

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 92/MP/2024

Subject : Petition under Section 79 (1) (c), (f) and (k) of the Electricity Act, 2003 read with Regulation 41 & 42 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 for an appropriate decision on the submission of Payment on Order Instrument in lieu of Connectivity Bank Guarantee.

Date of Hearing : **28.8.2024**

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

Petitioner : Indosol Solar Private Limited (ISPL)

Respondent : Central Transmission Utility of India Limited (CTUIL) and Ors.

Parties Present : Ms. Swapna Seshadri, Advocate, ISPL
Ms. Harsha V Rao, Advocate, ISPL
Ms. Suparna Srivastava, Advocate, CTUIL
Ms. Divya Sharma, Advocate, CTUIL
Shri Siddharth Sharma, CTUIL
Shri Swapnil Verma, CTUIL
Ms. Kavya Bhardwaj, CTUIL
Shri Lashit Sharma, CTUIL

Record of Proceedings

At the outset, learned counsel for the Petitioner submitted that earlier, the Petitioner had moved IA No.35/2024 (Diary No.207/2024) in the matter, praying *inter alia* an extension of time till 30.4.2024 for the submission of the Bank Guarantee (BG) to CTUIL and the protection of the in-principle connectivity granted to the Petitioner. However, subsequently, the said IA, having been rendered as infructuous, was disposed of by the Commission. Learned counsel, accordingly, submitted that the Commission may now proceed to deal with the main issue involved in the matter, i.e., permitting the submission of Payment of Order Instrument in lieu of BG under Regulation 8 of the GNA Regulations.

2. In response, learned counsel for the Respondent, CTUIL, submitted that keeping in view that the in-principle grant of connectivity issued to the Petitioner vide letters dated 31.1.2024 has already been revoked on 22.4.2024, the prayers of the Petitioner, which pertain to the said grant, no longer survive and the cited issue has become merely an academic exercise. Learned counsel further submitted that the Petitioner had also approached the Hon'ble High Court of Delhi in W.P (Civil) No. 5632 of 2024 *inter alia* seeking issuance of appropriate writ, order, or direction to CTUIL to maintain the *status quo* on the connectivity granted against its applications until the Commission hears and passes the order in IA (Diary) No. 207 of 2024. However, CTUIL having already revoked

the in-principle grant of connectivity by its communication dated 22.4.2024, the Petitioner sought liberty to take appropriate steps to assail the said communication, which was accorded by the Hon'ble High Court vide order dated 23.4.2024. Thus, the in-principle grant of connectivity, as concerned in the present, stands revoked, and the Petitioner is, if at all, aggrieved by such revocation; it may approach the Commission by way of a separate Petition. Learned counsel also pointed out that after the above revocation, the Petitioner again applied for the connectivity afresh and has also been accorded an in-principle grant against such fresh application(s). Also, in respect of this fresh in-principle grant, the Petitioner has proceeded to submit the BGs without any protest or demur. However, neither this subsequent in-principle grant forms part of the record nor does the prayer seeking permission to submit the Payment of Order Instrument in lieu of BG pertain to this subsequent in-principle grant.

3. In response, learned counsel for the Petitioner pointed out that the above developments have already been placed on record by the Petitioner vide affidavit dated 25.4.2024. Learned counsel submitted that vide Record of Proceedings for the hearings dated 27.2.2024 in IA (Diary) No. 105/2024 and 15.3.2024 in Review Petition (Diary) No. 138/2024, CTUIL was asked not to revoke the in-principle grant of connectivity to the Petitioner provided the Petitioner submits the BG within 30 days from 15.3.2024 i.e., by 15.4.2024. However, owing to certain restrictions, the Petitioner could not furnish the BG in the given timeframe and had, accordingly, moved the IA No. 35/2024 seeking an extension of time granted under an order dated 15.3.2024. The said IA was also mentioned by the Petitioner for urgent listing, which was orally rejected by the Commission. However, since no formal order has yet been passed by the Commission, the Petitioner could not avail its first appellate remedy in terms of Section 111 of the Electricity Act, 2003 and, accordingly, filed a Writ Petition before the Hon'ble High Court Delhi on 17.4.2024. Learned counsel also pointed out that CTUIL has also proceeded to file its reply only after the Petitioner had filed its additional affidavit dated 25.4.2024. Learned counsel further submitted that since the Petitioner intends to submit the Payment on Order Instrument in lieu of BGs given in respect of the subsequent in-principle grant as well, the issue involved is not merely an academic exercise, and the Commission ought to exercise its Power to Relax and Power to Remove Difficulties under the GNA Regulations to permit such relief.

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)