

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.283/MP/2023

- Subject : Petition under Section 79 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 allow utilisation of Petitioners' existing Connectivity dated 10.5.2022 for other project to be connected to the same substation.
- Date of Hearing : **2.2.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : ACME Solar Holding Private Limited and Anr.
- Respondent : Central Transmission Utility of India Limited (CTUIL).
- Parties Present : Shri Sanjay Sen, Sr. Advocate, ACME
Shri Vishrov Mukerjee, Advocate, ACME
Shri Girik Bhalla, Advocate, ACME
Ms. Priyanka Vyas, Advocate, AMCE
Shri Shubham Arya, Advocate, CTUIL
Ms. Pallavi Saigal, Advocate, CTUIL
Shri Siddarth Sharma, CTUIL

Record of Proceedings

At the outset, the learned counsel for Respondent, CTUIL, submitted that the main issue raised in the instant matter "*whether under the ambit of GNA Regulations the transfer of the connectivity granted to a Project under the LoA route to another route (in case of termination of the LoA or PPA prior to COD of the Project)*" is also the subject matter of the similar Petitions, namely, Petition Nos. 291/MP/2023 and 292/MP/2023 (Solarone Energy Private Ltd. v. CTUILL and Anr.), which are already listed for the hearing on 12.2.2024 and the present matter may, therefore, also be taken up along with the said matters. Learned counsel further submitted that as per the CTUIL, the extant regulatory prescription for treatment of the connectivity in case of termination of the LoA or PPA prior to COD of the Project, as provided under Regulation 24.6, is to terminate such connectivity and encashment of bank guarantees and CTUIL as such cannot administer any other treatment to the Petitioner.

2. Learned senior counsel for the Petitioners submitted that the connectivity as granted on 10.5.2022 to the Petitioner No.1 was obtained on the basis of the Letter of Award dated 14.12.2021 issued by the Maharashtra State Electricity Distribution Company Limited (MSEDCL) and the subsequent Power Purchase Agreement dated 4.4.2022 between the Petitioner No.2 and MSEDCL. Subsequently, however, the said PPA was terminated due to continuous force majeure events and the same was

upheld by the Maharashtra Electricity Regulatory Commission (MERC). Learned senior counsel also circulated and relied upon the order of MERC dated 27.12.2023 passed in Case No. 56/AD/2023. Learned counsel also stated that while the said order has been challenged before the APTEL by Respondent(s) therein, there is no stay on the operation of the said order. Learned senior counsel further submitted that although Regulation 24.6 of the GNA Regulations provides for revocation of the connectivity in case of termination of the LoA or PPA prior to COD of the Project, the Commission has to consider the scope of 'termination' as mentioned in the said regulation and the Project such as that of the Petitioners, where the termination is not attributable to the Petitioners in any manner and has also been held so by the order of MERC, the Commission ought to distinguish such 'termination' and to consider invoking its Power to Relax in such deserving case(s). Learned senior counsel further submitted that the factual matrix of the present case may not be identical to the cases listed on 12.2.2024. However, the Petitioners have, as such, no objection towards listing of the present Petition along with those listed on 12.2.2024 as requested by CTUIL.

3. Considering the submissions made by the learned counsel for Respondent, CTUIL and learned senior counsel for the Petitioner, the Commission directed to list the present matter along with Petition No. 291/MP/2023 & 292/MP/2023.

4. The Petition will be listed for hearing on **12.2.2024**.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)