

Date- 17th Sep-2024

To,
The Secretary,
Central Electricity Regulatory Commission
3 rd & 4 th Chanderlok Building 36, Janpath Rd, New Delhi, Delhi 110001

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

Reference

1. Hon'ble CERC's public notice No. L-1/261/2021/CERC dated 30th Aug-2024

Dear Sir,

We would like to introduce Ampin Energy Transition Private Limited ("Ampin") (formerly Amp Energy India Private Limited) is fastest growing integrated energy solution provider in India and is focused on delivering clean and green energy to commercial and industrial customers. Ampin is present in 17 states with 70+ consumers across 7 sectors, 3 GW (portfolio) & 2 GW (pipeline) with focus in the C&I segment (Open Access - Captive / Group Captive, Hybrid (Wind & Solar), Intra / Inter (ISTS) projects, Roof Top Solar (RTS) / Distributed Generation, Trading / VPPA, Storage, Green Hydrogen etc.), SECI /NTPC utility projects. Ampin has investment from various leading green energy fund houses that includes Copenhagen Infrastructure Fund (CIP), LGT (Europe's largest private bank), Amp Canada, CBRE Caledon, Sumitomo, ICG (UK), AIFB etc. and leading Indian NBFCs and Financial Institutions.

We are writing you with reference to Public Notices referred above as reference item no. 1 vide which Hon'ble CERC invited Comments/Suggestions on Submission of Comments/Suggestions on Draft "Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) (Third Amendment) Regulations, 2024."

Our comments attached herewith as per annexure-1 are for your kind consideration and implementation.

Thanking you,

Yours faithfully,

Shriprakash Rai
(Chief Revenue Officer- C&I Business)
Ampin Energy Transition Private Limited

Annexure-1: Comments on Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) (Third Amendment) Regulations, 2024.”

Clause	Existing clause	Proposed clause	Our comments
3 3.7.3 (b)	5% of the BG submitted in terms of Clause (vii)(c) or Clause (xi)(c) of Regulation 5.8 of these regulations, as the case may be, shall be forfeited and balance 95% of BG shall be returned to the Applicant within 15 days of withdrawal of the application.	5% 100% of the BG submitted in terms of Clause (vii)(c) or Clause (xi)(c) of Regulation 5.8 of these regulations, as the case may be, shall be forfeited and balance 95% of BG shall be returned to the Applicant within 15 days of withdrawal of the application.	100% application fee amounting to Rs 5 Lakh + taxes shall be sufficient to forfeit as penalty at this stage.
3 3.7.3 (c)	If Conn BG1, Conn-BG2, Conn-BG3, as applicable, have been furnished, Conn BG-1, Conn-BG2 shall be encashed and Conn-BG3 shall be returned by the Nodal Agency Provided that where ATS or terminal bays have not been awarded for implementation as on the date of withdrawal, Conn-BG2 shall be returned to the Applicant within 15 days of such withdrawal of the application.	If Conn BG1, Conn-BG2, Conn-BG3, as applicable, have been furnished, Conn BG-1, Conn-BG2 shall be encashed and Conn-BG3 shall be returned by the Nodal Agency, where ATS or terminal bays have not been awarded. Provided that where ATS or terminal bays have not been awarded for implementation as on the date of withdrawal, 25% of Conn-BG2 shall be forfeited in terms of Conn BG-2 and balance 75% shall be returned to the Applicant within 15 days of such withdrawal of the application.	In the event, where application had been withdrawn after in-principle grant of connectivity, but before final grant of connectivity, an applicant should only be charged with a penalty of 100% application fees only. However, in the event, where the ATS or terminal bays have already been awarded, only 25% of Conn-BG2 should be forfeited in terms of Conn BG-2 and balance 75% shall be returned to the Applicant.
3 3.7.4 (b)	25% of the BG submitted in terms of Clause (vii)(c) or Clause (xi)(c) of Regulation 5.8 of these regulations, as the case may be, shall be forfeited and balance 75% of BG shall be returned to the Applicant within 15 days of withdrawal of the application	5% 100% of the BG submitted in terms of Clause (vii)(c) or Clause (xi)(c) of Regulation 5.8 of these regulations, as the case may be, shall be forfeited and balance 95% of BG shall be returned to the Applicant within 15 days of withdrawal of the application	100% application fee amounting to Rs 5 Lakh + taxes shall be sufficient to forfeit. Entire land BG amount should refunded to the applicant.
(3) 3.7.4 (c)	Conn BG1, Conn-BG2 shall be encashed and Conn-BG3 shall be returned to the Applicant:	If Conn BG1, Conn-BG2, Conn-BG3, as applicable, have been furnished, Conn BG-1, Conn-BG2 shall be encashed and Conn-BG3 shall be returned by	In the event, where application had been withdrawn after in-principle grant of connectivity, but before final grant of

	<p>Provided that where ATS or terminal bays have not been awarded for implementation as on the date of withdrawal, Conn BG2 shall be returned to the Applicant within 15 days of such withdrawal of the application.</p>	<p>the Nodal Agency, where ATS or terminal bays have not been awarded. Provided that where ATS or terminal bays have not been awarded for implementation as on the date of withdrawal, 50% of Conn-BG2 shall be forfeited in terms of Conn BG-2 and balance 50% shall be returned to the Applicant within 15 days of such withdrawal of the application.</p>	<p>connectivity, applicant should only be charged with a penalty of 100% application fees only. However, in the event, where the ATS or terminal bays have already been awarded, only 50% of Conn-BG2 should be forfeited in terms of Conn BG-2 and balance 50% shall be returned to the Applicant</p>
<p>3 (3.7.5)</p>	<p>Any withdrawal of application for partial quantum shall only be permitted under Regulation 3.7.2 and shall not be permitted under Clauses 3.7.3 and 3.7.4 of this Regulation.</p>	<p>To be Deleted</p>	<p>We wish to bring this to notice of the Hon'ble commission that there might be situations under which capacity awarded under a competitive bidding process is reduced at a later stage by the REIAs. To safeguard the interest of applicants under such situations, partial withdrawal of connectivity should be allowed under Regulations 3.7.3 and 3.7.4 subjected to treatment as specified under these regulations.</p>
<p>6.1 (5.1)</p>	<p>"Provided also that an REGS making an application based on LOA or PPA under Regulation 5.8(xi) may apply for a grant of Connectivity for a quantum equal to the quantum of LOA or PPA, which may be less than the installed capacity."</p>	<p>"Provided also that an REGS making an application based on LOA or PPA under Regulation 5.8(xi) may apply for a grant of Connectivity for a quantum equal to the installed capacity or maximum power dispatch planned under the LOA or PPA, whichever is higher. may be less than the installed capacity. more than the installed capacity."</p>	<p>Hon'ble CERC in its order dated 30.08.2023 vide petition no. 211/MP/2023 along with IA. No. 48/2023, stated that "Petitioners are eligible to obtain connectivity upto the Installed capacity as provided for in the LOA." Also as per FDRE/Peak Power tenders, to fulfil the tender obligations, REGS (applicant) are required to meet the compliance of providing power in the Peak Hours, as specified under the tender documents, and without additional connectivity, it may not be possible to</p>

			supply the power as per terms & conditions of tender documents. We therefore request hon'ble commission to allow connectivity up to quantum equal to the installed capacity or maximum power dispatch planned under the RFS/LOA/PPA, whichever is higher.
12.1 (8.6)	Conn-BG1, Conn-BG2, Conn-BG3, and BG submitted in terms of Clause (vii)(c) or Clause (xi)(c) of Regulation 5.8 of these regulations shall be issued by any scheduled commercial bank recognized by the Reserve Bank of India, in favour of CTU, as per the Format stipulated in the Detailed Procedure for Connectivity and GNA issued in accordance with Regulation 39.1 of these regulations.	Conn-BG1, Conn-BG2, Conn-BG3, and BG submitted in terms of Clause (vii)(c) or Clause (xi)(c) of Regulation 5.8 of these regulations shall be issued by any scheduled commercial bank recognized by the Reserve Bank of India, in favour of CTU, as per the Format stipulated in the Detailed Procedure for Connectivity and GNA issued in accordance with Regulation 39.1 of these regulations. Further in lieu of Conn BGs, following submission shall also be allowed 1) Payment of Order Instrument issued by IREDA/REC/PFC 2) E-BG 3) Insurance surety bonds	Applicants should be allowed to choose amongst most cost competitive payment security options available. Applicant should be allowed to submit payment security via other modes viz order instruments issued by IREDA/REC/PFC, E-BG, Insurance surety bonds. Applicant should have the discretion to submit the payment security through any of the above modes. This will ensure protection of interest of all stake holders.
14.1 (9.3)	"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	"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 applicant shall be allowed to make application to the Nodal Agency for approval for such change within 18 months from the in-principle grant of Connectivity or 12 months from final grant of connectivity, whichever is later

	within 18 months from the in-principle grant of Connectivity.	the in-principle grant of Connectivity or 12 months from final grant of connectivity, whichever is later	
15.1 (10.3)	Within 30 days of the intimation of the final grant of Connectivity by the Nodal Agency under Regulation 9.1 of these regulations, a Connectivity Agreement shall be signed between the Nodal Agency and the entity which has been intimated final grant of Connectivity. On signing of the Connectivity Agreement, such entity shall become the Connectivity grantee."	Within 30 60 days of the intimation of the final grant of Connectivity by the Nodal Agency under Regulation 9.1 of these regulations, a Connectivity Agreement shall be signed between the Nodal Agency and the entity which has been intimated final grant of Connectivity. On signing of the Connectivity Agreement, such entity shall become the Connectivity grantee."	Post the intimation of the Final Grant of Connectivity by the nodal agency, the applicants are required to submit the technical data, which is further being reviewed by the nodal agency for discrepancies. In view of the above, connectivity agreement between the applicant and the nodal agency should be signed 60 days' from the date of final grant of connectivity.
16 (10.5)	Where Connectivity is granted at a proposed ISTS sub-station, the Nodal Agency shall confirm the final coordinates within 2 months of award of contract for construction of such ISTS substation	Where Connectivity is granted at a proposed ISTS sub-station, the Nodal Agency shall confirm the final coordinates within 2 months 15 days of award of contract for construction of such ISTS substation	Prior intimation of coordinates will help the applicant to initiate the project development activities, which will improve the overall project timelines.
20.1 [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 for conversion of its Draft Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State transmission System) (Third Amendment) Regulations, 2024 12 Connectivity under Clause (xi)(b) or Clause (xi)(c) of the Regulation 5.8 to Clause (xi)(a) of the Regulation 5.8, subject following:	An entity, which has applied for Connectivity under Clause (xi)(b) or Clause (xi)(c) of Regulation 5.8 and has been issued final in principle 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 for conversion of its Draft Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State transmission System) (Third Amendment) Regulations, 2024 12 Connectivity under Clause (xi)(b) or Clause (xi)(c) of the Regulation 5.8 to Clause (xi)(a) of the Regulation 5.8, subject following:	The applicant shall have an option to convert post issuance of In-principle grant of connectivity.

<p>20.1 [11 (A) (4) (b)]</p>	<p>Where the part capacity of the Connectivity granted under Clause (xi)(b) or Clause (xi)(c) of Regulation 5.8 is converted to Connectivity under Clause (xi)(a) of Regulation 5.8,</p>	<p>Where the part capacity of the Connectivity granted under Clause (xi)(b) or Clause (xi)(c) of Regulation 5.8 is converted to Connectivity under Clause (xi)(a) of Regulation 5.8, (v) Land BG in terms of Regulation 5.8 (xi)© or 5.8 (vii) © shall be released within 15 days of approval of the Nodal agency for conversion of the partial quantum</p>	<p>After approval from CTU, Land-BG should be returned within 15 days of such approval from nodal agency.</p>
<p>20.1 [11 (A) (4) (d) (i)]</p>	<p>The application for conversion of Connectivity shall be accompanied by a non-refundable conversion fee of Rs 50,000/MW for the capacity to be converted. Such fees are payable for each such conversion sought by the entity.</p>	<p>To be Deleted</p>	<p>Transaction fees for such conversion shall not be levied as these changes are done as per project requirement. Additional requirement of Rs. 50,000/MW is extra and unbudgeted expense for an applicant. Therefore, please remove such charges.</p>
<p>20.1 [11 © (1) (b)]</p>	<p>Provided that an entity shall not be eligible for reallocation of Connectivity after a period of 18 months of issuance of an in-principle grant of Connectivity or 12 months of issuance of a final grant of Connectivity, whichever is earlier;</p>	<p>Provided that an entity shall not be eligible for reallocation of Connectivity after a period of 18 months of issuance of an in-principle grant of Connectivity or 12 months of issuance of a final grant of Connectivity, whichever is earlier later;</p>	
<p>20.1 [11 (c) (1) (c)]</p>	<p>CTU shall do such reallocation in order of priority of its date and time stamp of the Connectivity application based on which Connectivity has been granted to such Applicant as follows: Applicants who have been issued a final grant of Connectivity in terms of these Regulations, as per the date and time stamp of the application made under these regulations</p>	<p>CTU shall do such reallocation in order of priority of its date and time stamp of the Connectivity application based on which Connectivity has been granted to such Applicant as follows: Applicants who have been issued final grant of Connectivity IN-Principle Grant of Connectivity in terms of these Regulations, as per the date and time stamp of the application made under these regulations</p>	<p>During the tenure between In principle grant of connectivity and final grant of connectivity, the applicant must have already finalized a lot of activities including land development, technical due diligence/ irradiance study, project development activities etc. It is highly unlikely that such a consumer will switch to a new Substation, which involve huge amount of additional costs. Hence, relocation to a new substation should be linked with in principle grant of</p>

			connectivity, where an applicant is more likely to relocate to a new substation.
24.3			<u>Clarification sought-</u> We would request commission to clarify that the encashment of Land BG as mentioned under the proposed Regulations 24.3(A) will be in addition to the encashment of CONN-BGs mentioned under Regulations 24.3 or it will be limited only upto encashment of land BGs.
32 [25 (1) (b)]	"Provided further that for the entity covered under clause (iii) of Regulation 17.1 of these regulations, the notice period shall be six months, and if GNA is relinquished at least six months prior to the date of effectiveness of GNA, only Conn-BG1 and Conn-BG3 shall be encashed corresponding to the relinquished quantum as relinquishment charges."		<u>Clarification sought-</u> 1) Relinquishment charges applicable if the relinquishment of GNA is less than 6 months from the effectiveness of GNA 2) Relinquishment charges applicable if the relinquishment is done post effectiveness of GNA.
35 [26.2 (a) (ii)]	"Provided that the entity covered under clause (ii) of Regulation 26.1(a) may seek T-GNA maximum up to 30% of the GNA granted."	Deleted	No restriction to be made applicable on the quantum of T-GNA which can be sought by any entity. Entity should be allowed to seek T-GNA without any linkage to GNA quantum.