

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**IA (Diary) No. 514/2023 in Petition (Diary) No.512/2023**

Subject : Application on behalf of the Petitioner for interim directions.

Date of Hearing : **29.11.2023**

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

Petitioner : Indosol Solar Private Limited (ISPL)

Respondents : Central Transmission Utility of India Limited (CTUIL) and 4 Ors.

Parties Present : Ms. Swapna Seshadri, Advocate, ISPL  
Shri Harsha V Rao, Advocate, ISPL  
Ms. Aishwarya Subramani, Advocate, ISPL  
Shri Swapnil Verma, CTUIL  
Ms. Muskan Agarwal, CTUIL  
Shri Ranjeet Singh Rajput, CTUIL

**Record of Proceedings**

During the course of the hearing, learned counsel for the Petitioner/Applicant and the representative of the Respondent, CTUIL, made detailed submissions on the IA moved by the Applicant, *inter-alia*, seeking direction to the Respondent, CTUIL to restore the timestamp of the application for the grant of the connectivity when it was initially made i.e. 9.11.2023 at 12:14:10 PM for application number 2200000363; 01:19:04 PM for application number 2200000364; 01:14:51 PM for application number 2200000365 and 02:36:04 PM for application number 2200000366, till the final disposal of the Petition filed by the Petitioner.

2. Learned counsel for the Applicant, *inter-alia*, submitted as under:

(a) The Applicant has obtained the approval of the Government of Andhra Pradesh by G.O. Ms No. 19 dated 12.9.2022 to establish solar power plants of 3500 MW capacity in the district Kurnool, YSR and Ananthpur in Andhra Pradesh. The said GO, *inter alia*, also assured the allotment of Govt. lands for the development of solar power plants on a lease basis.

(b) Subsequent to the above, NREDCAP, a State Nodal Agency, by its letter to CTUIL dated 7.11.2023 recommended the grant of the connectivity for 3500 MW to the Petitioner and also informed CTUIL about the allotment of land to the Petitioner, pursuant to and in furtherance to the GOs of Govt. of AP on lease basis while also recommending that the same may be considered as proof of lease rights/ land use right under GNA Regulations.

(c) Thereafter, on 9.11.2023, the Applicant submitted four connectivity applications to CTUIL through the National Single Window System under Regulation 4 of the GNA Regulations, which enables a Renewable Power Park Developer for the grant of connectivity.

(d) Keeping in view that Regulation 5.8(vii) of the GNA Regulations required proof of ownership/ lease/ use right, the Applicant, in compliance thereof, submitted the NREDCAP's letter dated 7.11.2023 addressed to CTUIL confirming the allotment of lands on lease basis by the Govt. to the Petitioner. However, CTUIL raised certain queries through the NSW portal/email, on 16.11.2023, requiring a lease deed or possession certificate of the allotted land and Title Report from a registered Advocate certifying the clear and present vesting of land rights in favour of the Applicant. The said requirements were on the basis of an Advisory for submissions of applications under GNA Regulations dated 1.10.2023 as issued by the CTUIL and not the GNA Regulations.

(e) On 17.11.2023 itself, the Applicant submitted the information sought by CTUIL, including title due diligence from a practicing advocate.

(f) However, in the meantime, the Time Schedule of applications has been shown to be changed from 9.11.2023 to 17.11.2023, on the website. Admittedly, the applications dated 9.11.2023 of the Petitioner were not closed and sent for rectification only, which the Petitioner has duly complied with, and, as such, the action of CTUIL to revise the timestamp of the applications is not in accordance with the provisions of the GNA Regulations. Regulation 3.5 of the GNA Regulations itself provides a week to the applicant to rectify the deficiency in its application, if any, as pointed out by CTUIL.

(g) The remarks raised by CTUIL are baseless and unreasonable as CTUIL has failed to consider the land being allotted by the Govt. orders of the Govt. of AP, no further documentation was required for the grant of the Connectivity. Also, the requirement stated by CTUIL in its Advisory cannot go beyond the GNA Regulations. However, the documentation required as proof of lease rights for the grant of connectivity in the instant case is the subject matter of the main matter, and presently, the Applicant is pressing for IA.

(h) The timestamp of the application is crucial since it determines the priority in which the applications will be processed. Regulation 3.6 of GNA Regulations provides that the inter-se priority of the applications shall be accorded as per the date and time of receipt of the application, wherever required.

(i) In the event, that the interim relief as prayed for by the Applicant is not allowed, the Applicant will be put to irreparable loss, and it will be pushed down in the list for obtaining the connectivity and may also lead to a situation where it may not receive the connectivity for the requisite capacity even if it succeeds in the present case.

3. The representative of the CTUIL mainly submitted as under:

(a) The timestamp of an application for connectivity can be considered only with respect to an application which is complete in all aspects. Any other interpretation may lead to an absurdity whereby an applicant may claim the priority by merely filing a deficit application on the portal.

(b) By its email dated 16.11.2023, CTUIL had not merely sought clarification in respect of the applications of the Applicant but had sought the deficit documents as required under the Advisory issued by CTUIL. While the Applicant may contest /challenge the requirements/checklist provided under the

Advisory, as on the date, the Advisory stands as it is, and the Applicant was required to comply with the requirements/checklist provided therein.

(c) The applications of the Applicant for the grant of the connectivity are still under consideration of CTUIL, and the decision thereupon, based on the details furnished by the Applicant, will be taken within the stipulated time.

(d) In the main matter, the Applicant has already sought direction upon CTUIL to consider the GOs of Govt. of AP as submitted by AP as valid proof of land lease rights in terms of Regulation 5.8 (viii) of the GNA Regulations and in case the Petitioner succeeds therein, its IA and/or interim reliefs will become infructuous.

(e) From the beginning, the relevant date being considered is the date on which the deficiencies are rectified. Any exception to this, including in the case of the Applicant herein, may lead to severe ramifications.

(f) CTUIL may be permitted to file its written submissions on the IA.

4. Considering the submission made by the learned counsel for the Applicant and the representative of CTUIL, the Commissioned ordered as under:

“The CTUIL is impressed upon to dispose of the application of the Petitioner within ten days of the issuance of the ROP in accordance with law. The Petitioner is at liberty to mention the main Petition or the IA only after disposal of its application by the CTUIL.”

**By order of the Commission**

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