

Sembcorp’s Comments/Suggestions on Draft CERC (Connectivity and General Network Access to the inter-State Transmission System) (First Amendment) Regulations, 2023

Sr. No.	Regulation clause	Proposed Draft Amendment	Suggested Regulation	Sembcorp’s comments/suggestions
1.	5.8 (xi)	<p><i>New clause namely, clause 5.8 (xi)</i></p> <p><i>“(xi) In case of Applicants which are REGS (other than Hydro generating station) or ESS (excluding Pumped Storage Plant(PSP)) the following documents shall be submitted:</i></p> <p><i>(a) Letter of Award (LOA) by, or Power Purchase Agreement (PPA) entered into with, a Renewable Energy Implementing Agency or a distribution licensee or an authorized agency on behalf of distribution licensee consequent to tariff based competitive bidding, as the case may be: Provided that in case of Applicants being multi-located REGS, the details of locations and capacity at each location, duly certified by the Renewable Energy Implementing Agency or the distribution licensee, as the case may be, shall be submitted.</i></p> <p><i>Or</i></p> <p><i>(b)</i></p>	<p><i>New clause namely, clause 5.8 (xi)</i></p> <p><i>“(xi) In case of Applicants which are REGS (other than Hydro generating station) or ESS (excluding Pumped Storage Plant(PSP)) the following documents shall be submitted:</i></p> <p><i>(a) Letter of Award (LOA) by, or Power Purchase Agreement (PPA) entered into with, a Renewable Energy Implementing Agency or a distribution licensee or an authorized agency on behalf of distribution licensee consequent to tariff based competitive bidding, as the case may be: Provided that in case of Applicants being multi-located REGS, the details of locations and capacity at each location, duly certified by the Renewable Energy Implementing Agency or the distribution licensee, as the case may be, shall be submitted.</i></p>	<p>A.</p> <p>It is a welcome step to reintroduce the eligibility on the basis of either PPA/LOA or 50% Land + 10% Equity to be able to apply for connectivity under GNA Regulations.</p> <p>This will help to ensure serious participation and would avoid frivolous blocking of connectivity.</p> <p>However, it may be noted that before GNA regime, the earlier connectivity Regulations provided for 2 – stage process for grant of connectivity. As per the mentioned process for getting Stage-2 connectivity, developers along with land rights had an option to either submit documents related to Financial</p>

		<p>(i) Registered Title Deed as a proof of Ownership or lease rights or land use rights for 50% of the land required for the capacity for which Connectivity is sought; and (ii) Auditor’s certificate, certifying the release of at least 10% of the project cost including the land acquisition cost through equity.”</p>	<p><i>Provided, that Start date of connectivity for Projects covered under 5.8 (xi) (a) shall be not be earlier than corresponding date of SCOD in terms of PPA or LOA as extended or delayed commissioning permitted by the Renewable Energy Implementing Agency or the distribution licensee or the authorized agency on behalf of distribution licensee, as the case may be.</i></p> <p>Or (b) (i) Registered Title Deed as a proof of Ownership or lease rights or land use rights for 50% of the land required for the capacity for which Connectivity is sought; <i>Provided if the connectivity sought is more than or equal to 300MW, applicants may submit Registered Title Deed as a proof of Ownership or a “Conn BG-Land” corresponding to land which is equivalent to Rs.5Lakh/MW. Such “Conn BG-Land” shall be encashed if applicant within 8 months of grant of connectivity is unable to submit land documents for 50% of land.</i></p> <p>and (ii) <i>Financial closure of the project (with copy of sanction letter) or Auditor’s certificate, certifying the release of at</i></p>	<p>Closure or Release of equity equivalent to 10% of project cost. In the proposed amendment, the option of financial closure has been removed and developers would have only 1 option to submit certificate for release 10% equity for getting connectivity + 50% land.</p> <p>Regarding above, following points may be noted:</p> <ul style="list-style-type: none"> • Process of 2 stage connectivity fulfilling the condition of financial closure was to ensure serious participation which avoided frivolous participation to squat connectivity. Having financial closure itself shows the intent of developer to be serious for the project development. Also, the mentioned condition has been able to meet its objective in the past. • The proposed amendment forces the developer to release at least 10% equity of the project cost, to get the connectivity. Depending on the location, initial land rights
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			<p><i>least 10% of the project cost including the land acquisition cost through equity.”</i></p> <p><i>Provided connectivity grantee covered under Clause 5.8 (xi)(b), subsequently submits LOA or PPA with Renewable Energy Implementing Agency or distribution licensee, consequent upon tariff based competitive bidding before start date of connectivity, it shall be deemed to be a grantee under Clause 5.8 (xi) (a).</i></p>	<p>could cost in range of 2-5% of the project cost. Release of additional equity (other than land) before even getting the connectivity would increase project risk. Also, such equity would not earn any returns which would then have to be loaded in the tariff.</p> <p>In view of above, it is requested that the option for developers to either share documents for “Financial Closure + 50% Land” or “10% equity + 50% Land” may be continued. This will lower the risks for developers as well as would ensure that there is no frivolous participation to block connectivity.</p> <p>B. It may be further noted that many of the future projects which are to be developed on merchant capacity especially for Green Hydrogen would be of significant size i.e. 300-1000MW, these would have significant land requirement i.e. 1200 – 4000 acres. Also, such projects would only have one option to get</p>
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				<p>connectivity i.e. on the basis of 50% Land + 10% Equity.</p> <p>Developers may face issues for getting possession of such a huge land bank, and they would have to wait for applying for connectivity till at least 50% of land is arranged. And by the time land is procured, the intended substation may not have capacity available for connectivity. In such cases the investment in land would be wasted along with time taken to acquire land. It is thus requested that developers may be allowed to apply for connectivity for such sizeable projects before such land is arranged. To further ensure seriousness, developers may be asked to submit an additional BG corresponding to Land (which in case if not arranged in a specified timelines may get encashed)</p> <p>C. Connectivity regulations, 2009 provided for conversion of connectivity from Land + Equity/FC to PPA/LOA route.</p>
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				<p>As per the procedures under Connectivity Regulations, 2009, for such conversion developer is supposed to submit LOA/PPA after tariff based competitive bidding.</p> <p>Similar provision may be allowed for the conversion of connectivity from Land + Equity/FC route to PPA/LOA route, under the GNA Regulations. Provided connectivity grantee is able to share LOA/PPA.</p> <p>In such case, the connectivity start date shall also be revised and aligned with PPA start date.</p>
2.	9.3	9.3 An applicant which is REGS (other than Hydro generating station), ESS (excluding PSP) or Renewable power park developer to which final grant of connectivity has been issued, shall have to achieve the financial closure for the capacity of such Connectivity, (a) within a period of 12 months from the date of issuance of final grant of connectivity, if the start date of Connectivity is within 2 years from date of issuance of final grant of connectivity or (b) a period equivalent to 50% time period between issue of final grant of Connectivity and start date of	9.3 An applicant which is REGS (other than Hydro generating station), ESS (excluding PSP) or Renewable power park developer to which final grant of connectivity has been issued, shall have to achieve the financial closure for the capacity of such Connectivity, <i>before 9 months prior to Start date of connectivity</i> (a) within a period of 12 months from the date of issuance of final grant of connectivity, if the start date of Connectivity is within 2 years from date of issuance of final grant of connectivity or (b) a period equivalent to 50% time	<p>Applicant while applying for the connectivity would have already submitted the BGs of requisite amounts along with requirement of Land+Equity or LOA/PPA</p> <p>With such already available safeguards, developers have sufficient motivation to complete the project well within time. Considering the same, developers should be free to plan the financial closure of their</p>

		<p>Connectivity, if the start date of Connectivity is more than 2 years from date of issuance of final grant of connectivity:</p> <p>Provided that such an applicant shall submit proof of Financial Closure of the project (with copy of loan sanction letter or proof of first disbursement of loan amount) to CTU within 15 days of achieving the financial closure.</p> <p>Provided further that if the Connectivity grantee fails to achieve the financial closure within the stipulated time as per this regulation or fails to submit the 5 copy of financial closure as per first proviso to this regulation Connectivity shall be revoked and Conn-BG1, Conn-BG2 and Conn-BG3 shall be treated in terms of Regulation 24.2 or Regulation 24.3 of these regulations, as applicable.</p>	<p>period between issue of final grant of Connectivity and start date of Connectivity, if the start date of Connectivity is more than 2 years from date of issuance of final grant of connectivity:</p> <p>Provided that such an applicant shall submit proof of Financial Closure of the project (with copy of loan sanction letter or proof of first disbursement of loan amount) to CTU within 15 days of achieving the financial closure.</p> <p>Provided further that if the Connectivity grantee fails to achieve the financial closure within the stipulated time as per this regulation or fails to submit the 5 copy of financial closure as per first proviso to this regulation Connectivity shall be revoked and Conn-BG1, Conn-BG2 and Conn-BG3 shall be treated in terms of Regulation 24.2 or Regulation 24.3 of these regulations, as applicable.</p>	<p>project as per their financial requirements. This is especially relevant for projects where start date of connectivity is faraway, 50% of time between grant date and start date could be too early for such financial closure.</p> <p>It is requested that Commission should provide deadline for achieving financial closure, which may be achieved on or before 9 months prior to SCOD / Start date.</p>
3.	15.1	<p>A new proviso added after the first proviso to the Regulation 15.1 of the Principal Regulations as under:</p> <p><i>“Provided further that where a bulk consumer has been granted GNA under Regulation 17.1(iii) seeking to connect to ISTS directly, GNA granted to such Bulk consumer may be utilized in part or full by its subsidiaries.”</i></p>	<p>A new proviso added after the first proviso to the Regulation 15.1 of the Principal Regulations as under:</p> <p><i>“Provided further that where a bulk consumer has been granted GNA under Regulation 17.1(iii) seeking to connect to ISTS directly, GNA granted to such Bulk consumer may be utilized in part or full by its subsidiaries as well as by GNA</i></p>	<p>Regulation 15.1 provides that the connectivity granted to a parent company may be utilized by its subsidiary companies and vice-versa. Similar treatment should be allowed for usage of GNA granted to a parent consumer company by its subsidiaries as well as the GNA granted to a subsidiary may be utilized by its</p>

			<p><i>granted to a subsidiary may be utilized by its parent company or other subsidiary of the parent company</i></p>	<p>parent company or other subsidiary of the parent company.</p> <p>This will provide them the flexibility of using the GNA taken by one entity and will also help in optimum utilization of ISTS system developed under such GNA.</p> <p>Open Access market development will also get thrust with such flexibility provided to the consumers.</p>
4.	20.4 & 26.4	<p><i>20.4 Entities covered under clause (iii) of Regulation 17.1 of these regulations shall be eligible to apply for GNA to draw power only from renewable sources as identified at clause (2) of the Regulation 13 of the Sharing Regulations. Such GNA shall be called as GNARE for purpose of calculation of transmission charges in accordance with the Sharing Regulations. For purpose of these regulations GNARE shall be same as GNA: Provided that if such an entity with GNARE intends to draw power from the sources other than the sources identified at clause (2) of the Regulation 13 of the Sharing Regulations, it may:</i></p> <p><i>(a) apply for grant of additional GNA; or</i></p>	<p><i>20.4 Entities covered under clause (i), (ii) & (iii) of Regulation 17.1 of these regulations shall be eligible to apply for GNA to draw power only from renewable sources as identified at clause (2) of the Regulation 13 of the Sharing Regulations. Such GNA shall be called as GNARE for purpose of calculation of transmission charges in accordance with the Sharing Regulations. For purpose of these regulations GNARE shall be same as GNA: Provided that if such an entity with GNARE intends to draw power from the sources other than the sources identified at clause (2) of the Regulation 13 of the Sharing Regulations, it may:</i></p>	<p>As per Regulation 20.4 and 26.4 of the proposed amendment, only the entities covered under Regulation 17.1 (iii) i.e. “A distribution licensee or a Bulk consumer, seeking to connect to ISTS, directly, with a load of 50 MW and above” are eligible to get GNARE or T-GNARE. Further as per Annexure-III of sharing Regulations, ISTS waiver would depend if the entity has obtained GNARE or not.</p> <p>It is not clear, why such distinction has been made while allowing some of the drawee DICs to be</p>

		<p><i>(b)it may convert GNARE into GNA by making an application to the Nodal Agency.</i></p> <p>...</p> <p><i>26.4 Entities covered under sub-clauses (i) and (ii) to clause (a) of Regulation 26.1 of these regulations shall be eligible to apply for T-GNA to draw power only from renewable sources as identified at clause (2) of the Regulation 13 of the Sharing Regulations. Such T-GNA shall be called as T-GNARE for purpose of calculation of transmission charges in accordance with the Sharing Regulations. For purpose of these regulations T-GNARE shall be same as GNA: Provided that if such an entity with T-GNARE intends to draw power from the sources other than the sources identified at clause (2) of the Regulation 13 of the Sharing Regulations, it may: (a)apply for grant of additional T-GNA; or (b)it may convert T-GNARE into T-GNA by making an application to the Nodal Agency.</i></p>	<p><i>(a) apply for grant of additional GNA; or (b)it may convert GNARE into GNA by making an application to the Nodal Agency.</i></p> <p>...</p> <p><i>26.4 Entities covered under sub-clauses (i) and (ii) to clause (a) of Regulation 26.1 of these regulations shall be eligible to apply for T-GNA to draw power only from renewable sources as identified at clause (2) of the Regulation 13 of the Sharing Regulations. Such T-GNA shall be called as T-GNARE for purpose of calculation of transmission charges in accordance with the Sharing Regulations. For purpose of these regulations T-GNARE shall be same as GNA: Provided that if such an entity with T-GNARE intends to draw power from the sources other than the sources identified at clause (2) of the Regulation 13 of the Sharing Regulations, it may: (a)apply for grant of additional T-GNA; or (b)it may convert T-GNARE into T-GNA by making an application to the Nodal Agency.</i></p>	<p>eligible for obtaining GNARE while other are not.</p> <p>It is requested that the treatment for ISTS waiver for drawing RE power should be kept uniform for all the drawee entities irrespective of the fact that they are connected to intra state or interstate transmission system.</p> <p>In view of above it is requested, that entities covered under 17.1. (i) & 17.1. (ii) should also be made eligible to apply for GNARE for drawl of power only from renewable sources as identified at clause (2) of the Regulation 13</p> <p>Similarly, all drawee entities covered under Regulation 26.1 should be eligible to apply for T-GNARE.</p>
5.	24.6 (1)	<p><i>“24.6 Revocation of Connectivity (1) (a) Connectivity shall be revoked for the corresponding capacity, if the Connectivity</i></p>	<p><i>“24.6 Revocation of Connectivity (1) In case Connectivity grantee is unable to pay transmission charges as per</i></p>	<p>As per Regulation 13 (3) of Sharing Regulations, in case COD of a project is delayed (i.e., beyond start date of connectivity)</p>

	<p>grantee fails to achieve COD either in full or in parts on or before,</p> <p>(i) the scheduled date of commercial operation of the generation project, for cases covered under clause (xi)(a) of the Regulation 5.8, as intimated at the time of making application for grant of Connectivity or as extended or delayed commissioning permitted by the Renewable Energy Implementing Agency or the distribution licensee or the authorized agency on behalf of distribution licensee, as the case may be.</p> <p>(ii) six months after the scheduled date of commercial operation as intimated at time of making application for grant of Connectivity, for cases covered under clause (xi)(b) of the Regulation 5.8.</p> <p>(b) In case of Applicants which have been granted Connectivity under clause (xi)(b) of the Regulation 5.8 but are subsequently covered under clause(xi)(a) of the Regulation 5.8, the last date for declaration of COD shall be the SCOD of the project or as extended or delayed commissioning permitted by the Renewable Energy Implementing Agency or the distribution licensee or the authorized agency on behalf of distribution licensee, as the case may be.</p> <p>(c) Connectivity granted to an REGS (other than Hydro generating station) or</p>	<p><i>Regulation 13 of the Sharing Regulations and Regulation 16.3 of GNA Regulations:</i></p> <p>(a) Connectivity shall be revoked for the corresponding capacity, if the Connectivity grantee fails to achieve COD either in full or in parts on or before,</p> <p>(i) the scheduled date of commercial operation of the generation project, for cases covered under clause (xi)(a) of the Regulation 5.8, as intimated at the time of making application for grant of Connectivity or as extended or delayed commissioning permitted by the Renewable Energy Implementing Agency or the distribution licensee or the authorized agency on behalf of distribution licensee, as the case may be.</p> <p>(ii) <i>one year six months after the scheduled date of commercial operation for connectivity up to 250MW and two years for connectivity more than 250MW as intimated at time of making application for grant of Connectivity, for cases covered under clause (xi)(b) of the Regulation 5.8.</i></p> <p><i>Provided, if the Commission is satisfied that the delay happened due to uncontrollable reasons, it can provide relaxation in revocation of connectivity as deem fit.</i></p>	<p>and the ATS has achieved COD, the Connectivity grantee shall have to pay Yearly Transmission Charges (YTC) for the ATS corresponding to connectivity capacity which has not achieved COD.</p> <p>Also, GNA Regulations, provides for encashment of BGs in case connectivity grantee is unable to pay the YTC upon delay in COD.</p> <p>Besides, delay in COD itself has detrimental impact on returns for the developer.</p> <p>Above provisions provides sufficient reasons to developer for achieving COD within timelines.</p> <p>It is therefore requested, that till the time developer is paying the YTC charges and the required BGs are in place, revocation of connectivity should not happen for such delayed projects.</p> <p>Further, Regulation 24.6 of the proposed amendment provides for revocation of connectivity in</p>
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¹ Regulation 5.8 (xi) (a)

² Regulation 5.8 (xi) (b)

			<p>(i) <i>scheduled date of commercial operation of the generation project as per LOA or PPA as extended or delayed commissioning permitted by the Renewable Energy Implementing Agency or the distribution licensee or the authorized agency on behalf of distribution licensee, as the case may be.</i></p> <p>(ii) <i>one year six months after the scheduled date of commercial operation for connectivity up to 250MW and two years for connectivity more than 250MW for generating station(s) being set up without LOA or PPA.</i></p> <p><i>Provided, if the Commission is satisfied that the delay happened due to uncontrollable reasons, it can provide relaxation in revocation of connectivity as deem fit.</i></p>	<p>project would convert it into an NPA.</p> <p>In view of same, it is requested that if the connectivity had been granted on basis of Land + Equity/Financial closure, there should be a provision, that if delay in project happened due to uncontrollable reasons, Commission can provide appropriate relaxation for revocation of connectivity.</p> <p>Also, as the projects with higher capacity may face more challenges compared to a smaller sized project, the timelines for revocation should be slightly higher for larger project. It is therefore requested that plants with capacity >250MW may be provided 2 year (instead of proposed 6 months) from SCOD and projects up to 250MW may be provided 1 year before revoking the connectivity. Also, such revocation shall happen only in case developer is unable to pay YTC charges.</p>
6.	24.6 (2)	<i>(2) In case of revocation of Connectivity under subclauses (a) to (d) of Clause (1)</i>	<i>(2) In case of revocation of Connectivity under subclauses (a) to (d) of Clause (1)</i>	The proposed Regulation 24.6 (2) specifies that even in the case of

		<p><i>of this regulation, Conn-BG-1, Conn-BG2 and Conn-BG3 shall be dealt with in terms of regulation 24.2 or regulation 24.3 of these regulations, as applicable.</i></p>	<p><i>of this regulation, Conn-BG-1, Conn-BG2 and Conn-BG3 shall be dealt with in terms of regulation 24.2 or regulation 24.3 of these regulations, as applicable.</i></p> <p><i>Provided in case of revocation of Connectivity under subclauses (c) of Clause (1) of this regulation, the encashed amount shall be reimbursed by Renewable Energy Implementing Agency or a distribution licensee or an authorized agency on behalf of distribution licensee to the connectivity grantee as the case may be.</i></p>	<p>termination of PPA/LOA, developer will have to bear the cost of revocation through BG encashment. Such termination of LOA/PPA is common and is usually initiated by REIA/Discom.</p> <p>This may result in non-bankability of the project and developer may not be able to convert its project to “Land + Equity/FC” basis.</p> <p>In such case although the connectivity had been applied by developer, but this was on the surety from REIA/Discom that such connectivity will get converted into an operational project.</p> <p>In such a scenario, if the connectivity is revoked, the cost of it should be borne by REIA/Discom on assertion of whom such connectivity had originally been applied.</p> <p>It becomes more relevant, as the PPA terms also comes from model documents issued by ministry, and developers are not allowed to transfer such</p>
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				commercial risk onto the REIA/Discom.
7.	37.3 (2) (d) & 37.3 (3) (d)	37.3 (2) (d) ... <i>Provided that for an entity covered under subclauses (i),(ii) and (v) of Regulation 17.1 of these Regulations, Conn-BG1 and Conn-BG3 shall be returned within one month of date of effectiveness of GNA and for an entity covered under Regulation 17.1(iii)), Conn-BG1 and Conn-BG3 shall be treated in terms of Regulations 16.5 of these regulations.</i> ... 37.3 (3) (d) ... <i>Provided that for an entity covered under subclauses (i),(ii) and (v) of Regulation 17.1 of these Regulations , Conn-BG1, Conn-BG2 and Conn-BG3 shall be returned within one month of date of effectiveness of GNA and for an entity covered under Regulation 17.1(iii)), Conn-BG1, Conn-BG2 and Conn-BG3 shall be treated in terms of Regulations 16.5 of these regulations.</i>	37.3 (2) (d) ... <i>Provided that for an entity covered under subclauses (i),(ii) and (v) of Regulation 17.1 of these Regulations, Conn-BG1 and Conn-BG3 shall be returned within one month of date of effectiveness of GNA and for an entity covered under Regulation 17.1(iii)), Conn-BG1 and Conn-BG3 shall be treated in terms of Regulations 16.5 of these regulations.</i> <i>Also, the entities covered under Regulation 4.1. which have achieved COD and are in operation, Conn-BG1 and Conn-BG3 shall be returned within one month of start date of connectivity under GNA Regulations.</i> ... 37.3 (3) (d) ... <i>Provided that for an entity covered under subclauses (i),(ii) and (v) of Regulation 17.1 of these Regulations , Conn-BG1, Conn-BG2 and Conn-BG3 shall be returned within one month of date of effectiveness of GNA and for an entity covered under Regulation 17.1(iii)),</i>	The proposed amendment allows to return Conn-BG1, Conn-BG2 and Conn-BG3 within one month of effectiveness of GNA for entities covered under 17.1 (i), (ii) & (v) (i.e. drawing entities connected to Intra-State Transmission System). For purpose of getting connectivity under GNA Regulations, the BGs submitted by already commissioned generators should also be returned with one month of start date of connectivity. Such projects have already demonstrated successful operation and had been contributing to the cost by paying the LTA charges (target region) or STOA charges as applicable. Blocking the BG amount for such projects for a period of up to 5 years seems unreasonable and should be exempted or returned within 1 month of start date of connectivity under GNA Regulations.

			<p><i>Conn-BG1, Conn-BG2 and Conn-BG3 shall be treated in terms of Regulations 16.5 of these regulations.</i></p> <p><i>Also, the entities covered under Regulation 4.1. which have achieved COD and are in operation, Conn-BG1, Conn-BG2 and Conn-BG3 shall be returned within one month of start date of connectivity under GNA Regulations.</i></p>	
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