

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition (Diary) No. 261/2024 along with IA (Diary) Nos. 262 & 264/2024**

- Subject : Petition under Section 79(1)(c) of the Electricity Act, 2003 read with Regulation 41 and 42 of the Central Electricity Regulatory Commission (Connectivity and General Network Access) Regulations, 2022 seeking exercise of this Commission's "Power to Relax" and "Power to Remove Difficulty" and to declare that ASSPL/ Petitioner No.2 fulfils all conditions for utilisation of Connectivity dated 10.5.2022 under Regulation 5.8(xi)(b) of the Central Electricity Regulatory Commission (Connectivity and General Network Access) Regulations, 2022 in light of Order dated 21.4.2024
- Petitioner : ACME Solar Holdings Pvt. Ltd. (ASHPL) and Anr.
- Respondent : Central Transmission Utility of India Limited (CTUIL)
- Date of Hearing : **17.5.2024**
- Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Parties Present : Shri Vishrov Mukerjee, Advocate, ASHPL  
Shri Girik Bhalla, Advocate, ASHPL  
Ms. Priyanka Vyas, Advocate, ASHPL

**Record of Proceedings**

The matter was mentioned by the learned counsel for the Petitioners, citing the urgency involved therein.

2. Learned counsel for the Petitioners submitted that by way of order dated 21.4.2024 in Petition No. 283/MP/2023, the Commission, after noting the substantial progress made towards the execution of the Project by the Petitioners, exercised its powers under Regulations 41 & 42 of the GNA Regulations to relax the provisions of Regulation 24.6, allowed the Petitioners to covert its Connectivity granted under LOA/PPA route to the land route as provided in the Regulation 5.8(xi) of the GNA Regulations subject to fulfilment of the certain conditions by the Petitioner. Learned counsel submitted that in the said order, the Commission directed the Petitioners to submit the land documents in terms of GNA Regulations to CTUIL within 4 weeks, failing which the connectivity dated 10.5.2022 will be revoked and this period of 4 weeks is expiring on 18.5.2024. Learned counsel further submitted that the connectivity dated 10.5.2022 had been granted in the name of ASHPL [parent company of Petitioner No.2 ACME Sikar Solar Pvt. Ltd. (ASSPL)], whereas the land has been acquired by ASSPL, which is the Project SPV and since this was a case of transfer of connectivity under LoA route to land route on account of the termination of the PPA executed between the ASSPL and Maharashtra State Electricity Distribution Co. Ltd., the land acquired by Project SPV, ASSPL ought to be considered by the CTUIL towards the compliance with Regulation 5.8(xi)(b) of the GNA Regulations.



However, CTUIL, vide its email dated 8.5.2024, has *inter alia* observed that the lease deeds had been signed by ASSPL, which is a subsidiary of ASHPL, with the landowners, and the existing connectivity has been granted to ASHPL, CTUIL has asked to submit the lease deeds signed by ASHPL as per Regulation 5.8(xi) of GNA Regulations. Learned counsel submitted that the interpretation of CTUIL will render otiose the fundamental premise of the Commission's order dated 21.4.2024, and the relief given to the Petitioners will be set naught. Learned counsel urged for restricting the CTUIL from revoking the connectivity dated 10.5.2022 granted to the Petitioners during the pendency of the Petition. Learned counsel further submitted that the Petitioners have also moved IAs for seeking interim relief and early listing of the matter.

3. Learned counsel for Respondent, CTUIL, submitted that as per Regulation 5.8(xi) of the GNA Regulations and also the detailed Procedure prescribed therein, the lease deeds have to be signed by the connectivity applicant, whereas in the present case, the lease deeds submitted by the Petitioners are signed by another company and not the connectivity applicant. Learned counsel submitted that while the GNA Regulations permit the use of connectivity granted to the parent company by its subsidiary, the documents required to be submitted for the connectivity are required to be in the name of the connectivity applicant, i.e., the parent company in this case. Learned counsel relied upon the Commission's order dated 12.5.2024 in Petition No. 9/MP/2024 in the matter of ACME Cleantech Solutions Pvt. Ltd. and Anr. v. CTUIL and submitted that the matter may be kept open for objections on maintainability also as the reliefs prayed for may amount to a review of the Commission's order dated 21.4.2024.

4. In response, the learned counsel for the Petitioner submitted that the interpretation of CTUIL will render otiose the fundamental premise of the Commission's order dated 21.4.2024, and the relief given to the Petitioners will be set naught. Learned counsel urged that keeping in view the timeline prescribed in the order dated 21.4.2024, which is expiring on 18.5.2024 itself, the Commission may at least consider extending such period by two weeks.

5. Considering the submissions made by the learned counsels for the parties, the Commission directed to list the matter on 29.5.2024, and till such time, CTUIL will not take any coercive action in connection to the Petitioners' connectivity application, which is the subject matter of the present case. Unless extended thereafter, CTUIL will be free to take action against the Petitioner's Conn. Application.

6. The Petition along with IA will be listed for the hearing on **29.5.2024**. IA (Diary) No. 264/2024 having served its purpose stands disposed of.

**By order of the Commission**

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

