

Fwd: Fwd: Comments / Suggestions on Draft CERC (Connectivity and GNA to the ISTS) (2nd Amendment) Reg, 2024.

1 message

Mukesh Kumar <mukeshkr.cea@gov.in>
To: uralsharma1995 <uralsharma1995@gmail.com>

Sat, Mar 9, 2024 at 7:33 PM

With Best Regards Mukesh Kumar Assistant Chief (Engg.) Central Electricity Regulatory Commission New Delhi - 110001 Contact- 23353503

----- Forwarded Message -----

From: Shilpa Agarwal <shilpa@cercind.gov.in>
To: Mukesh Kumar <mukeshkr.cea@gov.in>, ramakant ece <ramakant.ece@gmail.com>, Awdhesh Kumar Yadav <awdhesh@nic.in>
Sent: Sat, 09 Mar 2024 07:49:16 +0530 (IST)
Subject: Fwd: Comments / Suggestions on Draft CERC (Connectivity and GNA to the ISTS) (2nd Amendment) Reg, 2024.

----- Forwarded Message -----

From: dharmendra gupta <dharmendra.gupta@o2power.in>
To: Harpreet Singh Pruthi <secy@cercind.gov.in>, Shilpa Agarwal <shilpa@cercind.gov.in>
Sent: Fri, 08 Mar 2024 22:14:41 +0530 (IST)
Subject: Comments / Suggestions on Draft CERC (Connectivity and GNA to the ISTS) (2nd Amendment) Reg, 2024.

Dear Sir,

We sincerely appreciate Central Electricity Regulatory Commission's effort in promoting renewable energy in the country. We are grateful for your continued guidance, and assurance you have offered, in helping the renewable sector progress by enabling a robust and healthy environment to thrive in the country. We would like to thank you for the opportunity to raise our key concerns & suggestions on the CERC (Connectivity and General Network Access to the inter-State Transmission System) (2nd Amendment) Regulations, 2024."

Please find attached our comments / suggestions on the Draft Regulations for kind consideration of the Hon'ble Commission.

Thanks & Regards,

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Comments / Suggestions on Draft CERC (Connectivity and General Network Access to the inter-State Transmission System) (2nd Amendment) Regulations, 2024.

Sr. No.	Principle Regulations including 1 st Amendment	Draft 2 nd Regulations	Suggested Clause	Rationale
1.	17. Eligibility for GNA 17.1. (ii) A drawee entity connected to intra-State transmission system;		17. Eligibility for GNA 17.1. (ii) A drawee entity connected to intra-State transmission system;	<p>There is a discrepancy in the interpretation of the existing regulations, particularly concerning consumer has connectivity at Discom level and access to power procurement from the Inter State Network.</p> <p>As per the current regulations, consumers, including those connected to the Distribution Company (Discom), are allowed to procure power from the Inter State Network. However, as per the mentioned clause, it can be interpreted that only STU connected consumer can take power through ISTS network.</p> <p>To ensure clarity and uniform understanding, we request to remove the word “Transmission” from the clause.</p>

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2.		<p>5.1 The sub-clause (c) to Clause (vii) of Regulation 5.8 of the Principal Regulations shall be substituted, and sub-clause (d) shall be added after subclause (c) as under:</p> <p>(c) For a capacity up to 1000MW - Bank Guarantee of Rs. 10 lakh/ MW and for a capacity more than 1000MW - Bank Guarantee of Rs. 100 Crore plus Rs. 5 lakh/ MW for capacity over and above 1000MW, in lieu of ownership or lease rights or land use rights of land for 50% of the land required for the capacity for which Connectivity is sought subject to provisions of Regulations 11A and 11B of these regulations: or</p>	<p>5.1 The sub-clause (c) to Clause (vii) of Regulation 5.8 of the Principal Regulations shall be substituted, and sub-clause (d) shall be added after subclause (c) as under:</p> <p>(c) For a capacity up to 1000MW 100 MW - Bank guarantee of Rs 10 Lakh/MW and for a capacity more than 1000 100 MW - Bank Guarantee of Rs 100 10 Crore plus Rs 5 Lakh/MW for capacity over and above 1000 100 MW, in lieu of ownership or lease rights or land use rights of land for 50% of the land required for the capacity for which Connectivity is sought subject to provisions of Regulations 11 A and 11 B of these regulations; or</p>	<p>It is to be noted that large Bank Guarantees (BGs) are creating a significant financial challenge for developers. This burden is forcing developers to allocate a substantial portion of their capital to fulfill these conditions. As a result, there is a substantial blockage of capital, leading to delays in achieving the Commercial Operation Date (COD) for many projects.</p> <p>This situation can have several implications for the development and completion of projects. Delays in achieving COD not only affect the revenue generation timeline but also impact overall project timelines and may lead to additional costs. Developers may face challenges in securing financing or meeting other financial obligations due to the tied-up capital.</p> <p>Since, the maximum connectivity are in the range of 100 MW and on the basis of that the benefit of reduction of BG should also be</p>

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				passed to maximum developers, securing connectivity for more than 100 MW, instead of big applicant only, have connectivity of 1000 MW.
3.	3.5 After scrutiny, the Nodal Agency shall intimate the deficiencies, if any, in the application for grant of Connectivity or grant of GNA, to the Applicant within one week of the receipt of application, in order of date and time of receipt of application. The Applicant shall rectify the deficiency within one week thereafter, failing which the application shall be closed and 20% of the application fee shall be forfeited. Balance 80% of the application fee shall be refunded by the Nodal	3.5 After scrutiny, the Nodal Agency shall intimate the deficiencies, if any, in the application for grant of Connectivity or grant of GNA, to the Applicant within 18 days of the receipt of application, in order of date and time of receipt of application. The Applicant shall rectify the deficiency within one week thereafter, failing which the application shall be closed and 20% of the application fee shall be forfeited. Balance 80% of the application fee shall be refunded by the Nodal Agency to the Applicant within 15 days of closure of the application.	3.5 After scrutiny, the Nodal Agency shall intimate the deficiencies, if any, in the application for grant of Connectivity or grant of GNA, to the Applicant within 18 days of the receipt of application, in order of date and time of receipt of application. The Applicant shall rectify the deficiency within one week 18 days thereafter, failing which the application shall be closed and 20% of the application fee shall be forfeited. Balance 80% of the application fee shall be refunded by the Nodal Agency to the Applicant within 15 days of closure of the application.	<p>In the draft Amendment, timeline for Nodal Agency increased from one week to 18 days, however practical challenges are same and faced by applicants also in the rectification process. In alignment with the additional time proposed for the Nodal Agency to address deficiencies, we believe a corresponding adjustment in the timeline for rectifying deficiencies by the applicants is essential.</p> <p>The current timeline of one week for applicants to rectify identified deficiencies sometimes proves to be insufficient, posing challenges to ensure thorough compliance. Therefore, we kindly request a revision of the timeline, extending it to a maximum of 18 days from the date of intimation of deficiencies.</p>

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	Agency to the Applicant within 15 days of closure of the application.			This extension will allow applicants adequate time to address the identified issues diligently, contributing to a more comprehensive and accurate rectification process.
4.		<p>5.8</p> <p>(xi) In case of Applicants which are REGS (other than Hydro generating station) or ESS (excluding Pumped Storage Plant (PSP)) the following documents shall be submitted:</p> <p>...</p> <p>(d) Government Order issued by the concerned Government for allotment of the land along with possession documents for 100% of the land required for the capacity for which Connectivity is sought.</p>	<p>5.8</p> <p>(xi) In case of Applicants which are REGS (other than Hydro generating station) or ESS (excluding Pumped Storage Plant (PSP)) the following documents shall be submitted:</p> <p>...</p> <p>(d) Government Order issued by the concerned Government for allotment of the land along with possession documents for 100% of the land required for the capacity for which Connectivity is sought.</p>	<p>In the draft Regulations, applicant have GO along with 100% land documents will also be eligible to get connectivity as land requirement reflects the seriousness of developer.</p> <p>The possession of land is indicative of the developer's commitment and seriousness, eliminating the necessity for a separate provision.</p> <p>Our suggestion is to streamline the connectivity application for developers with land by allowing them to apply through the existing land route without introducing an additional provision.</p> <p>This adjustment would simplify the application process, promoting efficiency</p>

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				without compromising the rigor of the eligibility criteria.
5.	<p>11A. Conditions subsequent to be satisfied by the Connectivity Grantee</p> <p>...</p> <p>(2) An applicant which is REGS (other than Hydro generating station), ESS (excluding PSP) or Renewable power park developer to which final grant of connectivity has been issued, shall submit Auditor's certificate, certifying the release of at least 10% of the project cost including the land acquisition cost through equity within a period of 12 months from the date of issuance of final grant of connectivity.</p>	<p>11A. Conditions subsequent to be satisfied by the Connectivity Grantee</p> <p>...</p> <p>(2) An applicant which is REGS (other than Hydro generating station), ESS (excluding PSP) or Renewable power park developer to which a final grant of connectivity has been issued shall submit an Auditor's certificate, certifying the release of at least 10% of the project cost including the land acquisition cost through equity latest by 12 months prior to the scheduled date of commercial operation of such applicant:</p> <p>Provided that in case of REGS (other than Hydro generating station) or</p>	<p>11A. Conditions subsequent to be satisfied by the Connectivity Grantee</p> <p>...</p> <p>(2) An applicant which is REGS (other than Hydro generating station), ESS (excluding PSP) or Renewable power park developer to which a final grant of connectivity has been issued shall submit an Auditor's certificate, certifying the release of at least 10% of the project cost including the land acquisition cost through equity latest by 12 months prior to the scheduled date of commercial operation of the interconnecting ISTS substation along with all associated system as per Connectivity grant or scheduled date of commercial operation of such applicant or 12 months from date of</p>	<p>The Draft has provided a supported provision related to submission of Auditor's certificate, certifying the release of at least 10% of the project cost including the land acquisition cost through equity latest by 12 months prior to the scheduled date of commercial operation.</p> <p>We would like to highlight the presence of transition cases, wherein developers may have unique circumstances and submit the required documents as per the existing GNA Regulation, linked from the final grant of connectivity.</p> <p>This flexibility in the submission process for transition cases would ensure a fair and practical approach, considering the specific challenges and timelines associated with such projects.</p> <p>Further there may be situation of revised SCOD or delayed readiness of the</p>

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		<p>ESS (excluding PSP) who have been granted Connectivity under sub-clause (a) of Clause (xi) of Regulation 5.8 or are subsequently covered under sub-clause (a) of Clause (xi) of Regulation 5.8, the scheduled date of commercial operation for the purpose of Clause (2) of Regulation 11A shall be considered as SCOD, as extended by REIA or a distribution licensee or an authorized agency on behalf of distribution licensee from time to time, subject to the condition that any extension in the timeline to release 10% equity infusion due to extension in SCOD shall not be allowed more than 12 months from the original timeline as per initial SCOD.</p>	<p>final grant of connectivity under the GNA Regulations, whichever is later. This compliance to be met either in the name of Connectivity Applicant or its parent or subsidiary and in case of Renewable Park Developer then entity implementing the project under the Park.</p> <p>Provided that in case of REGS (other than Hydro generating station) or ESS (excluding PSP) who have been granted Connectivity under sub-clause (a) of Clause (xi) of Regulation 5.8 or are subsequently covered under sub-clause (a) of Clause (xi) of Regulation 5.8, the scheduled date of commercial operation for the purpose of Clause (2) of Regulation 11A shall be considered as SCOD, as extended by REIA or a distribution licensee or an authorized agency on behalf of distribution licensee from time to time, subject to the condition that any</p>	<p>interconnecting ISTS substation or its associated elements where the applicant is given connectivity due to which the applicant is required to defer the plant commissioning resulting in delayed cost to be incurred for project implementation.</p> <p>In view of that regulation should allow 12 months prior to the scheduled date of commercial operation of the interconnecting ISTS substation along with all associated system as per Connectivity grant or scheduled date of commercial operation of such applicant OR 12 months from date of final grant of connectivity under the GNA Regulations, whichever is later.</p> <p>Since the principal Regulation allows usage of connectivity between parent and subsidiary and vice versa as elaborated under Regulation 15.1 to 15.3 hence the compliance should be allowed and can be met through the entity</p>

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			<p>extension in the timeline to release 10% equity infusion due to extension in SCOD shall not be allowed more than 12 months from the original timeline as per initial SCOD provided such timeline extension is not due to delays in transmission infrastructure readiness.</p>	<p>actually implementing the project or where the Project is housed.</p> <p>Similarly Renewable Park are developed for other entities to connect hence entity implementing the project under the Park should also be allowed for submission of compliance on this front.</p>
6.	<p>11A. Conditions subsequent to be satisfied by the Connectivity Grantee</p> <p>...</p> <p>(3) An applicant which is REGS (other than Hydro generating station), ESS (excluding PSP) or Renewable power park developer to which final grant of connectivity has been issued, shall have to achieve the financial closure for the</p>	<p>11A. Conditions subsequent to be satisfied by the Connectivity Grantee</p> <p>...</p> <p>(3) An applicant which is REGS (other than Hydro generating station), ESS (excluding PSP) or Renewable power park developer to which a final grant of connectivity has been issued shall have to achieve the financial closure for the capacity of such Connectivity, latest</p>	<p>11A. Conditions subsequent to be satisfied by the Connectivity Grantee</p> <p>...</p> <p>(3) An applicant which is REGS (other than Hydro generating station), ESS (excluding PSP) or Renewable power park developer to which a final grant of connectivity has been issued shall have to achieve the financial closure for the capacity of such Connectivity, latest by 12 months prior to the</p>	<p>The GNA Regulation has a provision to achieve the financial closure for the capacity of such Connectivity in a timebound manner. We would like to submit that in the case of secured project under bidding route through REIA OR developing under Land route, applicant makes a financial commitment and submit a huge amount of BG, which shows that developer is serious.</p> <p>It is to be noted that FC is a pure matter related to project developer, from where he is securing lending amount and taking risk. In general, the requirement of maximum</p>

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	<p>capacity of such Connectivity, (a) within a period of 12 months from the date of issuance of final grant of connectivity, if the start date of Connectivity is within 2 years from date of issuance of final grant of connectivity or (b) a period equivalent to 50% time period between issue of final grant of Connectivity and start date of Connectivity, if the start date of Connectivity is more than 2 years from date of issuance of final grant of connectivity:</p> <p>Provided that such an applicant shall submit proof of Financial Closure of the project (with copy of loan sanction letter or proof of first disbursement of loan amount) or copy of board resolution (if</p>	<p>by 12 months prior to the scheduled date of commercial operation of such applicant:</p> <p>Provided that such an applicant shall submit proof of Financial Closure of the project (with a copy of the loan sanction letter or proof of first disbursement of the loan amount) or a copy of board resolution (if internal funding is planned for 100% of the project cost) to CTU within 15 days of achieving the financial closure:</p> <p>Provided that in case of REGS (other than Hydro generating station) or ESS (excluding PSP) who have been granted Connectivity under sub-clause (a) of Clause (xi) of Regulation 5.8 or are subsequently covered under sub-clause (a) of Clause (xi) of Regulation 5.8, the scheduled date of commercial</p>	<p>scheduled date of commercial operation of such applicant:</p> <p>Provided that such an applicant shall submit proof of Financial Closure of the project (with a copy of the loan sanction letter or proof of first disbursement of the loan amount) or a copy of board resolution (if internal funding is planned for 100% of the project cost) to CTU within 15 days of achieving the financial closure:</p> <p>Provided that in case of REGS (other than Hydro generating station) or ESS (excluding PSP) who have been granted Connectivity under sub-clause (a) of Clause (xi) of Regulation 5.8 or are subsequently covered under sub-clause (a) of Clause (xi) of Regulation 5.8, the scheduled date of commercial operation for the purpose of Clause (3) of Regulation 11 A shall be considered as the SCOD, as</p>	<p>amount is in the last phase of Project and development of project is a total risk of applicant.</p> <p>Since, developer is also liable to pay Transmission charges & revocation of connectivity, if fail to achieve SCOD on time. We request to remove the milestone to achieve financial closure for the capacity of such Connectivity in a timebound manner.</p>

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	internal funding is planned for 100% of the project cost) to CTU within 15 days of achieving the financial closure.	operation for the purpose of Clause (3) of Regulation 11 A shall be considered as the SCOD, as extended by REIA or a distribution licensee or an authorized agency on behalf of distribution licensee from time to time, subject to the condition that any extension in the timeline to achieve the milestone of Financial Closure due to extension in SCOD shall not be allowed more than 12 months from the original timeline as per initial SCOD.	extended by REIA or a distribution licensee or an authorized agency on behalf of distribution licensee from time to time, subject to the condition that any extension in the timeline to achieve the milestone of Financial Closure due to extension in SCOD shall not be allowed more than 12 months from the original timeline as per initial SCOD.	
7.		“(5) In case of Applicants which have been granted Connectivity under subclause (a) of Clause (xi) of Regulation 5.8 of these regulations, and whose LoA or PPA gets terminated prior to the COD of the project, for the reasons not attributable to such Applicant and in cases where LoA or PPA has been	“(5) In case of Applicants which have been granted Connectivity under subclause (a) of Clause (xi) of Regulation 5.8 of these regulations, and whose LoA or PPA gets terminated prior to the COD of the project, for the reasons not attributable to such Applicant and in cases where LoA or PPA has been	We are thanks full to Hon’ble Commission to allow conversion of connectivity from LoA route to Land route, if the LOA or PPA is terminated by the entity and it is accepted by the REIA or DISCOM. We also request to amend following provision related to conversion of connectivity: 1. Extension of Connectivity start date: The conversion of connectivity will

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		<p>terminated by the entity and the same has also been agreed by the REIA or Distribution Licensee, such Applicant may convert the Connectivity, in full or part, granted under sub-clause (a) of Clause (xi) of Regulation 5.8 of these regulations to Connectivity under sub-clause (b) of Clause (xi) of Regulation 5.8 of these Regulations with no change in the start date of Connectivity consequent to such conversion and compliance to requirements of Clause (2) and Clause (3) of this Regulation as applicable to entities covered under subclause (b) of Clause (xi) of Regulation 5.8 of these regulations: Provided that in case of conversion of part quantum of Connectivity from LOA or PPA to Land, balance quantum of Connectivity shall be revoked and shall be governed in terms of</p>	<p>terminated by the entity and the same has also been agreed by the REIA or Distribution Licensee, such Applicant may convert the Connectivity, in full or part, granted under sub-clause (a) of Clause (xi) of Regulation 5.8 of these regulations to Connectivity under sub-clause (b) of Clause (xi) of Regulation 5.8 of these Regulations with no change in the start date of Connectivity consequent to such conversion and compliance to requirements of Clause (2) and Clause (3) of this Regulation as applicable to entities covered under subclause (b) of Clause (xi) of Regulation 5.8 of these regulations: Provided that in case of conversion of part quantum of Connectivity from LOA or PPA to Land, balance quantum of Connectivity shall be revoked and shall be governed in terms of Regulation 24.6 of these regulations: Provided further that</p>	<p>come in picture after a significant time, when REIA will fail to sign PPA. In such circumstances, it is difficult to maintain the same start date as provided in earlier connectivity, secured through earlier LoA. In view of that applicants should have the option to extend the start date of connectivity for another 18 months from the date of conversion.</p> <p>2. LOA to LOA substitution: Applicant should be allowed to convert connectivity from one LoA to another LoA of same OR another REIAs.</p> <p>3. LOA to Land BG Route: LoA to Land BG should also be allowed instead of Land route only as it may possible that termination of LoA may happen in shorter period and in such period developer may not be able to secure land but has visibility to hold</p>

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		Regulation 24.6 of these regulations: Provided further that such subsequent conversion from Land to LoA or PPA, for the purpose of fulfilling requirements under Regulation 11A and Regulation 24.6 of these regulations, shall not be permitted under Clause (4) of this Regulation.”	such subsequent conversion from Land to LoA or PPA, for the purpose of fulfilling requirements under Regulation 11A and Regulation 24.6 of these regulations, shall not be permitted under Clause (4) of this Regulation.”	<p>connectivity to develop project in same location.</p> <p>Allow same connectivity from BG Route to LoA Route: There may be a case, where developer converts LoA based connectivity into BG Route / Land route and secure another bid. In such circumstances, developer should have option to again convert same connectivity from BG Route to LoA Route.</p>
8.	<p>Clause 20.4.</p> <p>Entities covered under clauses (ii) and (iii) of Regulation 17.1 of these regulations may apply for GNARE indicating bifurcation of GNARE within the region and from outside the region, from a specified date, for a specified quantum, and for a specified</p>		<p>Clause 20.4</p> <p>Entities covered under clauses (ii) and (iii) of Regulation 17.1 of these regulations may apply for GNARE indicating bifurcation of GNARE within the region and from outside the region, from a specified date, for a specified quantum, and for a specified period of more than eleven months:</p>	<p>We would like to address a notable concern regarding the issuance of Consent from STU for the procurement of power from the Interstate Transmission System (ISTS) network. In the present circumstances, Consumers are facing challenges to get timely Consent.</p> <p>To streamline the process and ensure a more efficient and expeditious procedure, we propose the implementation of a provision where NOC or Deemed NOC to be issued for existing consumers within a time-bound manner of 15 days. This provision would</p>



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	<p>period of more than eleven months:</p> <p>Provided that the entities covered under clause (ii) of Regulation 17.1 of these regulations shall furnish consent of the concerned STU in terms of availability of transmission capacity in intra-State transmission system for such quantum and period of GNARE</p>		<p>Provided that the entities covered under clause (ii) of Regulation 17.1 of these regulations shall furnish consent of the concerned STU in terms of availability of transmission capacity in intra-State transmission system for such quantum and period of GNARE:</p> <p>Provided that the Concerned STU should provide consent in terms of availability of transmission capacity in intra-State transmission system for such quantum in a time bound manner of 15 days OR Deemed Consent from the date of application, subject to the existing consumer is not increasing existing load / contract demand.</p>	<p>expedite the approval process and eliminate unnecessary delays, promoting a smoother transition for consumers procuring power from the ISTS network.</p> <p>We understand the importance of transmission feasibility checks by the State Transmission Utility (STU) for consent. However, we believe that a time-bound issuance of NOC for existing consumers will not only align with procedural requirements but also contribute to the overall effectiveness of the power procurement process.</p> <p>Your consideration of this proposal is highly appreciated, and we look forward to a positive resolution that facilitates the seamless procurement of power from the ISTS network.</p>

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9.	Additional Comments	Conversion of Partial Connectivity from BG / Land based to LoA		<p>We would like to highlight a scenario observed in the industry where developers secure connectivity through BG/Land route and subsequently secured project for a lesser capacity through the Renewable Energy Implementing Agency (REIA). In light of this, we propose the introduction of a provision allowing developers to convert partial connectivity obtained through Land-based into LoA based connectivity.</p> <p>Further since usage of connectivity is allowed between parent and subsidiary, LoA substitution should be allowed in the name of either parent or subsidiary as well.</p> <p>This flexibility would allow developers to map connectivity based on the actual capacity secured through the REIA process. It ensures a more adaptable and practical approach, aligning with the dynamic nature of project development.</p> <p>Your consideration of this provision is highly appreciated, and we believe that this adjustment will contribute to a more efficient and responsive regulatory framework.</p>