
Fwd: Fwd: Tata Power's comments on the 2nd Amendment to GNA Regulation.

1 message

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

Sat, Mar 9, 2024 at 7:32 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 07:50:28 +0530 (IST)
Subject: Fwd: Tata Power's comments on the 2nd Amendment to GNA Regulation.

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From: mohdsarim siddiqui <mohdsarim.siddiqui@tatapower.com>
To: Harpreet Singh Pruthi <secy@cercind.gov.in>, Shilpa Agarwal <shilpa@cercind.gov.in>
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Sent: Fri, 08 Mar 2024 19:04:03 +0530 (IST)
Subject: Tata Power's comments on the 2nd Amendment to GNA Regulation.

Dear Sir/Mam

Please find enclosed Tata Power's comments on the 2nd Amendment to GNA Regulation.

Regards,
Mohd Sarim Siddiqui
Group Head - Advocacy
The Tata Power Company Limited, Shatabdi Bhawan, B-12 & 13, Sector 4, Noida, UP-201301
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[X]

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 **Comments from Tata Power_ 2nd Amendment GNA .pdf**
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Comments from Tata Power on 2nd Amendment of GNA Regulations 2022

S. No.	Clause No & Details	Suggested/Modified Clause	Comments/Remarks
1.	<p>Clause 3.5:</p> <p>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 Eighteen (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.</p>	<p>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 Fourteen (14) days Eighteen (18) days of the receipt of application, in order of date and time of receipt of application. The Applicant shall rectify the deficiency within Fourteen (14) days 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.</p>	<ul style="list-style-type: none"> • While we agree that the earlier timeline of 1 week was too short for the nodal agency, given the number on applications it has to deal with, increasing this to 18 days is substantial and will delay the final connectivity. Hence, we suggest that this can be reduced to Fourteen (14) days. • Further, in response to the deficiencies identified by the Nodal Agency, developers may also be required to obtain data/records from various government agencies, adhering to specific procedures established by the respective departments. This process is also contingent upon the availability of officials from those departments. Considering these factors, the current 1 week timeframe allocated for rectifying deficiencies may also be increased. Therefore, it is requested that a mirror provision may be included giving equal time to the applicant i.e. Fourteen (14) days, to rectify the deficiency. <p>We believe 14 days is a decent timeline which will be convenient and agreeable to all stakeholders. Hence, the same may be modified accordingly.</p>
2.	<p>5.8 (vii) (C)</p> <p>For a capacity up to 1000 MW - Bank Guarantee of Rs. 10 lakh/ MW and for a capacity more than 1000 MW - Bank Guarantee of Rs. 100 Crore plus Rs. 5 lakh/ MW for capacity over and above 1000 MW, in lieu of ownership or lease rights or land use rights of land for 50% of the land required for the capacity for</p>	<p>Following modifications suggested:</p> <p>Bank Guarantee of Rs. 40 5 lakh/ 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 11A and 11B of these regulations.</p>	<p>This is to ease the financial burden on the developers and to expedite the RE capacity addition in the country.</p>

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	which Connectivity is sought subject to provisions of Regulations 11A and 11B of these regulations;		
3.	<p>5.8 (vii) (d) and (xi) (d)</p> <p>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>Point (d) is to be deleted.</p> <p>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>The existing clause (b) and the proposed clause (d) are contradicting each other.</p> <p>Currently, the applicant who wish to apply under clause (b) has an option to provide evidence for 50% land possession. However, under the proposed amendment, the applicant is required to submit Government Order (GO) for allotment of land along with possession documents for 100% of the land required. When the applicant is having an option to provide 50% of land under option (b), why will the applicant apply under option (d)</p> <p>Further, obtaining the possession documents from the revenue department is a very time-consuming process and it may take upto 8-9 months.</p> <p>Further, Government Orders in certain states come with conditions attached. Possession of land is granted only on compliance with those orders. Hence, it is pre-mature to grant connectivity basis Government Order alone.</p> <p>We thus request that point (d) is deleted.</p>
4.	<p>Clause 7.1 & 7.2</p> <p>7.1- In the event the Nodal Agency after the interconnection study undertaken in accordance with Regulation 6.1 of these regulations, determines that no augmentation is required, the Nodal Agency shall intimate in- principle grant of Connectivity to the Applicant within <u>60</u> days from the last day of the month in which the application had been received along with details such as terminal bay(s), already available or to be developed</p>	<p>In the event the Nodal Agency after the interconnection study undertaken in accordance with Regulation 6.1 of these regulations, determines that no augmentation is required, the Nodal Agency shall intimate in- principle grant of Connectivity to the Applicant within 60 30 days from the last day of the month in which the application had been received along with details such as terminal bay(s), already available or to be developed under ISTS through CTU, and minimum design features for</p>	<p>Providing additional 30 days to the nodal agency for intimation will delay the entire process of grant of connectivity.</p> <p>Hence, it is suggested that 30 days may please be retained.</p>

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	<p>under ISTS through CTU, and minimum design features for dedicated transmission lines to be constructed by the Applicant.</p> <p>7.2- In case the Nodal Agency, after the interconnection study undertaken in accordance with Regulation 6.1 of these regulations, determines that augmentation (with ATS or without ATS) is required, the Nodal Agency shall intimate in-principle grant of Connectivity to the Applicant within 90 days from the last day of the month in which the application had been received.</p>	<p>dedicated transmission lines to be constructed by the Applicant.</p> <p>7.2- In case the Nodal Agency, after the interconnection study undertaken in accordance with Regulation 6.1 of these regulations, determines that augmentation (with ATS or without ATS) is required, the Nodal Agency shall intimate in-principle grant of Connectivity to the Applicant within 90 60 days from the last day of the month in which the application had been received</p>	<p>In line with the above, 60 days may please be retained.</p>
<p>5.</p>	<p>Clause 11 A (1)</p> <p>An applicant which is REGS (other than Hydro generating station) or ESS (excluding PSP) covered under sub-clause (c) of Clause (xi) of Regulation 5.8 or Renewable power park developer covered under sub-clause (c) of Clause (vii) Regulation 5.8, shall submit documents for land in terms of sub-clause (b) of Clause (xi) or sub-clause (b) of Clause (vii) of Regulation 5.8 of these regulations, as the case may be, within 18 months of issuance of an in-principle grant of Connectivity or within 12 months of issuance of a final grant of Connectivity, whichever is earlier.....</p>	<p>An applicant which is REGS (other than Hydro generating station) or ESS (excluding PSP) covered under sub-clause (c) of Clause (xi) of Regulation 5.8 or Renewable power park developer covered under sub-clause (c) of Clause (vii) Regulation 5.8, shall submit documents for land in terms of sub-clause (b) of Clause (xi) or sub-clause (b) of Clause (vii) of Regulation 5.8 of these regulations, as the case may be, within 18 months of issuance of an in-principle grant of Connectivity or within 12 months of issuance of a final grant of Connectivity, whichever is earlier.....</p>	<p>While we appreciate the increase in timelines from 6 months to 12 months from the final grant of connectivity, the additional condition of 'in principle grant of connectivity' brings ambiguity.</p> <p>Hence, it is suggested that the same may please be deleted. The submission may only be linked to the final grant of connectivity, as was there in the existing regulation.</p>
<p>6.</p>	<p>Clause 11 A (2)</p> <p>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</p>	<p>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</p>	<p>Developers are already submitting BGs to protect the interest of transmission utility. There is already a requirement of FC which is in tune to bidding guidelines. We request that this extra requirement of 10% equity release may be deleted from principal Regulation and replaced with financial closure. We also request that the timeline be reduced to 6 months. The</p>

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	<p>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>.....</p>	<p>cost through equity the financial closure for the capacity of such Connectivity latest by 12 6 months prior to the scheduled date of commercial operation of such applicant.</p> <p>Further, If SCOD of the project is less than 6 months from the final grant of connectivity, the financial closure shall be completed latest by 50% of the time available between final grant of connectivity and the SCOD.</p>	<p>RE tenders issued by REIA's require the developer to achieve Financial Closure 6 months prior to the SCSD/extended SCSD.</p> <p>Further, there can be a scenario where the SCOD of the project is less than 6 months (as proposed) from the final grant of connectivity. What will happen in such a case?</p> <p>Therefore, it is suggested that in case the SCOD of the project is less than 6 months, then the financial closure shall be completed latest by 50% of the time available between final grant of connectivity and SCOD.</p> <p>Hence, the modification may please be done in the clause.</p>
7.	<p>Clause 11 A (3)</p> <p>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 scheduled date of commercial operation of such applicant:</p> <p>.....</p>	<p>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 6 months prior to the scheduled date of commercial operation of such applicant.</p> <p>Further, If SCOD of the project is less than 6 months from the final grant of connectivity, the financial closure shall be completed latest by 50% of the time available between final grant of connectivity and the SCOD.</p> <p>.....</p>	Same as above.
8.	<p>Clause 11 A (5)</p> <p>In case of Applicants which have been granted Connectivity under sub- clause (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</p>	<p>In case of Applicants which have been granted Connectivity under sub- clause (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 terminated by the entity and the same has</p>	<p>The conversion of connectivity from the LoA/PPA route may be allowed to be done to all three routes i.e. another LoA, Land and BG route.</p>

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	LoA or PPA has been 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 sub-clause (b) of Clause (xi) of Regulation 5.8 of these regulations	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 Connectivity under sub-clause (a) or (b) or (c) of Clause (xi) of Regulation 5.8 of these Regulations with the start date of connectivity as 12 months from the date of conversion or original start date of Connectivity whichever is later consequent to such conversion and compliance to requirements of Clause (2) and Clause (3) of this Regulation as applicable to entities covered under sub-clause (b) of Clause (xi) of Regulation 5.8 of these regulations	

Additional Suggestion on GNA Regulations

1.	<p>Clause 4</p> <p>Generating station(s), including REGS(s), with or without ESS, with an installed capacity of 50 MW and above individually or with an aggregate installed capacity of 50 MW and above through a Lead Generator or a Lead ESS;</p> <p>(b) Captive generating plant with capacity for injection to ISTS of 50 MW and above;</p> <p>(c) Standalone ESS with an installed capacity of 50 MW and above individually or with an aggregate installed capacity of 50 MW and above through a Lead ESS or Lead Generator;.....</p>	<p>Generating station(s), including REGS(s), with or without ESS, with an installed capacity of 50 25 MW and above individually or with an aggregate installed capacity of 50 25 MW and above through a Lead Generator or a Lead ESS;</p> <p>(b) Captive generating plant with capacity for injection to ISTS of 50 25 MW and above;</p> <p>(c) Standalone ESS with an installed capacity of 50 25 MW and above individually or with an aggregate installed capacity of 50 25 MW and above through a Lead ESS or Lead Generator;</p> <p>Clause 17.1. The following entities shall be eligible as Applicants to apply</p>	<p>MoP has recently notified the Electricity (Amendment) Rules, 2005 dated 10.01.2024, wherein it has allowed a generating company or captive generating plant or energy storage system or consumer to connect to inter-state transmission system with loads of 25 MW and above. The verbatim details are as follows:</p> <p><i>"A generating company or a person setting up a captive generating plant or an Energy Storage System or a consumer having load of not less than twenty five Megawatt in case of Inter State Transmission System and ten Megawatt in case of Intra-State Transmission System shall not be required to obtain license under the Act for establishing, operating or maintaining a dedicated transmission line to connect to the grid"</i></p>
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	<p>Clause 17.1. The following entities shall be eligible as Applicants to apply for grant of GNA or for enhancement of the quantum of GNA:</p> <p>... (iii) A distribution licensee or a Bulk consumer, seeking to connect to ISTS, directly, with a load of 50 MW and above;</p>	<p>for grant of GNA or for enhancement of the quantum of GNA:</p> <p>... (iii) A distribution licensee or a Bulk consumer, seeking to connect to ISTS, directly, with a load of 50 25 MW and above;.....</p>	<p>Therefore, it is suggested that the eligibility under the GNA Regulations should align with the MoP Rules, and the minimum connectivity requirement for inter-state transmission network may be reduced to 25 MW.</p>
2.	<p>New sub-clause in Clause 11 A</p>	<p>The following sub-clause may be added:</p> <p>The applicant shall be permitted to comply the conditions precedent such as land documents, 10% equity infusion and financial closure through the company /spv in which the project is been set up.</p>	<p>In many instances, the connectivity is applied by the parent company of the SPV/company which is ultimately going to execute the project. Therefore, in such cases the condition precedents may be allowed to be undertaken through SPV/company.</p>
3.	<p>New sub-clause in Clause 11 A</p>	<p>The following sub-clause may be added:</p> <p>In case the applicant is able to procure part of the land required, as per 5.8 (xi) (c), the applicant shall be treated as part complied and shall be allowed the connectivity for part and balance shall be revoked.</p>	<p>Here part compliance is required to be permitted.</p> <p>For example, as on the deadline, 12 months from final grant of connectivity, in case the applicant is able to procure only some part (say 30%) of the required land i.e. instead of 50% as per the requirement of 5.8 XI (c); the applicant shall be treated as part complied and shall be allowed the connectivity for part and balance shall be revoked, instead of revoking the total application quantum as non-compliance.</p>
4.	<p>Clause 20.1</p> <p>Entities covered under clauses (ii) and (iii) of Regulation 17.1 of these regulations, may apply for GNA indicating bifurcation of GNA within the region and outside the region, from a specified date, for a specified quantum, and for a specified period of more than eleven months.</p> <p>Provided that the entities covered under clause (ii) of Regulation 17.1 of these</p>	<p>Entities covered under clauses (ii) and (iii) of Regulation 17.1 of these regulations, may apply for GNA indicating bifurcation of GNA within the region and outside the region, from a specified date, for a specified quantum, and for a specified 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</p>	<p>The introduction of a definitive timeline is essential. The STU/ Discom should have a pre-defined timeline within which the approval or rejection of concurrence request should be concluded.</p>

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	<p>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 GNA.</p>	<p>STU in terms of availability of transmission capacity in intra-State transmission system for such quantum and period of GNA</p> <p>Provided that if the above consent by the STU is not received within 15 days from the date of request for consent, it will be deemed consent.</p>	
5.	<p>Clause 24.6 (1) (a) (ii)</p> <p>six months after the scheduled date of commercial operation as intimated at time of making application for grant of Connectivity, for cases covered under clause (xi)(b) or (xi)(c) of the Regulation 5.8.</p>	<p>six months after the scheduled date of commercial operation as intimated at time of making application for grant of Connectivity or six months after the GNA has been made effective, whichever is later, for cases covered under clause (xi)(b) or (xi)(c) of the Regulation 5.8.</p>	<p>The existing clause has potential to be misinterpreted, especially in cases where GNA effectiveness date is later than scheduled date of commercial operation intimated at time of making application of Connectivity.</p> <p>Therefore, it is suggested that six months shall be counted from SCOD intimated by applicant or GNA effectiveness date, whichever is later.</p>