

Ref: ABC CT/CERC/Comments draft GNA (03rd Amendment)/2024-25

Date: 17/09/2024

To,
Shri Harpreet Singh Pruthi,
Secretary,
Central Electricity Regulatory Commission
6th, 7th & 8th Floors, Tower B, World Trade Centre,
Nauroji Nagar, New Delhi- 110029

Sub: Submission of comments on draft Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) (Third Amendment) Regulations, 2024

Respected Sir,

I am writing on behalf of ABC Cleantech Private Limited to submit our comments on the draft regulation titled Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State transmission System) (Third Amendment) Regulations, 2024.

We appreciate the opportunity to contribute our perspectives towards the development of this regulation. Our comments aim to highlight practical issues in regulations & bring more uniformity/ clarity for the benefit of all stakeholders.

We trust that our submission will receive your positive consideration. We are available to provide any further clarification or information.

Yours sincerely
For **ABC Cleantech Pvt. Ltd.**

Prashant Kanaujia
Authorized Signatory

Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) (Third Amendment) Regulations, 2024

S.no	Existing Clause	Draft Amended Clause	Proposed Clause/recommendation	Comments/ Rationale
1	New clause added	"9.3 The Applicants who have been issued an in-principle grant of Connectivity or final grant of Connectivity to ISTS, for the generation projects based on particular renewable energy source(s) (with or without ESS) may, for the same connectivity quantum, change to another renewable energy source(s) (with or without ESS) or ESS in part or full, by making an application to the Nodal Agency for approval for such change within 18 months from the in-principle grant of Connectivity.....	"9.3 The Applicants who have been issued an in-principle grant of Connectivity or final grant of Connectivity to ISTS, for the generation projects based on particular renewable energy source(s) (with or without ESS) may, for the same connectivity quantum, change to another renewable energy source(s) (with or without ESS) or ESS in part or full, by making an application to the Nodal Agency for approval for such change within 18 months from the in-principle grant of Connectivity at least 9 months prior to the start date of connectivity or till the date allowed by the REIAs in the LOA/PPA.	The project configuration is prone to change based on requirements and may be finalised say only 9 months prior to the start date of connectivity. In any case, CTU has the option to reject the proposal basis system studies. Thus limiting such change to within 18 months may not serve the purpose. While in case of LOA/PPA route, this timeline should be aligned with the timelines by which the developer is allowed to change the project configuration as stipulated by REIAs in the LOA/PPA
2	Clause 11. A (4) In case of Applicants which have been granted Connectivity under clauses (xi)(b) or (xi)(c) of the Regulation 5.8 but are subsequently covered.....	Clause 11.A (4) (C). After conversion has been approved by the CTU, the requirement of furnishing the documents towards such converted Connectivity, in accordance with Clauses (1) to (2) of this Regulation, shall be the same as applicable to the \ entities covered under Clause (xi)(a) of the Regulation 5.8, with the condition that scheduled date of commercial operation for the purpose of Clause (2) of this Regulation shall be the start date of Connectivity.....	Clause 11.A (4) (C). After conversion has been approved by the CTU, the requirement of furnishing the documents towards such converted Connectivity, in accordance with Clauses (1) to (2) of this Regulation, shall be the same as applicable to the entities covered under Clause (xi)(a) of the Regulation 5.8,with the condition that scheduled date of commercial operation for the purpose of Clause (2) of this Regulation shall be the new start date of Connectivity as per the LOA/PPA commissioning timeline	The new start date of connectivity should match with the LOA/PPA commissioning timeline as the start date of connectivity can't remain same as sought earlier in the Land /BG route
3	Clause 11. A (4) In case of Applicants which have been granted Connectivity under clauses (xi)(b) or (xi)(c) of the Regulation 5.8 but are subsequently covered.....	Clause 11.A (4) (D). (iii). The entity shall be required to furnish documents under Clauses (1) of this Regulation within three months from the date of approval by CTU for such conversion, if not submitted already	Clause 11.A (4) (D). (ii). The entity shall be required to furnish documents under Clauses (1) of this Regulation within twelve months from the date of approval by CTU for such conversion, if not submitted already	It is very tough to provide the land and other documents within a very short period of 3 months. It should be minimum 12 months in submitting the land/ other documents
4	Clause 11. A (4) In case of Applicants which have been granted Connectivity under clauses (xi)(b) or (xi)(c) of the Regulation 5.8 but are subsequently covered.....	Clause 11.A (4) An entity, which has applied for Connectivity under Clause (xi)(b) or Clause (xi)(c) of Regulation 5.8 and has been issued final grant of Connectivity, is issued LOA or enters into a PPA, as eligible under Clause (xi)(a) of the Regulation 5.8, either for part capacity or full capacity, may apply to CTU..... e) The Applicant shall not be eligible to seek another Connectivity using the same land documents based on which the Connectivity was sought under Clause (xi)(b) of the Regulation 5.8 and has been converted to Clause (xi)(a) of the Regulation 5.8.	This new clause is only applicable to REGS (other than Hydro generating station) or ESS (excluding Pumped Storage Plant (PSP)) who have applied for grant of connectivity under Clause (xi)(b) or Clause (xi)(c) of Regulation 5.8 and has been issued final grant of Connectivity. This draft provision does not cover the cases of REGS or ESS who have utilised connectivity granted to Renewable Power Park Developer (RPPD). The logic of this new draft provision should also be extended to the RPPD who have applied for grant of connectivity under Clause (vii), (a) & (b) or Clause (vii), (a) & (c) of Regulation 5.8 and has been issued final grant of Connectivity for further utilization by the REGS or ESS. If the REGS which has executed agreement with RPPD is having a LOA/PPA, then the RPPD should be allowed the benefit of this clause.	Uniformity in application of logic. Thus, a generation project coming within a RE Park should be at equal footing with a standalone generation project.
5	16.2.Conn-BG2 and Conn-BG3 shall be returned in five equal parts over five years corresponding to the generation capacity which has been declared under commercial operation by the Connectivity grantee. Provided that in case of declaration of commercial operation of part capacity by the Connectivity grantee in a financial year, total quantum of such capacity declared under commercial operation within a financial year shall be considered while returning the Conn-BG2 and Conn-BG3 at the end of the financial year.		16.2.Conn-BG2 and Conn-BG3 shall be returned in five equal parts over five years corresponding to the generation capacity which has been declared under commercial operation by the Connectivity grantee. Provided that in case of declaration of commercial operation of part capacity by the Connectivity grantee in a financial year, total quantum of such capacity declared under commercial operation within a financial year shall be considered while returning the Conn-BG2 and Conn-BG3 at the end of the financial year. Provided that Conn-BG2 and Conn-BG3 submitted by Applicants based on renewable energy sources or have developed renewable energy parks, shall be returned within 30 days of declaration of commercial operation of full capacity by the Connectivity grantee	For RE projects, keeping bank guarantees post declaration of COD doesn't make any sense as there shall be no case wherein these can be encashed by the nodal agency. In any case there is sufficient protection in Clause 16.3, even if there is incidence of any transmission charges.