

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition (Diary) No. 403/2023 along with IA (Diary) No. 406/2023**

Subject : Petition under Section 79 of the Electricity Act read with applicable provisions of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-state transmission system) Regulations, 2022 along with Regulation 111- 113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations 1999, seeking relief(s) against Central Transmission Utility of India Limited in connection with the 300 MW Connectivity at Gadag district in state of Karnataka, granted to the Petitioner herein.

Petitioner : Solarone Energy Private Limited (SEPL)

Respondents : Central Transmission Utility of India Limited (CTUIL)

**Petition (Diary) No. 405/2023 along with IA (Diary) No. 407/2023**

Subject : Petition under Section 79 of the Electricity Act read With applicable provisions of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-state Transmission System) Regulations, 2022 along with Regulation 111- 113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations 1999, seeking relief(s) against Central Transmission Utility of India Limited in connection with the 300 MW Connectivity at koppal district in state of Karnataka, granted to the Petitioner herein.

Petitioner : Solarone Energy Private Limited

Respondents : Central Transmission Utility of India Limited

Date of Hearing : **22.9.2023**

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

Parties Present : Shri Basava Prabhu Patil, Sr. Advocate, SEPL  
Ms. Molshree Bhatnagar, Advocate, SEPL  
Shri Nipun Dave, Advocate, SEPL  
Shri Rishabh Sehgal, Advocate, SEPL  
Shri Geet Ahuja, Advocate, SEPL  
Shri Abhinav Dwivedi, SEPL  
Shri Rohit Singh, SEPL  
Shri Swapnil Verma, CTUIL  
Shri Ranjeet Rajput, CTUIL  
Shri Akshayvat Kislay, CTUIL



**Record of Proceedings**

Learned senior counsel for the Petitioner submitted that the present Petitions have been filed *inter-alia* for seeking reliefs against the Respondent, Central Transmission Utility of India Limited (CTUIL), in connection with disputes arising in relation to a 300 MW Connectivity granted to the Petitioner each at Gadag and Koppal districts in the State of Karnataka. Learned senior counsel mainly submitted as under:

(a) Upon having emerged as a successful bidder in a tender issued by the SECI, Letter of Awards (LoAs) dated 10.3.2022 were issued in the favour of the Petitioners for setting up 300 MW Projects each at Gadad and Koppal districts in the State of Karnataka. Based on these LoAs, the Petitioner applied for Stage-II Connectivity at these places, which was granted by the CTUIL vide its letters dated 6.6.2022 (Gadag) & 14.6.2022 (Koppal).

(b) While the Petitioner proceeded to comply with its obligations under the said LoAs within the prescribed timelines, a Power Purchase Agreement which ought to have been executed between the SECI and the Petitioner within 90 days from the issuance of the LoAs, could not be executed on account of SECI having failed to identify the buying utilities/distribution licensee for tying-up such capacity on onward basis. Accordingly, almost 18 months after the issuance of the LoAs, SECI, vide its letter dated 10.8.2023 allowed Petitioner to exit the process under the LoAs without any penalty.

(c) Although the aforesaid Connectivity to the Petitioner has been granted under the regime of the Connectivity Regulations, 2009 read with the Detailed Procedure issued thereunder, in particular, Clause 9.2.1, which permitted an applicant to apply for Stage-II Connectivity on the basis of the LoA/PPA or the proof of ownership/lease right of land on which the Project is to be constructed. However, the said regime has now been repealed by the GNA Regulations.

(d) The GNA Regulations provide for a mechanism, following which, the Connectivity granted under the Connectivity Regulations, 2009 shall be treated as Connectivity under the GNA Regulations. Regulation 5.8(xi) of the GNA Regulations permits the Connectivity on the basis of (i) the LoA or the PPA entered into with the Renewable Energy Implementing Agency or the Discom, or (ii) registered title deed or lease right or land use rights for 50% of the land required for the capacity for which the Connectivity is sought, or (iii) BG of Rs.10 lakh/MW in lieu of ownership or lease rights or land use rights of land for 50% of the land required for the capacity for which the Connectivity is sought.

(e) The Petitioner is already in the process of developing the above Projects and has also procured the considerable land required for the setting-up its Projects. As such, it intends to retain the Connectivity by providing the details/documents as per the options available under Regulation 5.8(xi) of the GNA Regulations. Accordingly, the Petitioner requested that CTUIL for transition of its Connectivity under the GNA regime.

(f) In a meeting held on 29.8.2023 between CTUIL and the Petitioner, the above aspects were discussed. However, CTUIL has not been processing the transition of its Connectivity as required under the GNA Regulations. In fact, in a letter dated 19.9.2023, CTUIL has already proceeded to revoke its Connectivity and has indicated that Conn-BG1 and Conn-BG2 will be

encashed. Accordingly, the Petitioner has also moved the IAs in these matters, *inter-alia*, for restraining the CTUIL from taking any coercive and/or precipitative steps against the Petitioner, including the invocation of its BGs, and rendering the Connectivity granted to the Petitioner at Koppal and Gadag relinquished and/or revoked till the final disposal of the present Petitions.

(g) A meeting in connection with the reallocation of the bays is already scheduled by the CTUIL on 25.9.2023 and in the event that the concerned bays, on the basis of which the Petitioner has been granted Connectivity at Koppal and Gadag, are allocated to the other developer(s), the present Petitions may be rendered infructuous. Therefore, the CTUIL may be directed not to reallocate these bays to any other developer till the disposal of these matters.

2. In response to the specific query of the Commission with regard to whether the Petitioner's Projects will be completed by the original Scheduled Commissioning Date as per the LoAs or as indicated in the Connectivity applications, the learned senior counsel for the Petitioner replied in the affirmative.

3. The representative of the Respondent, CTUIL, accepted the notice and sought liberty to file its reply in these matters. The representative of CTUIL further submitted that the actions taken by CTUIL are strictly in accordance with the provisions of the concerned Regulations. He pointed out that in various JCC meetings, the status of the Petitioner's Projects was monitored, and it was indicated that various activities such as route surveys, Section 68 approval, etc. were yet to be completed. The representative of CTUIL submitted that under the GNA regime, an entity has the option either to convert the Connectivity granted under an earlier regime by complying with the requirements specified therein which include furnishing 3 BGs and alignment of the existing agreement or alternatively, surrender such Connectivity. He added that even if the Petitioner's Connectivity had been transitioned under the GNA regime, Regulation 24.6(1)(c) of the GNA Regulations provides that the Connectivity granted to a RE generator shall be revoked if the LoA /PPA on basis of which Connectivity was granted is terminated prior to the COD of the Projects. The representative of CTUIL stated that approximately 5 bays are vacated at Koppal & Gadag S/s on similar basis/grounds, and a meeting for the reallocation of such bays to the other developers is already scheduled.

4. Considering the submissions made by the learned senior counsel for the Petitioner and the representative of CTUIL, the Commission directed as under:

(a) Admit.

(b) The Petitioner to serve a copy of the Petitions to the Respondent and the Respondent to file their replies to the Petitions, if any, within three weeks after serving a copy of the same to the Petitioner, who may file its rejoinder, within two weeks thereafter.

(c) CTUIL will not take any coercive action/steps against the Petitioner with regard to the invocation/encashment of BGs and re-allocate the bays connected with the grant of the Connectivity to the Petitioner at Koppal and Gadag till the next date of the hearing.

(d) The Registry is directed to register the Petitions and IAs after completion of all the formalities.

5. The Petitions along with IAs will be listed for hearing on **8.11.2023**.

**By order of the Commission**  
**Sd/-**  
**(T.D. Pant)**  
**Joint Chief (Law)**