

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition (Diary) No.304/2024**

Subject : Petition 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 Petitioner, Central Transmission Utility of India Limited.

Petitioner : Central Transmission Utility of India Limited (CTUIL)

Respondents : SolarOne Energy Private Limited (SEPL) and Ors.

**Petition (Diary) No.305/2024**

Subject : Petition 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 Petitioner, Central Transmission Utility of India Limited.

Petitioner : Central Transmission Utility of India Limited (CTUIL)

Respondents : SolarOne Energy Private Limited (SEPL) and Ors.

Date of Hearing : **12.6.2024**

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

Parties Present : Shri Alok Shankar, Advocate, CTUIL  
Shri Siddharth Sharma, CTUIL  
Shri Swapnil Verma, CTUIL  
Shri Basava Prabhu Patil, Sr. Advocate, SEPL  
Ms. Molshree Bhatnagar, Advocate, SEPL  
Ms. Nipun Sharma, Advocate, SEPL  
Shri Rishabh Sehgal, Advocate, SEPL

**Record of Proceedings**

Learned counsel for the Petitioner, CTUI, submitted that the present Petitions had been filed by CTUIL *inter alia* seeking directions from the Commission to proceed with the compliance affidavit of Respondent, SEPL, in terms of the provisions of the GNA Regulations and the order of the Commission in Petition No. 9/MP/2024. Learned counsel briefly recapitulated the background of the matters and reiterated the submissions made during the course of the hearing on 29.5.2024. Learned counsel submitted that the 50% of land documents (~312 acres for each Project) submitted by the Respondent pursuant to the extension of time allowed by the Commission is premised upon the configuration of its Projects being the Hybrid Projects and thereby the total land requirement of in each case is purported to be 625 acres. However, as on



date, the Respondent's connectivity, for all purposes, is the connectivity for the Solar Projects (300 MW each), and CTUIL, at this stage, does not have power to change the source of the Respondent'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. & Anr. v. CTUIL & Ors.). Learned counsel added that as per the provisions of the GNA Regulations and findings of the Commission in the order dated 12.5.2024 in Petition No. 9/MP/2024, change in connectivity from one renewable source to another can be exercised by an applicant which qualifies as 'connectivity grantee' in terms of the GNA Regulations and the Respondent herein does not qualify as 'connectivity grantee' presently and would require various compliances on the part of Respondent as pointed out by CTUIL in the petitions. Learned counsel also emphasized that the present proceedings are not adversarial in nature, and CTUIL is only seeking the Commission's direction on the particular aspect(s) as pointed out in the pleadings.

2. Learned senior counsel for the Respondents mainly submitted as under:

(a) By order dated 21.4.2024 in Petition Nos. 291/MP/2023 and 292/MP/2023, the Commission has already allowed the Respondent to retain its connectivity granted under the old regime, i.e., Connectivity Regulations, 2009, and to convert its connectivity granted under the LoA route to any other route as provided for in Regulation 5.8(xi) of the GNA Regulations. Thus, in terms of the said order, the Petitioner is deemed to be 'connectivity granted' under the GNA Regulations.

(b) The provisions of the GNA Regulations cannot be cherry-picked by CTUIL while applying in the context of the Respondent because if the same analogy is extended, then even Regulation 24.6 of the GNA Regulation (Revocation of Connectivity and forfeiture of Bank Guarantee) will not apply to the Respondent as it is in the context of 'connectivity grantee' under the GNA.

(c) Even otherwise, the Respondent being not a 'connectivity grantee' under the GNA Regulations, as contended, is entirely attributable to the lapses on the part of CTUIL. Upon the GNA Regulations coming into effect, the Respondent had duly exercised its option to convert the connectivity granted under the Connectivity Regulations, 2009, as specified in Regulation 37.2 of the GNA Regulations. However, not only did CTUIL fail to act in terms thereof within the stipulated timeframe, but it also proceeded to revoke the termination of the connectivity after the LoA issued to Respondent was annulled, which led to Respondent filing the Petition Nos. 291/MP/2023 and 292/MP/2023 before this Commission.

(d) The reliance placed by CTUIL on the Commission's order dated 12.5.2024 in Petition No.9/MP/2024 is misplaced. In the said case, in-principle connectivity was granted to ACME Sun, a subsidiary of ACME Cleantech, and ACME Cleantech was having the LoA. In terms of the GNA Regulations, ACME Sun did not have the status of connectivity grantee. The request for conversion was made by the ACME Sun but the LoA was issued to the Parent Company, ACME Cleantech and not to the ACME Sun. The facts of the said case are completely different from the present cases, where no issue is involved qua grant of connectivity and utilization of connectivity since it is the Respondent only who had applied for the connectivity and intends to utilize the same. The Respondent is also not looking to utilize the documents of any other company, either holding or subsidiary company to meet the requirements of the GNA Regulations.

(e) CTUIL was fully aware of the change in configuration of the Project as brought on record by the Respondent vide its affidavit dated 7.2.2024 and the subsequent pleadings in Petition Nos. 291/MP/2023 and 292/MP/2023. The Commission, in its order dated 21.4.2024, has also duly recognized and recorded the change in configuration of Project(s) to be established by Respondent. Moreover, as per the observations of the Commission in the said order, the Respondent vide communication dated 29.4.2024 also notified CTUIL of the modification in the configuration of its 300 MW Projects from solar-based generation to wind-solar hybrid generation. However, no response has been received from CTUIL in this regard. Thus, despite being aware of the modification in configuration of the Projects as preferred by the Respondent, CTUIL did not raise any objection or content thereof prior to raising such issue(s) in the present proceedings at the fag end.

3. In response, the learned counsel and the representative of CTUIL mainly submitted as under:

(a) The Commission's order dated 21.4.2024 cannot be construed to mean that the Respondent is a 'connectivity grantee' in terms of the GNA Regulations inasmuch as it is yet to comply with the various requirements specified thereunder.

(b) Insofar as the application of the Respondent for conversion of its connectivity granted under the Connectivity Regulations, 2009 to the GNA Regulations is concerned, immediately after the notification of the GNA Regulations, CTUIL undertook the various activities, including preparation of the Detailed Procedure, and application forms, etc. as stipulated thereunder and keeping in view that large number of applications received from the renewable energy generators from the Southern Region, their processing indeed took some time. However, the details of the above activities were updated on its website to keep the renewable generators apprised and it was not the case that the application of the Respondent herein was singled out.

(c) Prior to the application of the Respondent herein could be processed, CTUIL came to know about the fact of annulment of LoA issued in its favour, and accordingly, CTUIL proceeded to revoke the connectivity granted to Respondent based on the said LoA. Had the CTUIL converted the connectivity granted to the Respondent under the Connectivity Regulations, 2009 under the GNA Regulations and then proceeded to revoke the same due to annulment of the LoA, the Respondent would have been even worse off as such revocation would have followed the encashment of the Conn BGs.

(d) Although the Respondent had, at that time, contended that it was entitled to convert the said connectivity granted under LoA route under Connectivity Regulations, 2009 to the alternative routes provided under Regulation 5.8 of the GNA Regulations, the said contention has been specifically rejected by the Commission at paragraph 38 of the order dated 21.4.2024.

(e) Prior to its compliance affidavits dated 17.5.2024 in Diary Nos. 257/2024 and 258/2024, the Respondent was to submit all along the land BG to comply with the requirements under the GNA Regulations and had also sought the first extension for submitting the land BG only. However, it was only in the said compliance affidavits that the Respondent indicated that it would not be in a position to submit the land BG

and opted to submit the land documents. Accordingly, CTUIL had no prior occasion to consider/ raise the aspect as indicated in the present Petitions.

4. Considering the submissions made by the learned counsel and representative of the parties, the Commission permitted both sides to file their respective written submissions, if any, within a week. The Commission also directed CTUIL not to take any coercive steps in respect of the connectivity granted at Koppal and Gadag S/s till the outcome of the matters.

5. Subject to the above, the Commission reserved the matters for order.

**By order of the Commission**

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