

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Petition No. 66/MP/2023 along with IA No.17/2023

- Subject : Petition under Sections 79(1) (c) and (f) of the Electricity Act, 2003 read with Regulations 27, 33A and 33B of the CERC (Grant of Connectivity, Long-Term Access and Medium- Term Open Access in inter-State Transmission and related matters) Regulations, 2009, seeking recognition of force majeure events and issuance of appropriate orders.
- Date of Hearing : 23.3.2023
- Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : AMP Energy Green Private Limited (AEGPL)
- Respondents : Central Transmission Utility of India Limited (CTUIL) and 2 Ors.
- Parties Present : Shri Amit Kapur, Advocate, AEGPL
Shri Akshat Jain, Advocate, AEGPL
Shri Shefali Tripathi, Advocate, AEGPL
Ms. Anusha Nagarajan, Advocate, NTPC
Shri Ranjit Singh Rajput, CTUIL
Ms. Priyansi Jadiya, CTUIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking recognition of force majeure events, which impaired the Petitioner from performing its obligations of construction of dedicated transmission lines by 13.4.2023 and the consequential directions. learned counsel mainly submitted as under:

(a) The Petitioner is developing 300 MW Solar Power Projects ('Projects') in the Jodhpur District, State of Rajasthan.

(b) Out of these 300 MW Projects, 100 MW was awarded to the Petitioner under SECI's Tranche VIII vide Letter of Award ('LoA') dated 6.4.2020. However, the Power Purchase Agreement (PPA) is yet to be executed between SECI and the Petitioner. Another 100 MW was awarded to the Petitioner under SECI's Tranche IX vide LoA dated 15.7.2020 and the PPA for this capacity between the Petitioner SECI was entered into only on 12.4.2022 i.e. after 1 year and 8 months.

(c) As regards the balance 100 MW, initially the Petitioner was successful in securing such capacity in e-reverse auction conducted by NTPC on 6.8.2020 in respect of its RfS dated 18.2.2020. However, due to non-issuance of LoA by NTPC for about 2 years after conclusion of e-reverse auction, the Petitioner entered into a PPA dated 5.9.2022 for third-party sale.



(d) For the purpose of evacuation of power from the aforesaid Projects, the Petitioner applied for grant of connectivity to CTUIL, which were granted by CTUIL, and consequently, the Petitioner entered into various Transmission Agreements dated 4.8.2020, 2.11.2020 and 12.4.2021.

(e) In terms of Clause 11.2(A)(b) of the '*Grant of Connectivity to Projects based on Renewable Sources to Inter-state transmission System*' dated 20.2.2021, the timeline for construction of dedicated transmission lines is scheduled to expire on 13.4.2023. However, due to certain unprecedented events akin to force majeure events, namely, (i) non-issuance of LoA by NTPC for NTPC bid, (ii) delay in technical evaluation & clearance by Committee constituted by GIB Order, and (iii) delay in assessment & implementation of dedicated transmission line due to resurgence of Covid-19, the Petitioner was prevented from completion of construction of its dedicated transmission lines by 13.4.2023.

(f) The Committee constituted by the Hon'ble Supreme Court by order dated 19.4.2021 in IA No. 85618 of 2020 ('GIB Order') has already granted the approval for construction of overhead powerlines on 3.2.2023 and the Petitioner is committed to implement these Projects. The Petitioner has indicated that it will require an additional time of 6 months from the date of approval of Committee (i.e. 3.2.2023) for completing the dedicated transmission lines.

(g) The Petitioner has prayed for an interim direction to the Respondents to not to take any coercive actions against the Petitioner including but not limited to encashment of Bank Guarantee of Rs. 3.5 crore submitted to CTUIL for connectivity.

2. After hearing the learned counsel for the Petitioner, the Commission ordered as under:

(a) Admit. Issue notice to the Respondents.

(b) The Petitioner to serve the copy of the Petition on the Respondents immediately, if not served already and the Respondents to file their reply, if any, within three weeks with copy to the Petitioner, who may file its rejoinder, within three weeks thereafter.

(c) The Petitioner to furnish the following calcification/details, on an affidavit, with copy to the Respondents within three weeks:

(i) Reasons for delay in approaching the committee appointed by Hon'ble on the GIB issue.

(ii) SCOD of 3 x 100 MW solar power projects under ISTS Tranche VIII, ISTS Tranche IX and NTPC Bid and the current status of the projects.

(iii) Total length of the dedicated transmission line i.e. from Common Pooling Station of Amp Energy Green Four, Five and Six Solar Power Plant- Bhadla-II PS 220 kV S/C line and how much length of the line is falling under the GIB potential and priority area.

(iv) Quantum of solar power plant area falling in the GIB potential and priority area.

(d) IA No.17/2023, filed by the Petitioner for the early listing of the case, having served its purpose, stands disposed of.

(e) The Respondents will not take any coercive action against the Petitioner, including encashment of Bank Guarantee furnished by it to CTUIL for connectivity till next date of hearing provided the Petitioner keeps such BG alive.

(f) The parties shall comply with the above direction within the stipulated timelines and no extension of time shall be granted.

3. The Petition shall be listed for hearing on 8.6.2023.

By order of the Commission

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