

Ref. No: IPCL/CERC/24-25/44

Date: 17-09-2024

The Secretary
Central Electricity Regulatory Commission
3rd & 4th Floor, Chanderlok Building
36, Janpath Road,
New Delhi - 110 001
secy@cercind.gov.in / shilpa@cercind.gov.in

Subject: Comments/ Suggestions on draft Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) (Third Amendment) Regulations, 2024

Reference: L-1/261/2021/CERC dt: 30-08-2024

Sir,

With reference to L-1/261/2021/CERC dt: 30-08-2024, we furnish our comments/suggestions on the above draft Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) (Third Amendment) Regulations, 2024 for your kind consideration. We shall be grateful if the Hon'ble Commission recognizes our concerns and makes necessary modifications.

Yours faithfully,



(Arkajyoti Bhattacharjee)

Deputy Manager (Regulatory Affairs)

India Power Corporation Limited

CIN - L40105WB1919PLC003263

Registered Office : Plot No. X1 - 2 & 3, Block - EP, Sector - V, Salt Lake City, Kolkata - 700091

Ph : +91 33 6609 4300 / 08 / 09 / 10, Fax : +91 33 2357 2452

Central Office : Sanctoria, P.O. - Dishergarh, District - Burdwan, Pin - 713333 (W.B.)

Ph : (0341) 2520021 / 2520028, E-mail : pr@indiapower.com, Web : www.indiapower.com

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

India Power Corporation Limited (IPCL) is a distribution licensee operating in the state of West Bengal. Comments/ suggestions of IPCL on the draft Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) (Third Amendment) Regulations, 2024 are placed herein below for kind consideration of the Hon'ble Commission.

Clause No	Draft CERC (Connectivity and GNA to the ISTS) (3rd Amendment) Regu, 2024	IPCL Comments
6.1	<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 maximum upto the quantum of LOA or PPA, which may be less than the installed capacity.”</p>
9.1	<p>“(a) Letter of Award (LOA) by, or Power Purchase Agreement (PPA) entered into with, a Renewable Energy Implementing Agency or a distribution licensee or an authorized agency on behalf of distribution licensee, LOA issued by a Central Government approved third party which is acting as an authorized representative of a generating station other than REGS replacing its scheduled generation by power supplied from REGS, consequent to tariff based competitive bidding, as the case may be: Provided that: (i) In case of REGS other than RHGS and RHGS located in a single place, for an application based on such LOA or PPA, an applicant shall be eligible to apply for Connectivity up to the installed capacity provided in the LOA or PPA. The connectivity under clause (a) of this Regulation shall be limited to the LOA or PPA quantum. For balance capacity, if any, the applicant shall be eligible to seek additional Connectivity based on sub-clauses (b) to (c) of this Clause; (ii) In case of Applicant being multi-located REGS, where LOA or PPA provides location and installed capacity at each location, the applicant shall be eligible to seek the Connectivity up to the Installed capacity at each location provided in the LOA or PPA whichever is lower. In case the installed capacity is higher than the LOA or PPA quantum, the connectivity under clause (a) of this Regulation at each location shall be limited to the LOA or PPA quantum. For balance capacity, if any, the applicant shall be eligible to seek additional Connectivity based on sub-clauses (b) or (c) of this Clause.”</p>	<p>“(a) Letter of Award (LOA) by, or Power Purchase Agreement (PPA) entered into with, a Renewable Energy Implementing Agency or a distribution licensee or an authorized agency on behalf of distribution licensee, LOA issued by a Central Government approved third party which is acting as an authorized representative of a generating station other than REGS replacing its scheduled generation by power supplied from REGS, consequent to tariff based competitive bidding, as the case may be: Provided that: (i) In case of REGS other than RHGS and RHGS located in a single place, for an application based on such LOA or PPA, an applicant shall be eligible to apply for Connectivity up to the installed capacity provided in the LOA or PPA. The connectivity under clause (a) of this Regulation shall be limited to the LOA or PPA quantum whichever is lower. For balance capacity, if any, the applicant shall be eligible to seek additional Connectivity based on sub-clauses (b) to (c) of this Clause; (ii) In case of Applicant being multi-located REGS, where LOA or PPA provides location and installed capacity at each location, the applicant shall be eligible to seek the Connectivity up to the Installed capacity at each location provided in the LOA or PPA whichever is lower. In case the installed capacity is higher than the LOA or PPA quantum, the connectivity under clause (a) of this Regulation at each location shall be limited to the LOA or PPA quantum. For balance capacity, if any, the applicant shall be eligible to seek additional Connectivity based on sub-clauses (b) or (c) of this Clause.”</p>



10.1	<p>“5.9 For Applications covered under Clause (vii) and sub-clauses (b) to (c) of Clause (xi) of Regulation 5.8 of these regulations, the quantum of land requirement / MW shall be as published on the website of CTU. The land requirement/MW shall be worked out in consultation with CEA and shall be updated from time to time based on feedback from stakeholders due to technology advancement or any other reason.</p> <p>5.10 Applicants covered under Clause (vii) of Regulation 5.8 of these regulations or subclauses (b) to (c) of Clause (xi) of Regulation 5.8 of these regulations may implement its project at a land parcel different (partly or fully) than as submitted while seeking Connectivity, under intimation to the Nodal Agency, with no change in the point of Connectivity with ISTS and the start date of Connectivity due to such implementation of project at a different land parcel.”</p>	<p>“5.9 For Applications covered under Clause (vii) and sub-clauses (b) to (c) of Clause (xi) of Regulation 5.8 of these regulations, the quantum of land requirement / MW shall be as published on the website of CTU. The land requirement/MW shall be worked out in consultation with CEA and shall be updated from time to time based on feedback from stakeholders due to technology advancement or any other reason.</p> <p>5.10 Applicants covered under Clause (vii) of Regulation 5.8 of these regulations or subclauses (b) to (c) of Clause (xi) of Regulation 5.8 of these regulations may implement its project at a land parcel different (partly or fully) than as submitted while seeking Connectivity, under intimation to the Nodal Agency, shall be changed in the point of Connectivity with ISTS and the start date of Connectivity due to such implementation of project at a different land parcel.”</p>
16.1	<p>“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.”</p>	<p>“10.5 Where Connectivity is granted at a proposed ISTS sub-station, the Nodal Agency shall confirm the final coordinates within 1 month of award of contract for construction of such ISTS substation.”</p>



“(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

a) If LOA or PPA is for a renewable source(s) (with or without storage) other than the renewable source(s) (with or without storage) provided in the Connectivity application applied under Clause (xi)(b) or Clause (xi)(c) of the Regulation 5.8, such an entity shall be required to first get approval of change of configuration from CTU prior to seeking conversion of Connectivity under Clause (xi)(a) of the Regulation 5.8..

b) 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,

i. CTU shall issue revised Connectivity intimation for each part, treating each part as a separate Connectivity.

ii. The entity shall submit separate Conn-BG1 for each part, treating each part as a separate application.

iii. Conn-BG2 and Conn-BG3, as submitted towards Connectivity granted under Clause (xi)(b) or Clause (xi)(c) of Regulation 5.8 shall be revised and resubmitted, as applicable, as applicable, for each part calculated on a pro-rata basis based on the quantum of such part of the capacity.

iv. The minimum capacity for conversion of Connectivity is 50 MW.

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.

d) After the Connectivity of an entity under Clause (xi)(b) or Clause (xi)(c) of Regulation 5.8 is converted into Connectivity under Clause (xi)(a) of Regulation 5.8, for part or full capacity by CTU under subclause (c)(i) of Clause (4) of this Regulation, if LOA or PPA for such part or full capacity is terminated,

“(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

a) If LOA or PPA is for a renewable source(s) (with or without storage) other than the renewable source(s) (with or without storage) provided in the Connectivity application applied under Clause (xi)(b) or Clause (xi)(c) of the Regulation 5.8, such an entity shall be required to first get approval of change of configuration from CTU prior to seeking conversion of Connectivity under Clause (xi)(a) of the Regulation 5.8..

b) 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,

i. CTU shall issue revised Connectivity intimation for each part, treating each part as a separate Connectivity.

ii. The entity shall submit separate Conn-BG1 for each part, treating each part as a separate application.

iii. Conn-BG2 and Conn-BG3, as submitted towards Connectivity granted under Clause (xi)(b) or Clause (xi)(c) of Regulation 5.8 shall be revised and resubmitted, as applicable, as applicable, for each part calculated on a pro-rata basis based on the quantum of such part of the capacity.

iv. The minimum capacity for conversion of Connectivity is 10 MW.

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 actual date of commercial operation for the purpose of Clause (2) of this Regulation shall be the start date of Connectivity.

d) After the Connectivity of an entity under Clause (xi)(b) or Clause (xi)(c) of Regulation 5.8 is converted into Connectivity under Clause (xi)(a) of Regulation 5.8, for part or full capacity by CTU under subclause (c)(i) of Clause (4) of this Regulation, if LOA or PPA for such part or full capacity is



21.1

“11C.Reallocation of the terminal bay(s) falling vacant due to the surrender or revocation of the Connectivity granted to another entity

(1) For optimal utilization of the transmission system, the Nodal Agency, with the consent of the concerned Connectivity grantee(s), may reallocate the Connectivity granted at an ISTS sub-station to another ISTS sub-station (in the Complex of ISTS substations) where any terminal bay has fallen vacant due to surrender or revocation of the Connectivity granted to another entity.

The Nodal agency shall do such reallocation in the following manner:

a. Information relating to any bay falling vacant at any particular substation due to surrender or revocation shall be given publicity on the CTU’s website and the status updated on a weekly basis with the date and time when the document was updated.

b. An entity that has been issued a final grant of Connectivity at an ISTS substation located in the Complex of ISTS substations may seek reallocation of its Connectivity for another ISTS substation within the same ISTS complex where a bay has fallen vacant. Such reallocation shall be subject to commercial liabilities as per the Sharing Regulations 2020:

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;

Provided further that an entity which had already exercised the option of reallocation and is once reallocated shall not be eligible for subsequent reallocation of Connectivity.

c. 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:

i. Stage-II Connectivity grantees under Connectivity Regulations, 2009, which have been transitioned in terms of under Regulation 37 of these regulations and submitted the requisite BG, as per the date and time stamp of their Stage-II Connectivity application(s) made under the Connectivity Regulations, 2009;

ii. 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

“11C.Reallocation of the terminal bay(s) falling vacant due to the surrender or revocation of the Connectivity granted to another entity

(1) For optimal utilization of the transmission system, the Nodal Agency, with the consent of the concerned Connectivity grantee(s), may reallocate the Connectivity granted at an ISTS sub-station to another ISTS sub-station (in the Complex of ISTS substations) where any terminal bay has fallen vacant due to surrender or revocation of the Connectivity granted to another entity.

The Nodal agency shall do such reallocation in the following manner:

a. Information relating to any bay falling vacant at any particular substation due to surrender or revocation shall be given publicity on the CTU’s website and the status updated on a weekly basis with the date and time when the document was updated.

b. An entity that has been issued a final grant of Connectivity at an ISTS substation located in the Complex of ISTS substations may seek reallocation of its Connectivity for another ISTS substation within the same ISTS complex where a bay has fallen vacant. Such reallocation shall be subject to commercial liabilities as per the Sharing Regulations 2020:

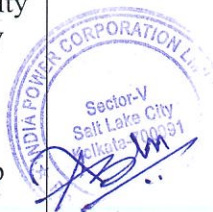
Provided that an entity shall not be eligible for reallocation of Connectivity after a period of 12 months of issuance of an in-principle grant of Connectivity or 6 months of issuance of a final grant of Connectivity, whichever is earlier;

Provided further that an entity which had already exercised the option of reallocation and is once reallocated shall not be eligible for subsequent reallocation of Connectivity.

c. 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:

i. Stage-II Connectivity grantees under Connectivity Regulations, 2009, which have been transitioned in terms of under Regulation 37 of these regulations and submitted the requisite BG, as per the date and time stamp of their Stage-II Connectivity application(s) made under the Connectivity Regulations, 2009;

ii. 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



23.1	<p>The first paragraph of Regulation 15.3 of the Principal Regulations (except the proviso) shall be substituted as under: “15.3 Any entity which acquires or holds 51% or more shareholding of the company or its subsidiary owning the REGS, may, after COD of full capacity or such split part in terms of Regulation 15.2 of these regulations, apply to the Nodal Agency for transfer of Connectivity for the full capacity or the spilt capacity, as the case may be. The Nodal Agency shall issue a revised grant of Connectivity on submission of applicable Conn-BG2 and Conn-BG3 by such entity. The original grantee may substitute its Conn-BG2 and Conn-BG3 with revised Conn-BG2 and Conn-BG3, to be intimated by CTU. On the issue of a revised grant of Connectivity, such entity shall enter into a fresh Connectivity Agreement and be responsible for compliance with all applicable regulations:”</p>	<p>The first paragraph of Regulation 15.3 of the Principal Regulations (except the proviso) shall be substituted as under: “15.3 Any entity which acquires or holds more than 50% shareholding of the company or its subsidiary owning the REGS, may, after COD of full capacity or such split part in terms of Regulation 15.2 of these regulations, apply to the Nodal Agency for transfer of Connectivity for the full capacity or the spilt capacity, as the case may be. The Nodal Agency shall issue a revised grant of Connectivity on submission of applicable Conn-BG2 and Conn-BG3 by such entity. The original grantee may substitute its Conn-BG2 and Conn-BG3 with revised Conn-BG2 and Conn-BG3, to be intimated by CTU. On the issue of a revised grant of Connectivity, such entity shall enter into a fresh Connectivity Agreement and be responsible for compliance with all applicable regulations:”</p>
27	<p>27.1.The words ‘, within one month of issuance of intimation of Grant of GNA by the Nodal Agency and shall enter into GNA Agreement incorporating the relevant provisions of Regulation 10, applicable for such an entity” shall be added at the end of Clause (b-i) of Regulation 22.2 of the Principal Regulations. 27.2.The words “, except the requirement of a minimum capacity of 50 MW” shall be added after the words “Regulation 4.1” in Clause (b-ii) of Regulation 22.2 of the Principal Regulations. 27.3.The words ‘start date of GNA’ shall be substituted with the words ‘effective date of GNA’ in Clause (d) of Regulation 22.2 of the Principal Regulations.</p>	<p>27.1.The words ‘, within one month of issuance of intimation of Grant of GNA by the Nodal Agency and shall enter into GNA Agreement incorporating the relevant provisions of Regulation 10, applicable for such an entity” shall be added at the end of Clause (b-i) of Regulation 22.2 of the Principal Regulations. 27.2.The words “, except the requirement of a minimum capacity of 10 MW” shall be added after the words “Regulation 4.1” in Clause (b-ii) of Regulation 22.2 of the Principal Regulations. 27.3.The words ‘start date of GNA’ shall be substituted with the words ‘effective date of GNA’ in Clause (d) of Regulation 22.2 of the Principal Regulations.</p>



30.1	<p>“24.3A For Connectivity Grantees covered under sub-clause (c) of Clause (vii) or sub-clause (c) of Clause (xi) of Regulation 5.8 of these regulations: (a) In case full or part of Connectivity is relinquished within six months of the final grant of Connectivity, 50% of the subsisting Bank Guarantee submitted under sub-clause (c) of Clause (vii) or sub-clause (c) of Clause (xi) of Regulation 5.8 of these regulations, corresponding to relinquished quantum shall be encashed, and the balance shall be returned; (b) If the Connectivity is relinquished after six months of the final grant of Connectivity, 100% of the subsisting Bank Guarantee submitted under subclause (c) of Clause (vii) or sub-clause (c) of Clause (xi) of Regulation 5.8 of these regulations, shall be encashed.”</p>	<p>“24.3A For Connectivity Grantees covered under sub-clause (c) of Clause (vii) or sub-clause (c) of Clause (xi) of Regulation 5.8 of these regulations: (a) In case full or part of Connectivity is relinquished within 90 days of the final grant of Connectivity, 75% of the subsisting Bank Guarantee submitted under sub-clause (c) of Clause (vii) or sub-clause (c) of Clause (xi) of Regulation 5.8 of these regulations, corresponding to relinquished quantum shall be encashed, and the balance shall be returned; (b) In case full or part of Connectivity is relinquished within six months of the final grant of Connectivity, 50% of the subsisting Bank Guarantee submitted under sub-clause (c) of Clause (vii) or sub-clause (c) of Clause (xi) of Regulation 5.8 of these regulations, corresponding to relinquished quantum shall be encashed, and the balance shall be returned; (c) If the Connectivity is relinquished after six months of the final grant of Connectivity, 100% of the subsisting Bank Guarantee submitted under subclause (c) of Clause (vii) or sub-clause (c) of Clause (xi) of Regulation 5.8 of these regulations, shall be encashed.”</p>
32.1	<p>“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.”</p>	<p>“Provided further that for the entity covered under clause (iii) of Regulation 17.1 of these regulations, the notice period shall be 90 days, and if GNA is relinquished at least 90 days 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.”</p>
35.1	<p>“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.”</p>	<p>May be Deleted</p>
37.1	<p>“Provided that in case of constraint in the transmission system within the region, the available transmission corridor shall be allocated to the GNA grantees in proportion to their total GNA, and in case of constraint in the transmission system outside the region, the available transmission corridor shall be allocated to the GNA grantees in proportion to their GNA from the outside region and the GNA grantee shall be eligible to schedule power under any contract within such allocated transmission corridor.”</p>	<p>“Provided that in case of constraint in the transmission system within the region, the available transmission corridor shall be allocated to the GNA grantees in proportion to their total GNA, and in case of constraint in the transmission system outside the region, the available transmission corridor shall be allocated to the GNA grantees in proportion to their total GNA and the GNA grantee shall be eligible to schedule power under any contract within such allocated transmission corridor.”</p>

