

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 434/MP/2024

- Subject : Petition under Section 79 (1) (c) of the Electricity Act 2003, read with Regulations 41 and 42 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 and the relevant Provisions of the Conduct of Business Regulations, 2023.
- Petitioner : Gujarat Energy Transmission Corporation Limited (GETCO)
- Respondents : Central Transmission Utility of India Limited (CTUIL) and Ors.
- Date of Hearing : **28.11.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Ms. Swapna Seshadri, Advocate, GETCO
Shri Ukarsh Singh, Advocate, GETCO
Shri Parth Bhalla, Advocate, GETCO
Ms. Sneha, Advocate, GETCO
Shri Shubham Arya, Advocate, CTUIL
Shri Rishabh Saxena, Advocate, CTUIL
Ms. Reeha Singh, Advocate, CTUIL
Shri Aneesh Bajaj, Advocate, GUVNL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition had been filed *inter alia* seeking the relaxation of the date 30.9.2024 as stipulated under Regulation 19.2 of the GNA Regulations for submission of the application for additional quantum for FYs 2025-26 to 2027-28 and to direct the Respondent, CTUIL to consider and allow the differing start dates for the additional GNA as sought by the Petitioner. Learned counsel further submitted that pursuant to the liberty granted by the Commission, CTUIL has filed its reply vide affidavit dated 25.11.2024, and insofar as allowing different start dates for additional GNA is concerned, CTUIL has sought to rely on Para 10.3 (including the illustration given thereunder) of the Explanatory Memorandum issued along with the draft GNA Regulations to aver that Regulation 19 of the GNA Regulations read with said Para provides for one application to be made once in a Financial Year by the month of September each year and additional GNA quantum to be applicable from a specified date of a respective Financial Year. However, from a plain reading of Regulation 19 of the GNA Regulations, it is clear that the said Regulation does not prohibit the different start dates for the addition of GNA. Learned counsel submitted that it is trite law that when the language of the regulation is clear, no external aids (such as an Explanatory Memorandum) can be used for the construction. Learned counsel also added that the CTUIL, in its reply, has also highlighted certain technical and administrative issues in allowing different start dates for different additional GNA quantum. However, they are not

really restrictive in nature, and in any case, when the intra-state entities apply for GNA directly, they are entitled to obtain the GNA quantum with different start dates.

2. Learned counsel for the Respondent, CTUIL, submitted that pursuant to the liberty granted by the Commission, CTUIL has already filed its reply in the matter. Insofar as the prayers (i) to (iv) seeking this Commission to exercise power to relax and power to remove difficulty under Regulations 41 & 42 of the GNA Regulations are concerned, CTUIL is not adversarial to such discretion being exercised by the Commission as one -time measure. As regards the prayer to consider and allow the different start dates for the additional GNA, CTUIL has indicated that in terms of Regulation 19 read with Para 10.3 of the Explanatory Memorandum, CTUIL has been accepting such applications made by STUs with only one specified start date for each year of financial year including for within or outside the region. Barring the application made by GETCO herein, all the applications submitted by respective STUs in FY 2023-24 and 2024-25 sought additional GNA from only one specified date, and it has been common understanding and practice followed by all STUs and CTUs to apply for and be granted additional GNA from one specified date. However, if the Commission deems fit to clarify Regulation 19.2 to include different start dates for different additional GNA quantum within a financial year and/or to have different start dates for additional GNA within or outside the region, CTUIL shall adhere to such direction of this Commission. Learned counsel also added that in paragraph 11 of the reply, CTUIL has also highlighted various technical and administrative issues in allowing different start dates for the consideration of the Commission.

3. Learned counsel appearing on behalf of Respondent No.2, GUVNL, submitted that the Respondent is supporting the prayers made by the Petitioner herein.

4. Considering the submissions made by the learned counsel for the parties, the Commission reserved the matter for order.

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