f) from Regulation 22.2 to avoid any dispute regarding the fact that Regulation 18.1(f) is intended for existing entities and Regulation 22.2 is intended for Connectivity grantees who would be granted connectivity and GNA post promulgation of the proposed Regulations.</p>
Regulation 22.3	<i>Details of entities which have been granted GNA along with quantum, period and start date of GNA shall be published by the Nodal Agency, on its website, within one (01) month of grant of GNA.</i>	<p>The Hon’ble Commission may clarify about the period of GNA which is to be granted to the existing LTA/MTOA holders whose GNA would be deemed granted under the proposed Regulations.</p> <ul style="list-style-type: none"> • In many cases, there are generators having PPA for various durations and having different types of open access viz., a PPA with 15 years and supply under LTA and a PPA with 3 years with supply under MTOA. In such cases,

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		the Hon'ble Commission may like to clarify whether the deemed Connectivity and GNA, under the proposed Regulations, be granted for the balance period PPA-wise or the same shall be granted for both the capacities for the period which shall be the maximum of the balance period among such PPAs.