

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 270/MP/2024 along with IA Nos. 61 & 62 of 2024**

Subject : Petition under Section 79, including Section 79 (1)(c) of the Electricity Act 2003 read with Regulation 41 and 42 of Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 seeking directions upon the Central Transmission Utility of India Limited to grant/ issue GNA to the Petitioner by deferring the furnishing of Conn-BG till 30.06.2025.

Date of Hearing : **13.8.2024**

Coram : Shri Jishnu Barua, Chairperson  
Shri Ramesh Babu V., Member  
Shri Harish Dudani, Member

Petitioner : Lanco Kondapalli Power Limited ('LKPL')

Respondent : Central Transmission Utility of India Limited ('CTUIL')

Parties Present : Shri Sitesh Mukherjee, Sr. Advocate, LKPL  
Shri Hemant Singh, Advocate, LKPL  
Ms. Supriya Rastogi, Advocate, LKPL  
Shri Harshit Singh, Advocate, LKPL  
Ms. Lavanya Parmar, Advocate, LKPL  
Shri Jyed Fazal, Advocate, LKPL  
Shri Nishant Kumar, Advocate, LKPL  
Shri Gyanendra Singh, Advocate, LKPL  
Shri Jay Lal, Advocate, LKPL  
Shri Pawar Singh, Advocate, LKPL  
Shri Sandeep Kumar, Advocate, LKPL  
Shri Kamlesh Kumar, Advocate, LKPL  
Shri Rohit Raj, Advocate, LKPL  
Shri Shailendra Singh, Advocate, LKPL  
Ms. Suparna Srivastava, Advocate, CTUIL  
Ms. Astha Jain, Advocate, CTUIL  
Ms. Divya Sharma, Advocate, CTUIL  
Shri Ranjeet S Rajput, CTUIL  
Shri Siddharth Sharma, CTUIL  
Ms. Priyanshi Jadiya, CTUIL

Shri Akshyavat Kislay, CTUIL  
Shri Alok Mishra, SRLDC

### **Record of Proceedings**

At the outset, the learned senior counsel for the Petitioner, in response to the specific query raised by the Commission in the Record of Proceedings for the hearing dated 8.8.2024, as to why the Petitioner did not approach the CTUIL under Regulation 37.6 of the GNA Regulations 2022 for transition into the GNA Regulations by seeking the GNA for the capacity/ part capacity of the Lanco Kondapali Gas based Power Plant, submitted as under:

- a) Regulation 37 of the GNA Regulations is a beneficial provision that provides for the 'Arrangement for Transition' under the GNA Regulations, and Regulation 37.6 therein applies to the case(s) where the connectivity granted under the earlier Connectivity Regulations is effective, and Long-term Access (LTA) has either not been granted for any capacity or has been granted for full/party capacity which has become effective on the date of coming into the effect of the GNA Regulations.
- b) In the Petitioner's case, its connectivity with CTUIL's system has continued without any LTA as the LTA granted earlier was relinquished. Hence, the Petitioner's case, as rightly observed by the Commission, would squarely be governed by Regulation 37.6 of the GNA Regulations, and accordingly, the correct approach on the part of the Petitioner would be making an application for the grant of the GNA under Regulation 17.2, as envisaged in Regulation 37.6 of the GNA Regulations.
- c) In such a case, neither the Petitioner was required to apply for fresh connectivity by its application dated 27.3.2024 nor was he to provide the Conn BGs towards connectivity in terms of CTUIL's letter dated 9.7.2024.
- d) However, at the time when the GNA Regulations came into effect, the erstwhile Petitioner company was subject to a Corporate Insolvency Resolution Process under the IBC, 2016 before the National Company Law Tribunal, Hyderabad and only vide Order dated 23.6.2023, NCLT approved the sale of the erstwhile company on the going concern under liquidation.
- e) Pursuant thereto, the Petitioner has inadvertently applied for fresh connectivity of 366 MW as per the GNA Regulations vide application dated 27.3.2024.
- f) Accordingly, the Commission may declare that the Petitioner's case squarely falls within the provisions of Regulation 37.6 of the GNA Regulations thereby enabling the Petitioner to apply for the GNA in terms of the said Regulation read with Regulation 17.2 of the GNA Regulations.

2. In response to the specific query of the Commission regarding the arrangement of the necessary funds, including by virtue of disbursal of its outstanding payment towards supply under Section 11 of the Electricity Act, 2003 and the consequent direction to utilize such funds towards furnishing the requisite Conn BGs, the learned senior counsel submitted that the Petitioner has received approximately Rs. 4 crore towards its supply

under Section 11 directions after the last hearing dated 8.8.2024. Learned senior counsel sought liberty to seek necessary instruction to ascertain the exact amount received till date towards its supply under Section 11 directions. The learned senior counsel added that if the Commission finds the case of the Petitioner to be squarely covered under Regulation 37.6 of the GNA Regulations, the Petitioner would not be required to furnish the Conn-BGs for an amount of Rs. 7.82 crores towards connectivity as requisition by CTUIL. However, keeping in view the submissions made by the Petitioner during the course of the hearing on 8.8.2024 and the directions issued by the Commission vide Record of Proceedings of the even date, the Petitioner, without prejudice to its rights to apply for the GNA under Regulation 37.6, will proceed to submit the Conn BGs for the connectivity.

3. The learned counsel for the Respondent, CTUIL, submitted that the Petitioner has now changed its prayer(s) altogether in the present proceedings, and none of these submissions of the Petitioner is entitled to apply for the GNA in terms of Regulation 37.6 of the GNA Regulations are part of pleadings. Hence, neither such prayer(s) nor submissions can be dealt with in the present case as it stands today. The learned counsel questioned the applicability of Regulation 37.6 of the GNA Regulations to the Petitioner and pointed out that upon the GNA Regulations coming into effect, all the existing connectivity holders, including the Petitioner herein, were asked to take the necessary steps for the transition to the new regime or to take any other alternative steps within a period of four months. However, no response was received from the Petitioner, and accordingly, the connectivity was deemed as surrendered after a period of one month. Therefore, the Petitioner's case does not fall under Regulation 37.6 of the GNA Regulations, and the Petitioner, being fully aware of the above, proceeded to apply for fresh connectivity by its application dated 27.3.2024. The learned counsel further submitted that as per the direction of the Commission vide Record of Proceeding for the hearing dated 8.8.2024, if the Petitioner is able to arrange the necessary funds, including by virtue of disbursal of its outstanding payment towards supply under Section 11 direction, the Petitioner is bound to utilize such funds towards furnishing the requisite Conn BGs. Since the Petitioner has received certain payments towards its supply under Section 11 directions, the Petitioner ought to be directed to specify the exact timeframe within which it provides the Conn BGs as indicated by CTUIL in its in-principal grant letter dated 9.7.2024.

4. In response to the query of the Commission with regard to the grant of the T-GNA to the Petitioner w.e.f. 18.5.2024, the representative of SRLDC submitted that the Petitioner had been granted the T-GNA in terms of the Meeting held on 21.3.2024 under the Chairmanship of Member (Power System), CEA to deliberate the interim measures for injection of power from the thermal/gas based generating stations till the approval of connectivity/GNA. The representative of SRLDC, referring to the Minutes of the said Meeting, submitted that in the said Meeting, it was agreed that the generators, namely, the Petitioner, Meenakshi Energy Limited, and MB Power MP Limited, shall submit the connectivity/GNA application to the CTUIL under the GNA Regulations immediately, which were to be scrutinized by the CTUIL and communicated to GCIL. Thereafter, GCIL was to facilitate the evacuation of power from the above projects within the maximum

period of three days under the T-GNA till the process of formal grant of the connectivity/GNA by CTUIL gets complete and in the event connectivity/ GNA application is withdrawn by the developer or closed due to the non-compliance or the grant of connectivity /GNA is revoked, then scheduling of power under the T-GNA shall be withdrawn by the concerned RLDCs.

5. In response, learned senior counsel for the Petitioner submitted that the provisions of Regulation 37.6 of the GNA Regulations do not permit CTUIL to treat the connectivity granted to the Petitioner as deemed to be surrendered. In any case, the Petitioner will move a separate Petition on the above subject matter before the Commission. The learned senior counsel further submitted that insofar as the compliance with the directions issued by the Commission vide Record of Proceedings dated 8.8.2024 is concerned, the Petitioner may be permitted a month to submit such Conn BGs, which shall be without prejudice to its rights to apply for the GNA under Regulation 37.6 of the GNA Regulations.

6. In response to the specific observation of the Commission regarding the relevancy of the instant Petition if the Petitioner intends to move a fresh Petition for the declaration on the applicability of Regulation 37.6 of the GNA Regulations in its case, the learned senior counsel for the Petitioner submitted that as such the Petitioner is willing to withdraw the present case. However, the learned counsel for the Respondent, CTUIL, pointed out that presently, the T-GNA granted to the Petitioner is premised upon its connectivity application dated 27.3.2024, and the consequent in-principle grant by CTUIL vide its letter dated 9.7.2024 and in the event, the Petitioner does not wish to pursue its connectivity application any further, its T-GNA is liable to be withdrawn as per the Minutes of the Meeting held on 21.3.2024.

7. Considering the submissions made by the learned senior counsel and learned counsel for the parties, the Commission directed as under:

(a) The Petitioner to submit the Conn BG amounting to Rs. 7.32 crores within a month from the issuance of the ROP. Till such time, CTUIL is not to take any coercive action(s) in respect of the Petitioner's application dated 27.3.2024, including its closure. However, in the event the Petitioner fails to provide Conn BG within the above timeline, CTUIL shall be at liberty to take the necessary steps as per the relevant Regulations. Needless to add, the submission of the Conn BG by the Petitioner, as above, shall be without prejudice to its rights & contentions on the applicability of Regulation 37.6 of the GNA Regulations in its case.

(b) The Petitioner to implead SRLDC as a party to the Petition and file a revised memo of parties within a week.

(c) The Respondent, CTUIL as well as SRLDC to submit the information asked vide Record of Proceedings for the hearing dated 8.8.2024 within two weeks.

(d) An inadvertent error has crept in the Record of Proceedings for the hearing dated 8.8.2024 while noting of the Diary Nos. of the two IAs filed by the Petitioner. Accordingly, "Diary No. 462/2024," as mentioned in Paragraphs 1(g) and 3, shall be

read as Diary No. 464/2024”, and “Diary No. 464/2024”, as mentioned in Paragraph 1(g) and 5 shall be read as “Diary No. 462/2024”.

8. The Petition along with IA(s) shall be listed for hearing on **24.9.2024**. Meanwhile, the Petitioner may amend the present Petition or file a separate Petition as indicated by the Petitioner, if any, which shall be dealt with in accordance with law.

**By order of the Commission**

**Sd/-**

**(T.D. Pant)**

**Joint Chief (Law)**