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Sent: Mon, 11 Nov 2024 17:59:02 +0530 (IST)  
Subject: Essar Comments - CERC Draft Sharing Regulations

Dear Ma'am,

Please find attached the comments on Draft Central Electricity Regulatory Commission (Sharing of Inter - State Transmission Charges and Losses) (Fourth Amendment) Regulations, 2024 on behalf of Essar Renewables Limited.

Thanks and Regards

Thanks & Regards,

Rishabh Roshan | Joint General Manager- Regulatory & Compliance  
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**Comments on draft Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) (Fourth Amendment) Regulations, 2024**

S. No	Provision/Clause No.	Suggested Change in Provision/Clause No (Changes in bold and underline/Strike off)	Rationale/Comments
01	<p>(7) A new sub-clause (h) shall be inserted after sub-clause (g) under Clause (2) of Regulation 13 of the Principal Regulations as under:</p> <p>“(h) Any REGS based on wind or solar source which is eligible for a waiver of inter-state transmission charges under Regulation 13(2) of these regulations and is having its scheduled date of commissioning on or before 30th June 2025 is granted extension of time to achieve COD by the competent authority in terms of the Power Purchase Agreements (where PPA has been entered into with, a Renewable Energy Implementing Agency or a distribution licensee or an authorized agency on behalf of distribution licensee, consequent to tariff based competitive bidding) or the Commission (for cases other than specified PPA, on an appropriate application made by the entity), on account of any Force Majeure event including non-availability of transmission or for reasons not</p>	<p>“(h) Any REGS based on wind or solar source which is eligible for a waiver of inter-state transmission charges under Regulation 13(2) of these regulations and is having its scheduled date of commissioning on or before 30th June 2025 is granted extension of time to achieve COD by the competent authority in terms of the Power Purchase Agreements (where PPA has been entered into with, a Renewable Energy Implementing Agency or a distribution licensee or an authorized agency on behalf of distribution licensee, consequent to tariff based competitive bidding) or the Commission (for cases other than specified PPA, on an appropriate application made by the entity), on account of any Force Majeure event including non-availability of transmission or for reasons not attributable to</p>	<p>The proposed amendment aims to clarify the waiver provisions for projects with a Commercial Operation Date (COD) on or before June 30, 2025, that have been granted extensions to their Scheduled COD (SCOD) due to force majeure or other related reasons by the Competent Authority.</p> <p>Similarly, we request that similar clarifications and waivers be extended to projects with COD before threshold dates for transmission charge waiver schedule — namely June 30, 2026, June 30, 2027, and June 30, 2028. For projects granted extensions beyond these dates due to force majeure or reasons beyond the control of the developer, the Hon'ble CERC should apply the same approach and grant transmission charges waiver from these projects to Drawee DICs.</p> <p>Additionally, we request CERC to provide clarity on the eligibility point mentioned as the <b>“REGS based on wind or solar source which is eligible for a waiver of inter-state transmission charges”</b> under Regulation 13(2) of these regulations. We would like to seek clarity if the eligibility for waiver will be based on the SCOD of the generator.</p>

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	<p>attributable to the REGS, and the project achieves COD before the extended date, it shall be eligible for a waiver of inter-state transmission charges as if the said REGS had achieved COD on 30.6.2025:</p> <p>Provided that, for the purpose of this Clause, such extension shall not exceed a period of six months at a time and not more than two times.”</p>	<p>the REGS, and the project achieves COD before the extended date, it shall be eligible for a waiver of inter-state transmission charges as if the said REGS had achieved COD on 30.6.2025:</p> <p><b>Similarly, REGS based on wind or solar source which is eligible for inter-state transmission charges waiver as per eligible drawal schedule (%) mentioned under Regulation 13(2) of these regulations and is having its SCOD on or after 01.07.2025 and upto 30.06.2028, and is granted extension of time to achieve COD by the competent authority, it shall be eligible for applicable waiver of inter-state transmission charges as if the said REGS had achieved COD as per its SCOD.</b></p> <p><b>E.g. If an REGS having SCOD on 30.06.2026, is granted extension by the competent authority to achieve COD by 6 months i.e. 30.12.2026 due to Force Majeure event including non-availability of transmission or for reasons not attributable to the REGS, the transmission charges for the % of</b></p>	<p>REGS developers typically apply for connectivity with an anticipated start date, factoring in the time required to commission the projects. However, there are occasions when CTUIL alters the connectivity start date, often due to delays in obtaining transmission scheme approvals, completing the transmission bidding process, or finalizing the Special Purpose Vehicle (SPV) acquisition. These delays are beyond the control of developers, and thus, transmission charges from such projects should remain eligible for waiver for Drawee DICs.</p> <p>Furthermore, it is requested that the restriction of a maximum of two time extensions (6 months each) be removed, as there can be various delay in approvals which take more than 6 months’ time which are unforeseen and beyond the control of the RE developers.</p> <p>Additionally, we would request the definition of the term 'Competent Authority'. It would be beneficial to define it to encompass REIAs/Discoms who provide SCOD extensions as per the PPA terms. Further the competent authority can also be regulatory bodies including Hon’ble CERC, APTEL, or the relevant courts in the matter in case of disputes.</p>

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		<p>drawal schedule eligible for waiver by the drawee DICs shall be 75%. It shall be eligible for a waiver of inter-state transmission charges as if the said REGS had achieved COD between 01.07.2025 and 30.6.2026.</p> <p><del>Provided that, for the purpose of this Clause, such extension shall not exceed a period of six months at a time and not more than two times.</del></p>	