

Ref no: SRIPL/Draft TL Reg/Comments

Date: 18/12/2023

To
The Secretary,
Central Electricity Regulatory Commission
3rd and 4th Floor, Chanderlok Building, 36
Janpath, New Delhi-110 001

Subject: Comments/suggestions on draft Draft Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2023 by Serentica Renewables India Private Limited.

Ref:- Public Notice via Commission letter Ref No. L-1/270/2023/CERC dated 28.11.2023.

Dear Sir/Mam,

With reference to the public notice issued by the Honorable Commission for the subject matter of providing comments/suggestions/objections on the draft regulations formed. Please find attached Comments/suggestions from **Serentica Renewables India Private limited ("SRIPL")** attached as Annexure-1 to this letter.

For your kind perusal and consideration, please.

Thanking You,

For,
Serentica Renewable India Private Limited

(Balaji Siyan)

Director-Regulatory, Advocacy and BD



Serentica Renewables India Private Limited (Erstwhile Sterlite Power Technologies Private Limited)

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Annexure: Detailed Comments on CERC's Draft Regulations for Procedure, Terms and Conditions for grant of Transmission Licence

S. No.	Draft Regulations language	Modification suggested (In bold and strikethrough)	Justification/ Rationale for suggestions
1.	2. Definitions and Interpretation (1) ... (b) "agreement" means and includes an agreement, contract, memorandum of understanding, or any other covenant in writing on any aspect relating to the inter-State transmission of electricity, entered into between the licensee and the Long Term Transmission Customer(s) or the Central Transmission Utility as the case may be;	2. Definitions and Interpretation (1) ... (b) "agreement" means and includes an agreement, contract, memorandum of understanding, or any other covenant in writing on any aspect relating to the inter-State transmission of electricity, entered into between the licensee and the Long Term Transmission Customer(s) or the Central Transmission Utility or the bulk consumer as the case may be;	The definition language needs to be updated to include cases where a transmission licensee is constructing, maintain and operating a connecting transmission line for a bulk consumer. In such scenarios, the bulk consumer and said licensee would also execute an agreement to map out the modalities for the development, operation & maintenance, and various other aspects of connecting transmission line.
2.	4. Eligibility for Grant of licence (1) No person shall be eligible for a grant of licence unless it is – ...	4. Eligibility for Grant of licence (1) No person shall be eligible for a grant of licence unless it is – ... (d) an entity selected by a bulk consumer, with a load of 50 MW and above, for constructing, maintaining, and operating the connecting transmission line from the ISTS sub-station to its premises.	It is appreciated by the industry that the Hon'ble Commission has taken view on the evolving sectoral scenario, and allow any entity to apply
3.	5. Procedure for Grant of Licence (5) The applicant shall, within 3 days after filing the application, publish a notice of its application in Form-II, attached to these regulations, on its website and in at least two leading daily digital newspapers, one in English	5. Procedure for Grant of Licence (5) The applicant shall, within 3 days after filing the application, publish a notice of its application in Form-II, attached to these regulations, on its website and in at least two leading daily digital newspapers, one in English	The Hon'ble Commission, vide its Order dated 22.01.2022 in Petition No. 1/SM/2022 (Suo-Motu), had removed the requirement of Form-II to be published in newspapers. This was done with a view to ease the regulatory process for stakeholders.

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	language and another in Indian language of the State or Union Territory where an element of the project or concerned transmission line is situated, inviting comments from the general public.	language and another as well as in Indian language of the State or Union Territory where an element of the project or concerned transmission line is situated, inviting comments from the general public.	In line with the above, and keeping in mind the aspects of promoting ease of doing business, the requirement to publish Form-II or other such documents in newspapers should be excluded from the regulations.
4.	<p>5. Procedure for Grant of Licence</p> <p>(9) The Central Transmission Utility shall send its recommendations, if any, to the Commission on the proposal made in the application as far as practicable within a period of 10 (ten) days from the date of receipt of the application with a copy to the applicant:</p> <p>Provided that if the Central Transmission Utility is unable to submit its recommendations within a period of 10 days, it shall inform the Commission the reasons for the same and submit its recommendations within a period of 30 (thirty) days from the date of receipt of the application.</p>	<p>5. Procedure for Grant of Licence</p> <p>(9) The Central Transmission Utility shall send its recommendations, if any, to the Commission on the proposal made in the application as far as practicable within a period of 10 (ten) 15 (fifteen) days from the date of receipt of the application with a copy to the applicant:</p> <p>Provided that if the Central Transmission Utility is unable to submit its recommendations within a period of 10 days, it shall inform the Commission the reasons for the same and submit its recommendations within a period of 30 (thirty) days from the date of receipt of the application.</p>	<p>It is appreciated that the Hon'ble Commission has a vision to optimize the overall timelines for grant of Transmission Licence process. In this vain, time available to all stakeholders has been decided equitably.</p> <p>However, a 30 day extension in form of a carve out created for Central Transmission Utility to submit their recommendations is not required. Especially as an initial time period of 10 days is already available.</p> <p>It is submitted that the initial period be extended to 15 days, and the 30 day extension over and above this period be removed from the regulations.</p>
5.	<p>5. Procedure for Grant of Licence</p> <p>(6) As far as possible, within 7 days of receipt of the application, the Registry of the Commission shall convey defects, if any, noticed on preliminary scrutiny of the application for rectification and</p>	<p>-</p> <p>(6) As far as possible, within 7 days of receipt of the application, the Registry of the Commission shall convey defects, if any, noticed on preliminary scrutiny of the application for rectification and the defects conveyed shall be</p>	<p>It is again appreciated that the Hon'ble Commission has looked to optimize the overall timelines for grant of Transmission Licence process. The present practise is that when an application for transmission license gets numbered it is put up for hearing and then</p>

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	<p>the defects conveyed shall be rectified by the applicant within a period of 7 days.</p> <p>(10) The applicant may file its comments, duly supported by an affidavit, on the recommendations made by the Central Transmission Utility and the suggestions and objections, if any, received in response to the public notice published by it, within 3 days of receipt of such suggestions and objections, with an advance copy to the Central Transmission Utility or the person who has filed the suggestions and objections on the proposal made in the application, as the case may be.</p>	<p>rectified by the applicant within a period of 7 days.</p> <p>For application under 4.(1)(c) by a Bulk Consumer, the respondents shall be the Central Transmission Utility, State Transmission Utility and State Discom of the state where the Bulk Consumer is located. Where the application under 4.(1)(c) is by an existing Transmission Licensee, the respondents shall be all the Long Term Transmission Customers and Central Transmission Utility. The Commission upon satisfaction that proof has been attached by applicant of serving application copies to relevant respondents, shall admit the application and publish notice as per section 4.(12) inviting public comments within 15 days upon completion of 7 days from the registry issuing application number post rectification of defects in application, if any.</p>	<p>admitted along with direction to serve notices to respondents. This takes around 45 to 60 days from numbering of application. This period is too long for a Bulk Consumer either applying to construct its transmission line on its own or through an existing Transmission Licensee as such line is essentially dedicated in nature and larger public interest is not involved given that its cost is outside POC pool. However, for transparency and fairness of process as relevant respondents have to be impleaded, we suggest CTUIL and state discoms/LTC etc be the necessary respondents to the application which can then allow the commission to admit the application and issue public notice that at present takes one hearing and waiting time accordingly (45-60 days). Hence, to save on this time we suggest doing away with the first hearing and issue public notice within 7 days of application numbering only for Bulk Consumer lines.</p>
6.	<p>6. Determination of Transmission Charges</p> <p>(3) The connecting transmission line for a bulk consumer shall be constructed, maintained and operated at the cost of such bulk consumer.</p>	<p>6. Determination of Transmission Charges</p> <p>(3) The connecting transmission line for a bulk consumer shall be constructed, maintained and operated at the cost of such bulk consumer.</p> <p>Provided that in case a</p>	<p>It is suggested to add a provision for the cases where a bulk consumer is opting for a transmission licensee to construct, maintain and operate its connecting transmission line. The language addition is suggested accordingly.</p>

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		transmission licensee is constructing, maintaining, and operating the connecting transmission line for a bulk consumer, the transmission charges would be mutually decided between such licensee and the bulk consumer.	
7.	7. Obligations of Licensee (7) The licensee, including the bulk consumer who has been granted a licence in terms of these regulations, shall pay the licence fee in accordance with the Central Electricity Regulatory Commission (Payment of Fee) Regulations, 2012 or such other regulations as may be in force from time to time:	7. Obligations of Licensee (7) The licensee, including the bulk consumer who has been granted a licence in terms of these regulations, shall pay the licence fee in accordance with the Central Electricity Regulatory Commission (Payment of Fee) Regulations, 2012 or such other regulations as may be in force from time to time: Provided that in case of a bulk consumer seeking transmission license, or a transmission licensee constructing, maintaining and operating the connecting transmission line, the licence fee would be INR 5.00 Lakh per annum.	As per the current CERC's Payment of Fees regulations, a Transmission Licensee needs to be pay 0.11% of the Yearly Transmission Charges (YTC) with a minimum fee of INR 5 Lakh per annum. However, since the connecting transmission lines are generally of much smaller length relative to projects under regulated tariff mechanism or competitive bidding. Also, in case a bulk consumer is applying for transmission license by itself, there can be no YTC payable. So, it is proposed that for such cases related to bulk consumer or connecting transmission line, the lumpsum fee of INR 5 Lakh be conveyed as the fee payable by the transmission licensee.
8.	Form I: Application Form for Grant of Transmission licence/ Amendment in the Transmission licence ...	Form I: Application Form for Grant of Transmission licence/ Amendment in the Transmission licence ... 4A. In case applicant is a bulk	As bulk consumers are also eligible, their grant of connectivity from CTU may be asked for in documents to be submitted.

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		<p>consumer, or a transmission license constructing, maintaining, and operating the connecting transmission line, enclose:</p> <p>(a) Grant of Connectivity to ISTS by the Central Transmission Utility.</p>	
9.	<p>Form II: Form of Public Notice ...</p> <p>3. Objections or suggestions, if any, be filed before the Secretary, Central Electricity Regulatory Commission, (Give address of the Office of the Commission), with a copy of the objection(s)/suggestion(s) to the applicant or its authorized agent, within 30 days of the publication of the notice in the newspaper.</p>	<p>Form II: Form of Public Notice ...</p> <p>3. Objections or suggestions, if any, be filed before the Secretary, Central Electricity Regulatory Commission, (Give address of the Office of the Commission), with a copy of the objection(s)/suggestion(s) to the applicant or its authorized agent, within 30 15 days of the publication of the notice in the newspaper.</p>	<p>The typographical error may be corrected, to reflect the revised provision for 15 days timeline for objections and suggestions to be replaced as per Regulation 5 (7) of the instant draft Regulations, 2023.</p>