

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 19/MP/2024

Coram:

**Shri Jishnu Barua, Chairperson
Shri I.S. Jha, Member
Shri P.K. Singh, Member**

Date of Order: 31st January, 2024

In the matter of

Petition under Section 79 of the Electricity Act, 2003 read with Regulations 41 & 42 of CERC (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 as amended from time to time read with Regulation 111 of the CERC (Conduct of Business) Regulations, 1999 seeking relief in the nature of relaxing the time period as specified in the CERC (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 for submission of the appropriate bank guarantees thereby enabling the Petitioner to execute its Project(s).

And

In the Matter of

**Avada Energy Private Limited,
406, 4th Floor, Hubtown Solaries,
N.S. Phadke Marg, Andheri (East),
Mumbai, Maharashtra**

..... Petitioner

VERSUS

**Central Transmission Utility of India Limited (CTUIL),
CTU-Planning (1st Floor-A Wing),
Saudamini, Plot No. -2, Sector-29,
Near IFFCO Chowk Metro Station
Gurgaon, Haryana**

...Respondent

Parties present:

Shri Ankur Sood, Advocate, AEPL
Shri Amit Ojha, Advocate, AEPL
Shri Amit Gupta, AEPL



ORDER

The Petitioner, Avada Energy Private Limited, has filed the present Petition for seeking a relaxation in the timeline set out in Regulation 8.2 (c) of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 (hereinafter referred to as “the GNA Regulations”) and direction to the Central Transmission Utility of India Limited (“CTUIL”) to accept the Bank Guarantees on behalf of the Petitioner. The Petitioner has made the following prayers:

“(a) The minor delay on part of the Petitioner in submitting the BGs is inadvertent and is not willful or deliberate. Such inadvertent and minor delay has caused no loss, prejudice or disadvantage to the Respondent.

(b) The denial of relief by way of relaxation of time will cause injustice and hardship to the Petitioner. On account of the very minor delay, the Petitioner’s entire Project will be put at risk unless relief is granted by this Commission.

(c) The Petitioner is a committed and prudent business utility and has worked over several years forwarding the objective of renewable power as enshrined in the Act, National Tariff Policy and National Electricity Policy among others and at the present moment has an installed capacity of over 4 GW of operational projects and significant capacity under different stages of implementation in India.

(d) The delay, in the present case, was occasioned by for bona fide reasons and is not deliberate or willful.”

2. The matter was mentioned by the learned counsel for the Petitioner on 19.1.2024 citing the urgency. Learned counsel submitted that the Petitioner had made an application for the grant of the connectivity for its 50 MW generating plant. The Petitioner has undertaken all requisite steps. However, due to certain reasons, there was a delay of 8 days in submitting the bank guarantees (Con BGs) in terms of Regulation 8.2 (c) of the GNA Regulations.

3. Member, Shri I.S. Jha did not participate in the present proceedings.

4. We have considered the submissions of the learned counsel for the Petitioner.

It is noticed that the Commission in a similar case, vide its order dated 21.1.2024 in Petition (Diary No. 20 of 2024) has relaxed the timeline set out in Regulation 8.2 (c) and 8.3(e) of the GNA Regulations and allowed CTUIL to take on record the Bank Guarantee submitted by such other generators with a delay up to 10 days beyond the period specified in the GNA Regulations as a onetime measure for cases with a due date up to 20.1.2024. Relevant portions of the order dated 21.1.2024 are extracted as under:

“5. Considering the submissions of the Petitioner and the CTUIL, the Commission is inclined to relax the timeline set out in Regulation 8.2 (c) of the GNA Regulations and allow CTUIL to take on record the Bank Guarantees submitted by the Petitioner submitted with a delay of four days. However, this will not be treated as a precedent for the future.

6. It is noticed that there may be other generators who might be facing similar difficulties in this period. Accordingly, considering the difficulties being faced by them, we hereby relax the timeline set out in Regulation 8.2 (c) and 8.3(e) of the GNA Regulations and allow CTUIL to take on record the Bank Guarantee submitted by such generators with a delay up to 10 days beyond the period specified in the GNA Regulations as a onetime measure for cases with a due date up to 20.1.2024.”

5. In light of the above decision, the present Petition has become infructuous.

6. Accordingly, the Petition No. 19/MP/2024 is disposed of in terms of the above findings.

Sd/-
(P.K. Singh)
Member

sd/-
(Jishnu Barua)
Chairperson