

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.13/MP/2024 along with IA No. 6/2024

- Subject : Petition under Section 29(5) of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulation 2.3.1 (7) of the CERC (Indian Electricity Grid Code) Regulations, 2010.
- Date of Hearing : **24.1.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Tata Power Renewable Energy Limited (TPREL).
- Respondents : Western Regional Load Dispatch Centre (WRLDC) & Ors.
- Parties Present : Shri Venkatesh, Advocate, TPREL
Shri Abhishek, Advocate, TPREL
Shri Mohit Gupta, Advocate, TPREL
Shri Utkarsh Saxena, TPREL
Shri Alok Mishra, WRLDC
Shri Aditya P Das, WRLDC

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking the intervention of this Commission to pass appropriate directions to set aside the letter dated 20.12.2023 and email dated 26.12.2023 issued by Western Regional Load Dispatch Centre ('WRLDC') to the Petitioner whereby WRLDC has restricted the schedule of Petitioner's 100 MW Project to 82 MW w.e.f. 00:00 hrs of 28.12.2023 on account of the non-compliance of the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 and subsequent amendments thereto ('CEA Technical Standards Regulations'). Learned counsel mainly submitted as under:

(a) The Petitioner has set up a 100 MW Solar Power Project in Respondent No.3, Gujarat Power Corporation Limited's (GPCL) Raghnesda Solar Power Park, and the said Project achieved the commercial operation on 13.8.2021.

(b) In order to comply with the requirements set out under Regulation B2(1) of the CEA Technical Standards Regulations, the Petitioner had furnished an undertaking dated 6.8.2021 to WRLDC that it will provide additional capacitive compensation of 25 MVAR towards its share in the Raghnesda Solar Park and that the Petitioner will furnish a detailed technical study in this regard. In line with the undertaking furnished by the Petitioner, Enerzinx (a third party), engaged by the Petitioner, submitted a detailed report on 16.10.2021, whereby it recommended the installation of an additional 7.5 MVAR capacitive

compensation at the Project site so as to be compliant with the provisions of Regulation B2(1) of CEA Regulations, 2019. Thereafter, on 19.10.2021, the Petitioner submitted the said report for the approval of WRLDC so as to enable the Petitioner to place an order and install the required reactive power capacitor at the Project site. However, no response/approval was received from WRLDC thereof.

(c) In July 2022, CEA issued a Working Group Report, 2022 (WGR, 2022), and amended the existing CEA Technical Standards Regulations. The said Report, *inter alia*, inserted a new requirement under Regulation B2(1), providing that the generating stations ought to be able to deliver rated output at a specified designed temperature to maintain the power factor at POI within the range of 0.95 lag to 0.95 lead. It also provided a process to be followed for assessing the maximum and minimum possible ambient temperature to be considered for the design of the machines, which also required factoring the margin of 1 degree centigrade to the highest and lowest temperatures.

(d) Subsequent to the issuance of the WGR, 2022, the Petitioner sought a detailed study report from Enerzinx, in respect of the new requirements under the said report. Accordingly, the said report, as submitted by Enerzinx in the month of January 2023, suggested that the Petitioner will be required to install the additional 40 MVAR capacitors (reactive power support) at the Project site so as to be compliant with the requirements of the WGR, 2022.

(e) On 23.3.2023, WRLDC issued a letter to GPCL i.e., SPPD & its SPDs in the Solar Park (including the Petitioner) intimating about the non-adherence of the requirements of WGR, 2022 and requested GPCL & its SPDs to resolve the same. In response, the Petitioner, by its letter dated 24.3.2023 to GPCL and WRLDC, intimated that the Petitioner had engaged Enerzinx for the purpose of carrying out a detailed technical study taking into account the reference temperature as 50-degrees centigrade as per the Report and as result, additional 40 MVAR capacitive compensation would be required to be installed at the Project site. The Petitioner also requested WRLDC to provide its approval so that the Petitioner can place the order and proceed with the installation. However, again no response was received from WRLDC.

(f) On 22.5.2023, Minutes of the Meeting were issued by the CEA for the meeting held on 18.5.2023 to discuss the issues related to the pending CON-4/First Time Charging ('FTC') application of the RE developers. The said Minutes read with the Corrigendum issued thereto, provided that the provisional FTC/CON-4 is to be granted to the cases discussed in the meeting based on the undertaking given by the RE developers that all the compliances shall be completed by them by 30.9.2023, or else the provisional FTC/CON-4 granted shall stand cancelled and the capacity for which provisional FTC/CON-4 is granted would be disconnected w.e.f. 1.10.2023.

(g) However, the Provisional FTC/CON-4 are granted to those RE Projects who are falling under Part-II and Part-III of the WGR, 2022 i.e., who will achieve commercial operation after the issuance of the Working Group Report, 2022. Admittedly, the Petitioner's Project falls under Clause 6 Part-I of the Working Group Report, 2022, i.e., which has achieved commercial operation before the issuance of the WGR, 2022. Thus, the Petitioner's Project was not amongst the

Projects that were discussed in the said meeting, and the deadline of 30.9.2023 was not for the Petitioner's Project.

(h) Thereafter, on 20.10.2023, another MoM was issued by the CEA for the meeting held on 13.10.2023 to discuss the non-compliance of the CEA Regulations by RE developers by 30.9.2023. During the meeting, it was discussed that the Conditional/Provisional connectivity/FTC was issued based on the undertaking and commitments made by the RE developers themselves, and they shall comply with all the existing regulations in place by 30.6.2023, which was subsequently extended to 30.09.2023. Vide the said minutes, CEA had directed that all 20 RE Plants to whom provisional/conditional FTCs were issued based on the CEA MoM dated 5.3.2023 and 22.5.2023, to submit the compliance report mentioning the quantum of the capacity of non-compliance, which should be curtailed or suspended until they meet all the compliances as per existing regulations in place. Again, the Petitioner's Project was not part of the 20 RE Plants, nor had it given any such undertaking. Further, the aforesaid directions are applicable only to those RE Plants to whom provisional/conditional FTCs were issued based on CEA MoM dated 5.3.2023 and 22.5.2023.

(i) In furtherance to the MoM dated 20.10.2023, on 30.11.2023, CEA issued a letter to WRLDC directing WRLDC to initiate action in accordance with the decision taken in the MoM dated 13.10.2023, and the quantum of the capacity of non-compliance should be curtailed or suspended until RE generators meet all the compliances as per the existing regulations of the CEA.

(j) However, on 20.12.2023, WRLDC issued the letter to GPCL & its SPDs (including the Petitioner) intimating that as per the MoM dated 22.05.2023, the time allowed for compliance i.e., 30.9.2023 was over and the non-compliance still remains, hence, as per the directions received from the CEA *vide* MoM dated 20.10.2023 and letter dated 30.11.2023, the quantum of capacity of non-compliance will be curtailed or suspended until RE generators meet all the compliances as per the existing regulations of CEA. Vide, the said letter, WRLDC further intimated that they would be limiting the schedule of 600 MW Raghnesda Power Plant to 492 MW and the said restriction will be removed subsequent to compliance with the CEA Regulations.

(k) WRLDC, by way of the letter dated 20.12.2023 and email dated 26.12.2023 has restricted the Schedule of Gujarat Power Corporation Limited's ('GPCL') Solar Power Park to 492 MW, thereby reducing the Petitioner's schedule from its 100 MW Project to 82 MW w.e.f. 28.12.2023 on account of the non-compliance of the CEA (Technical Standards for Connectivity to the Grid) Regulations & its amendments. The said communications have been issued relying upon the CEA's MoMs dated 5,3.2023, 22.5.2023 and 20.10.2023. However, the said MoMs are not applicable to the Petitioner's case as its Project had achieved commercial operation way before the issuance of the WGR,2022 and the Petitioner's Project has neither submitted any undertaking nor received any conditional/provisional connectivity /FTC based on the said MoMs. In fact, as per the terms of the WGR, 2022, a maximum one-year period is to be given to the Petitioner (RE Projects which have already achieved commercial operation prior to WGR, 2022) from the period of

intimation of the non-compliance for taking the necessary measures in order to make its Plant compliant and such period is yet to elapse.

(l) Even otherwise, the curtailment of the schedule as done by WRLDC is not as per the provisions of IEGC, 2023. Regulation 49(3) of the IEGC, 2023 permits WRLDC to curtail the schedule only in the event of transmission constraints or in the interest of grid security and that too in a specific order, which has not been followed/applied in the present case. Besides the above provisions, there are no other enabling provisions permitting WRLDC to curtail the schedule of the Petitioner's Project.

(m) The Petitioner has also filed IA No. 6/2024 seeking ad interim stay of operation of letter dated 20.12.2023 and e-mail dated 26.12.2023 as issued by WRLDC as continued curtailment would lead to a considerable generation loss on a daily basis.

(n) Moreover, another Solar Power Project Developer, namely Electro Solaire Private Limited, also located in the Raghnesda Solar Park, has filed Petition (Diary) No. 64/2024 on a similar subject matter, which may also be taken up along with the present Petition.

2. In rebuttal, the representative of the Respondent, WRLDC, submitted that in the month of April 2021 itself, in a meeting convened with Petitioner, the requirement of compliance with the CEA's Technical Standards Regulations was pointed out and subsequently, on 6.8.2021, the Petitioner also furnished an undertaking that it will comply with Regulation B2(1) of the CEA's Technical Standards Regulations by providing additional capacitive compensation of 25 MVAR towards its share in Raghnesda Solar Park and that the Petitioner will complete the study and order placement within a month's time and installation of equipment within four to five months. However, the Petitioner has yet to comply with the requirements of such installation. Further, it was incumbent upon the Petitioner to comply with the requirements under the CEA's Technical Standards Regulations. The representative of WRLDC also pointed out that the Raghnesda Solar Park formed part of entities as recorded in the MoMs and had been given the provisional FTC on the basis thereof. It was further clarified that the schedule of the Solar Park has been limited only to the extent of the non-compliance. The representative of WRLDC sought liberty to file a reply in the matter.

3. After hearing the learned counsel for the Petitioner and the representative of the Respondent, WRLDC, the Commission ordered as under:

(a) Admit. Issue notice to the Respondents.

(b) The Petitioner to serve a copy of the Petition & IA upon the Respondents and Respondents to file their reply to the Petition & IA, if any, within a week after serving a copy of the same to the Petitioner, who may file its rejoinder within a week thereafter.

(c) Insofar as the prayer of the Petitioner for a stay on the operation of Impugned Communications is concerned, the Commission did not find it proper to issue any interim direction at this stage prior to considering the preliminary response/submission of the Respondent, WRLDC in the matter. However, keeping in view

the urgency involved in the matter, the Commission indicated to list the matter at the earliest convenient date.

(d) The Petitioner to file the following information on an affidavit within a week:

(i) Copy of the correspondences made by the Petitioner with WRLDC regarding the approval for additional capacitive compensation requirement, subsequent to the submission of the study report vide letter dated 19.10.2021 and 24.3.2023.

(ii) Present status of installation of the additional capacitor banks to comply with the provisions of the CEA (technical Standards of Connectivity to the Grid) Regulations and its Amendments.

(iii) What is the name of the Solar Park in which Petitioner's project is located, and whether the name of the solar has undergone any change?.

(e) The WRLDC to file the following information in an affidavit within a week :

(i) Whether the WRLDC has responded to the Petitioner's communication dated 19.10.2021 & 24.03.2023 vide which the Petitioner requested for the approval of WRLDC for installation of 7.5 MVAR & 40 MVAR additional capacitor banks, if yes, a copy of such communications.

(ii) The details of all the generators whose power has been curtailed by WRLDC due to the non-compliance clearly indicating their capacity and the quantum of capacity for non-compliance with the CEA (technical Standards of Connectivity to the Grid) Regulations and its Amendments

(iii) The copy of MoM dated 5.3.2023 along with annexures, if any, and the list of 20 RE plants to whom provisional/ conditional FTC were issued based on the CEA MoM dated 5.3.2023 and 22.5.2023. Whether the Petitioner's generating station is covered in the said list of 20 RE plants? If not on what basis the scheduling of power from the Petitioner's plant is being curtailed?

(iv) WRLDC letter dated 20.12.2023 provides that active power injection beyond 492 MW out of 600MW, in respect of Raghnesda Solar Park is non-compliant to the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 & its amendments, accordingly, WRLDC would be limiting the schedule of 600 MW Raghnesda Solar Plant to 492MW, WRLDC may clarify whether as per the CEA Regulations, it is the Solar Power Park Developer (SPPD) who needs to comply with the CEA Regulations or the individual generating station in the solar power park? If it is the SPPD, what action has been taken by the SPPD for compliance with regard to the 492 MW capacity as per the CEA Regulations? What is the practice of compliance with reactive power in other power parks, if it is the power park developer or the generating station who is required to comply with the CEA Standards?

(v) Copy of the "Reactive Power Capability Report Version 00 dated 21.11.2022 submitted by GSECL on behalf of GPCL dated 21.11.2023" as mentioned in WRLDC letter dated 20.12.2023.

(vi) Annexure to the CEA letter dated 30.11.2023.

(f) Keeping in view the issues involved in Petition (Diary) No. 64/2024 are identical to the present case, the Commission also directed to issue a notice in the said matter and the parties to complete the pleadings within similar timelines as indicated in (a) above.

4. The present Petition, along with Petition (Diary) No. 64/2024, shall be listed for the hearing on **14.2.2024**.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)