

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

IA (Diary) No.288/2024 in Petition (Diary) No.257/2024

Subject : Application under Regulation 111-113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking directions from this Commission on issue pertaining to change in source on behalf of the Respondent No.1, Central Transmission Utility of India Limited.

Petitioner : SolarOne Energy Private Limited (SEPL).

Respondents : Central Transmission Utility of India Ltd (CTUIL) & Ors.

IA (Diary) No.289/2024 in Petition (Diary) No.258/2024

Subject : Application under Regulation 111-113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking directions from this Commission on issue pertaining to change in source on behalf of the Respondent No.1, Central Transmission Utility of India Limited.

Petitioner : SolarOne Energy Private Limited (SEPL).

Respondents : Central Transmission Utility of India Ltd (CTUIL) & Ors.

Date of Hearing : **29.5.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Ramesh Babu V, Member

Parties Present : Shri Basava Prabhu Patil, Sr. Advocate, SEPL
Ms. Molshree Bhatnagar, Advocate, SEPL
Shri Siddharth Sharma, CTUIL
Shri Swapnil Verma, CTUIL
Shri Akshayvat Kislay, CTUIL

Record of Proceedings

The matters were mentioned by the representative of Respondent, CTUIL, and submitted that Respondent, CTUIL, has moved IAs (Diary) Nos. 288/2024 & 289/2024 in Petition (Diary) Nos.257/2024 & 258/2024, respectively *inter-alia* seeking directions from the Commission to proceed with the compliance affidavit of the Petitioner in terms of the provisions of the GNA Regulations and the order of the Commission in Petition No. 9/MP/2024. The representative of CTUIL further submitted as under:

(a) By order dated 21.4.2023 in Petition Nos. 291/MP/2023 and 292/MP/2023, the Commission permitted the Petitioner to convert its connectivity granted under LoA

Route to any other route provided for in Regulation 5.8(xi) of GNA Regulations subject to certain conditions, including submission of either land documents or land BG for full 300 MW connectivity each at Koppal and Gadag within two weeks of issuance of order failing which CTUIL was at liberty to revoke the connectivity granted to the Petitioner.

(b) Subsequently, the Petitioner moved Diary Nos. 258 of 2024 and 259 of 2021, *inter alia*, seeking an extension of time to submit the land BGs of Rs. 30 crore each for its Projects at Gadag and Koppal. Accordingly, the Commission vide order dated 4.5.2024 permitted the Petitioner to submit the land BGs by 20.5.2024.

(c) Thereafter, the Petitioner mentioned the matters on 17.5.2024 and submitted that since the Petitioner could not secure the approval of its Board for furnishing the land BGs, the Petitioner opted for submissions of requisite land documents pertaining to 50% of the total Project land requirement i.e. 312 acres for each Project against purported requirement of total 625 acres and in respect of its Gadag Project sought a week's extension (up to 27.5.2024) for submission of this requisite land documents, which was allowed by the Commission by its order dated 19.5.2024.

(d) However, the submission of 50% of land documents by the Petitioner for these Projects (~312 acres) is premised upon the Project configuration being Hybrid Projects, and thereby, the total land requirement in each case purported to be 625 acres. However, as on the date, the Petitioner's connectivity, for all purposes, is a connectivity granted for the Solar Projects of 300 MW, and the land requirement for the same would be as represented by the Petitioner in the Project Review Meeting (Joint Coordination Committee Meeting) dated 5.4.2023 is a total 1200 acres or as per norms now specified by the CTUIL (i.e., 3 acres/MW) is 900 MW.

(e) CTUIL, being the nodal agency, exercises power only in terms of the GNA Regulations, and it does not have powers to change the source of the Petitioner's connectivity in terms of the GNA Regulations and the order of this Commission dated 12.5.2024 in Petition No. 9/MP/2024 (ACME Cleantech Solutions Pvt. Ltd. and Anr. v. CTUIL and Ors.).

(f) While in the order dated 21.4.2023, the Commission has taken note of the application(s) made by the Petitioner for change in configuration of their Projects (from solar to hybrid), the Commission has specifically observed that the Petitioner may change the configuration of their generation projects by following the "due procedure". This due process for change in configuration would involve various compliances on the part of the Petitioner.

(g) As per the provisions of the GNA Regulations and the findings of the Commission in an order dated 12.5.2024 in Petition No.9/MP/2024, change of connectivity from one renewable source to another can be exercised by an applicant who qualifies as a 'connectivity grantee' in terms of the GNA Regulations and the Petitioner herein does not qualify as 'connectivity grantee'.

(h) As a result, CTUIL is unable to treat the land details furnished by the Petitioner as adequate to comply with the requirements for granting connectivity in terms of land route.

2. Learned senior counsel for the Petitioner submitted that the Petitioner has received the copy of the IAs moved by CTUIL only yesterday late evening and be permitted to file their response thereon. Learned senior counsel further submitted that the aspect of change in the configuration of the Projects (from solar to hybrid) by the Petitioner has been noted by the Commission in its order dated 21.4.2023 itself and that the total land requirement for the 300 MW hybrid projects work out to ~ 625 acres and the Petitioner has already furnished the land documents for 50% of land i.e. 312 acres to CTUIL for its Koppal Project on 20.5.2024 and for its Gagad Project on 24.5.2024. Learned senior counsel urged that till the time the Commission takes up applications moved by CTUIL, CTUIL may be restrained from taking any coercive steps in respect of the connectivity granted to the Petitioner.

3. Considering the submissions made by the learned senior counsel for the Petitioner and the representative of CTUIL, the Commission permitted the Petitioner to file its response to the IAs moved by CTUIL within a week with a copy to CTUIL. The Commission also directed CTUIL not to take any coercive steps in respect of the connectivity granted at Koppal and Gadag S/s until the next date of hearing.

4. The CTUIL is directed to convert the said IAs into the Miscellaneous Petitions immediately.

5. The matters will be listed for the hearing on **12.6.2024**.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)