

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.97/MP/2024

- Subject : Petition under section 79 of the Electricity Act, 2003 read with Regulations 41 & 42 of Central Electricity Regulatory Commission (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 as amended from time to time, seeking connectivity as a Renewable Energy/ Power Park Developer in phases.
- Petitioner : Adani Green Energy Limited (AGEL)
- Respondent : Central Transmission Utility of India Limited (CTUIL)
- Date of Hearing : **13.6.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Ramesh Babu V, Member
- Parties Present : Shri Hemant Singh, Advocate, AGEL
Shri Mridul Chakravarty, Advocate, AGEL
Ms. Alchi Thapliyal, Advocate, AGEL
Shri Chetan Garg, Advocate, AGEL
Shri Swapnil Verma, CTUIL
Shri Ranjeet Rajput, CTUIL

Record of Proceedings

Learned counsel for the Petitioner, Adani Green Energy Limited (AGEL) submitted that the present Petition has been filed *inter alia* to allow the Petitioner to submit the connectivity applications in various phases upto the capacity/quantum for which it has been authorized by the Competent Authority rather than seeking connectivity for the entire park capacity/quantum allocated at one go. Learned counsel mainly submitted as under:

- (a) The Petitioner has been authorized by the Government of Gujarat for development of the 9500 MW Solar and/or Wind and/or Wind-Solar Hybrid Park Project at Khavda, Gujarat for and on behalf of the Renewable Energy Generators which would be setting up the generating stations in the Park. For setting-up of the above park, the Petitioner has also been allotted land measuring 19,000 Ha. and has also entered into a formal land lease agreement with the Collector & District Magistrate, Kutchh and Gujarat Power Corporation Limited.
- (b) For the purpose of interconnection of the above 9500 MW RE Power Projects with ISTS, prior to the notification of the GNA Regulations on 1.10.2023, the Petitioner had already obtained the Stage II connectivity for 5400 MW under the erstwhile regime i.e. the Connectivity Regulations, 2009. The said connectivity of 5400 MW now stands transitioned under the GNA Regulations by CTUIL.
- (c) Out of the remaining quantum of 4100 MW, the Petitioner has already made several applications for seeking the additional connectivity for the 2570 MW (9

applications) at Khavda PS I & III, which are pending consideration before CTUIL. Tabular detail of the applications for which connectivity has already been granted and the applications pending as on date was also circulated.

(d) According to the Petitioner, the GNA Regulations, in particular Regulation 5.5, do not in any manner prevent the Petitioner from seeking the connectivity up to the total authorization in phases.

(e) The entire RE Park having such huge capacity of 9500 MW capacity cannot be developed at once and have to be done in phases only depending upon the visibility towards the completion of RE power project to be developed in the Park. If a Park Developer is required to apply for the connectivity upfront without any visibility on the readiness of renewable energy power projects to be set-up in the Park, it may lead to the ISTS network being stranded / unutilized until the corresponding RE Projects within the Park gets commissioned and on account of mis-match between the availability of ISTS and commissioning of power project liability w.r.t transmission charges would arise upon the Park.

(f) In any case, the Petitioner having already obtained the connectivity for 5400 MW under erstwhile regime, it would not be in position to secure the fresh connectivity for the entire 9500 MW under the GNA Regulations. Pertinently, earlier regime i.e. Connectivity Regulations, 2009 did not prohibit the Petitioner/Park Developer to apply for connectivity in phases.

(g) CTUIL has already filed its reply wherein it has unequivocally given its consent to amend the Regulation 5.5 of the GNA Regulations-expressly permitting the Renewable Power Park Developer (RPPD) to apply for the grant of the connectivity in parts. However, the Commission need not await the formal amendment of the GNA Regulations and may permit the Petitioner to forthwith avail connectivity on phases by exercising its regulatory powers read with Regulation 41 (Power to Relax) and Regulation 42 (Power to Remove Difficulties) of the GNA Regulations.

2. The representative of Respondent, CTUIL submitted that CTUIL has already filed its reply and mainly submitted as under:

(a) Previously CTUIL had approached the Commission in Petition No. 241/MP/2023 *inter alia* seeking issuance of the appropriate orders or practice directions regarding implementation of the provisions relating to the applications for such connectivity applications which are lesser than the authorized quantum by RPPD.

(b) In the said Petition, CTUIL had also indicated certain situations where the making of an application for a quantum lesser than total authorized quantum may be considered which included cases where there might be a capacity constraint in the nearest pooling station/sub-station therefore necessitating splitting of the authorized quantum in multiple applications across two pooling stations/sub-stations. At that stage, two such applications from the RPPDs, namely, MRS Buildvision Private Limited and Frugal Energy Private Limited were received by the CTUIL.

(c) However, keeping in view the observations of the Commission that the prayers made in the said case may require amendments to the provisions of the GNA Regulations, CTUIL withdrew the said case and filed a comprehensive proposal to the Commission on 21.2.2024 requesting for inclusion of the issues of RPPD applications for a quantum lesser than authorized quantum in the proposed amendments, if so merited, upon the consideration. Insofar as the applications of

MRS Buildvision and Frugal Energy are concerned, both the RPPDs subsequently withdrew their earlier applications and re-applied for the entire authorized quantum.

(d) In partial modification of the suggestion made by its letter dated 21.2.2024, CTUIL in its reply has also proposed an alternative formulation of the regulations based on considerations of planning optimization and administrative convenience. As per this alternative formulation, RPPD having authorized quantum greater than 300 MW may apply for the grant of the connectivity in parts provided connectivity quantum for any part may not be less than 300 MW.

3. In response to the specific query of the Commission regarding the reason for making multiple applications of smaller capacities such as 60 MW / 65 MW for the same ISTS sub-station rather than clubbing such capacities under a single application, the learned counsel and the representative of the Petitioner submitted that since each application corresponds to a different internal pooling station of the Petitioner, the Petitioner has made separate connectivity applications based on its internal pooling stations even though the ISTS sub-station/pooling station may be the same. It was also observed that out of nine pending connectivity applications (of 2570 MW), seven applications appeared to have been made for enhancement of capacity against the earlier applications (capacity). Accordingly, the Commission also queried the CTUIL on the technical feasibility of such enhancement. In response, the representative of CTUIL sought liberty to examine the said aspect and further indicated that CTUIL may also examine the feasibility by clubbing all the pending connectivity applications concerning a particular ISTS sub-station/Pooling station (i.e. 1595 MW at Khavda PS 3 and 975 MW at Khavda PS 1). The said proposal / submission was not opposed by the learned counsel for the Petitioner. However, learned counsel added that transmission systems have been planned for the evacuation of total 30 GW of power from the Khavda RE Park, which includes 9.5 GW of the RE generation from the RE Projects to be set-up in the Petitioner's Park and as such, there may not be any technical feasibility issues in evacuation.

4. Considering the submissions made by the learned counsel for the Petitioner and the representative of CTUIL, the Commission admitted the Petition and directed the parties as under:

(a) The Petitioner to furnish the following details/clarifications, on an affidavit, within two weeks:

(i) Clarify the reason for applying nine different applications, with the same start date connectivity under all these applications. Could the Petitioner have applied one application for the cumulative quantum?

(ii) Provide the Connection Diagram of this Renewable Power Park with the ISTS sub-Station(s) for the existing connectivity clearly showing the bay-wise capacity (in MW) where connectivity has been granted. Also indicate the proposed connectivity sought vide the nine applications clearly showing the enhancement in quantum sought at each bay of the ISTS substation(s).

(iii) Can the connectivity sought for enhancement of the connectivity under different applications, be considered as cumulatively under one application? If yes, can the Petitioner seek enhancement of the connectivity at multiple bays and at multiple substation(s) in a single application?

- (iv) Copy of all these 9 applications made under the GNA Regulations.
 - (v) Copy of stage-II connectivity applications for 5400 MW made under the Connectivity Regulations, 2009 as well as the copy of the grant of connectivity by the CTUIL against such applications.
- (b) Respondent, CTUIL to furnish the following details/clarifications, on an affidavit, within two weeks:
- (i) Can the connectivity sought for enhancement of the connectivity under different applications, be considered as cumulatively under one application? If yes, can the Petitioner seek enhancement of the connectivity at multiple bays and at multiple substation(s) in a single application?
 - (ii) Similar cases of the Renewable Power Park, if any, where connectivity has been granted for part capacity of the authorized quantum of such park under the Connectivity Regulations, 2009 at multiple substation(s) and multiple bays and the balance capacity has been sought under the GNA Regulations or yet to be sought?
- (c) CTUIL is directed not to reject/close the applications filed by the Petitioner for the connectivity on the stated ground alone and to keep them pending till the next date of hearing.

5. The Petition will be listed for hearing on **4.7.2024**.

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