

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.277/MP/2019 along with IA No. 21/2022

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 for adjudication of dispute arising out of the action of Power Grid Corporation of India in revoking the Long-Term Open Access granted to the Petitioner for evacuation of 300 MW power from its Wind Power Project on account of delay in submission of Bank Guarantee as required under the Long Term Access Agreement dated 23.2.2019.

Date of Hearing : 10.1.2023

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

Petitioner : Sitac Kabini Renewables Private Limited (SKRPL)

Respondent : Central Transmission Utility of India Limited (CTUIL)

Parties Present : Ms. Mazag Andrabi, Advocate, SKRPL
Ms. Tajali, Adovcate, SKRPL
Ms. Anjana Sharma, SKRPL
Ms. Suparna Srivastava, Advocate, CTUIL
Shri Tushar Mathur, Advocate, CTUIL
Shri Partha Sarathi Das, CTUIL
Shri Bhaskar Wag, CTUIL
Shri Swapnil Verma, CTUIL
Shri Siddharth Sharma, CTUIL
Shri Ranjit Singh Rajput, CTUIL
Ms. Priyansi Jadiya, CTUIL

Record of Proceedings

At the outset, learned counsel for the Petitioner submitted that the Petitioner may be permitted to file written submissions and the matter may be reserved for order. The learned counsel also clarified that presently, the Petitioner is only pressing for prayer (b) as made in the Petition i.e. direction to Respondent to refund the Application Bank Guarantee (ABG) of Rs. 30,00,000/- to the Petitioner.

2. Learned counsel for the Respondent submitted that as per the Agreement for Long Term Access (LTAA) dated 23.1.2019, the Petitioner was required to submit the Bank Guarantee (BG) amounting to Rs. 15 crore (Construction BG) within 3 months from the date of signing of LTAA i.e. on or before 22.4.2019. However, the Petitioner having failed to submit such construction BG in the stipulated timeframe, the Respondent was constrained to revoke the LTA granted to the Petitioner which consequently led to the forfeiture of its ABG. Learned counsel also submitted that the Commission vide its order dated 8.3.2017 in Petition No. 96/MP/2015 has also taken

a strict view as regards cancellation of LTA on failure to furnish the requisite BG under the LTA within the stipulated timeframe.

3. Learned counsel for the Petitioner submitted that the delay in submission of construction BG of Rs. 15 crore was on account of the lack of clarity on the proposed Bhuj-II sub-station at which the connectivity and LTA had been granted to the Petitioner by the Respondent. Learned counsel submitted that till the date of revocation of LTA by the Respondent, there was no clarity on the location of proposed Bhuj-II sub-station. Learned counsel also pointed out that after revocation of LTA, the Petitioner again submitted a fresh application for LTA for transfer of its 300 MW wind farm from Bhuj-II sub-station and signed the 2nd LTAA on 20.3.2020. Learned counsel also submitted that 200 MW capacity of its Project has already achieved commercial operation which also indicates the seriousness on the part of the Petitioner. She added that in the above circumstance, the Petitioner is urging the Commission to exercise its power to relax under the Connectivity Regulations and direct the Respondents to return the ABG. Learned counsel also submitted that in the past, the Commission has exercised its power to relax for extending the time limits for achieving the various milestones as specified in the Detailed Procedure when the concerned developer did not know about the location of termination points.

4. In response, the learned counsel for the Respondent submitted that the aspects relating to location of sub-station and the reference to the earlier order of the Commission is concerned with the Connectivity and not to the LTA.

5. After hearing the learned counsel for the parties, the Commission reserved the matter for order.

By order of the Commission

**SD/-
(T.D. Pant)
Joint Chief (Law)**