

From: farrukh aamir <farrukh.aamir@rpsg.in>
To: Harpreet Singh Pruthi <secy@cercind.gov.in>
Cc: sandeep kashyap <sandeep.kashyap@rpsg.in>, Shilpa Agarwal
<shilpa@cercind.gov.in>
Sent: Mon, 11 Nov 2024 19:05:52 +0530 (IST)
Subject: Draft CERC (Sharing of ISTS Charges and Losses) (4th
Amendment) Regulations, 2024 - Comments from Purvah Green

Dear Sir,

This is in reference to the public notice dated 9 Oct 2024, inviting comments and suggestions on the Draft Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) (Fourth Amendment) Regulations, 2024.

Please find enclosed, our comments and suggestions in the proposed draft amendments for kind consideration.

Regards

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Mohammad Farrukh Aamir

*Head - Compliance & Regulatory *
Purvah Green Power Private Limited
M: [+91-9810219805](tel:+91-9810219805) <[+91-9810219805](tel:+91-9810219805)> *E: farrukh.aamir@rpsg.in
<farrukh.aamir@rpsg.in>*
A: 6th Floor, MGF Corporate Park, Saket, New Delhi 110017

Purvah Green’s Comments on draft Central Electricity Regulatory Commission hereby makes the following regulations, to amend the 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 attributable to the REGS, and the project achieves COD before the extended date, it shall be eligible for a waiver of inter-state</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 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: Similarly, 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</p>	<p>The term “Competent Authority” is not defined and may be defined appropriately to include REIAs/ Discoms providing extension in SCOD in accordance to the PPA provisions.</p> <p>The proposed amendment provides clarification for waiver for the projects having COD on or before 30.06.2025 and granted extensions in SCOD due force majeure and related reasons by Competent Authority.</p> <p>Similar, clarification and providing waiver for the projects having COD before next threshold date for transmission charge wavier timelines of 30.06.2026, 30.06.2027 and 30.06.2028 respectively and granted extensions due force majeure and related reasons beyond 30.06.2026, 30.06.2027 and 30.06.2028 respectively, by the Competent Authority need to be provided.</p> <p>We request Hon’ble Commission to kindly consider similar treatment for the projects having COD before next threshold timelines.</p> <p>REGS developers apply for connectivity with a target connectivity start date considering the</p>

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	<p>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>scheduled date of commissioning on or before 30th June 2026 or 30th June 2027 or 30th June 2028 respectively, 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 on 30.6.2026, 30.6.2027 or 30.6.2028.</p> <p>Provided that REGS who had applied for connectivity to CTU for a connectivity operationalisation date on or before 30th June 2025, 30th June 2026, 30th Jun 2027 or 30th Jun 2028 and that such application was filed considering reasonable time for construction of the project, 18 months for solar project and 24 months for wind project, are subsequently is granted final connectivity by CTU with final connectivity start date after 30th June 2025, 30th June 2026, 30th Jun 2027 or 30th Jun 2028 shall be eligible for extension in COD and corresponding waiver of inter-state transmission charges on account of delayed connectivity start date granted.</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>time needed to commission the REGS, usually 18 months for solar projects and 24 months for wind projects. However, there is delay in grant of final connectivity start date by CTUIL, primarily due to time taken in obtaining the transmission scheme approvals, bidding out the transmission scheme and acquisition of the Special Purpose Vehicle (SPV). The REGS developer has no control on these timelines and is at the mercy of the closure of the transmission bidding process. These projects should thus be eligible for availing the corresponding waiver on ISTS (Inter-State Transmission System) charges for the delay period beyond 30th June 2025, 30th June 2026, 30th Jun 2027 or 30th Jun 2028 until the date when connectivity is effective.</p> <p>It is submitted that Force Majeure (FM) is normally invoked as last resort by the Parties under any contract. Given that there are multitude of clearance and approval required from different state and central government ministries/ agencies/ dept including PPA/PSA approval from CERC/SERCs, the project faces delays on various account and multiple times. Hence it is submitted that the number of extensions should not be restricted to two times (12 months extension) and the clause be removed.</p>

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2	<p>(13) Availability of the Transmission System</p> <p>Notwithstanding any provisions to the contrary in the Transmission Service Agreement, the Availability of a transmission system or an element thereof shall be calculated as specified in the Tariff Regulations.</p>		<p>There is an already existing clause numbered 13 (13), which is as below:</p> <p>(13) An intra-State transmission system for which tariff is approved by the Commission shall be included for sharing of transmission charges of DICs in accordance with Regulations 5 to 8 of these regulations, only for the period for which such tariff has been approved.</p> <p>The proposed clause may kindly be renumbered as (14).</p>
