

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 218/MP/2024 and 219/MP/2024

Coram:

**Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri Ramesh Babu V, Member**

Date of Order: 2.08.2024

Petition No. 218/MP/2024

In the matter of:

Petition under Regulation 111-113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking directions from this Commission on issue pertaining to change in source on behalf of Petitioner, Central Transmission Utility of India Limited

And

In the matter of:

Central Transmission Utility of India Limited (CTUIL),
First Floor, Saudamini, Plot No.2, Sector 29,
Gargaon-122001 (Haryana)

.....Petitioner

Versus

M/S Solarone Energy Private Limited,
Registered Office: 1A, Vandana Building,
Tolstoy Marg, New Delhi-110001
Corporate Office: Level-6, Building No.11,
DLF Cyber City, Phase2, Gurgaon-122002

.....Respondent



Petition No.219/MP/2024

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.....Respondent

Parties Present:

Shri Alok Shankar, Advocate, CTUIL
Shri Siddharth Sharma, CTUIL
Shri Swapnil Verma, CTUIL
Shri Basava Prabhu Patil, Sr. Advocate, SEPL
Ms. Molshree Bhatnagar, Advocate, SEPL
Ms. Nipun Sharma, Advocate, SEPL
Shri Rishabh Sehgal, Advocate, SEPL

ORDER

Central Transmission Utility of India Limited (CTUIL) (hereinafter 'Petitioner') has filed the instant Petitions under Regulation 111-113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, seeking



directions from this Commission on the issue of change in the source of the renewable energy generating stations for the purpose of grant of connectivity under the GNA Regulations. The Petitioner has made the following prayer in respective Petitions:

Prayer in Petition No. 218/MP/2024

- i. The Petitioner prays for directions from this Ld. Commission to proceed with the compliance affidavit of the Respondent in terms of the provisions of the GNA Regulations and the Order of this Ld. Commission in 9/MP/2024.*

Prayer in Petition No. 219/MP/2024

- i. The Petitioner prays for directions from this Ld. Commission to proceed with the compliance affidavit of the Respondent in terms of the provisions of the GNA Regulations and the Order of this Ld. Commission in 9/MP/2024*

Background

2. The Commission vide order dated 21.04.2024 has disposed of Petition No. 291/MP/2023 and 292/MP/2023 (filed by SolarOne Energy Private Limited) and inter alia directed the Petitioner (SolarOne Energy Private Limited) in each Petition to submit the Land documents or Land BG in terms of Regulation 5.8(xi) of the GNA Regulations within two weeks of the issuance of the Order, for conversion of Connectivity of 300 MW granted at Gadag and Koppal respectively, from LoA route to Land route or Land BG route. Para 61 of the order dated 21.4.2024 is extracted as under:

“61. We note that the Petitioner(s) have been holding on to the Connectivity since June 2022, which is approximately two years. We are also aware that Connectivity is a crucial resource that should be optimally utilized. Keeping in view that the annulment of the LoAs was not due to default on the part of the Petitioners and the seriousness and commitment shown by the Petitioners by way of progress made to bring on the projects, we, in the exercise of our powers under Regulation 41 and Regulation 42 of the GNA Regulations, hereby relax the provisions of Regulation 24.6 and allow the Petitioners under Petition No. 291/MP/2023 and in Petition No. 292/MP/2023 to convert each of their Connectivity granted under LOA route to any other route as provided for



in Regulation 5.8(xi) of the GNA Regulations, subject to the following conditions as listed below:

(a) Petitioner(s), within two weeks of the issuance of this order, may either submit the Land documents or Land BG in terms of Regulation 5.8(xi) of the GNA Regulations for full 300 MW Connectivity each (under Petition No. 291/MP/2023 and in Petition No. 292/MP/2023). Failing which, CTUIL shall revoke the Connectivity granted to the Petitioner(s). Further, the Petitioner(s) shall not be allowed to submit part land documents and part Land BG.

(b) In case the Petitioner(s) submit Land BG under sub-clause (a) of this Paragraph, the Petitioner(s) shall submit requisite land documents within three months of the issuance of this order, failing which CTUIL shall revoke the Connectivity granted to the Petitioners.

(c) After the annulment of the LoAs, the SCODs of the projects mentioned under LoA do not hold under both the Petitions. Considering that nearly two years have elapsed since the granting of connectivity and the Petitioners have shown that considerable progress has already been made in the projects, we are of the considered view that nine (9) months from the issuance of this order shall be sufficient time to commission the project. We accordingly direct that the project developer shall commission its project within nine (9) months of the issuance of this order. Further, the milestones for achieving Financial closure and the release of 10% of the project cost under equity as required under Regulations 11(A) and 11(B) of the GNA Regulations shall have to be achieved within six months of the issue of this Order. In case Petitioner(s) fail to achieve financial closure or the release of 10% of the project cost under equity, the connectivity shall be revoked.

(d) The time to achieve various milestones has been relaxed for the Petitioners under Regulations 41 and 42 of the GNA Regulations. This relaxed timeline to achieve various milestones shall have no bearing on the liabilities under the Sharing Regulation 2020. The Petitioner shall ensure that the project is implemented within the timeframe mentioned above.

(e) The treatment of the Bank Guarantee submitted by the Petitioner shall be as per the applicable provisions of the GNA Regulations.”



3. Subsequent to the issuance of the above Order, SolarOne Energy Private Limited had filed IA vide Diary No. 230/2024 in Petition No. 291/MP/2023 and IA vide Diary No. 231/2024 in Petition No. 292/MP/2023 seeking extension of time by two weeks to comply with the directions at Para 61(a) of the Order dated 21.4.2024. The Commission converted these IAs into Miscellaneous Petitions and disposed of the same vide Order dated 04.05.2024 with the following directions:

“

5. Taking into account the submissions made by the learned senior counsel for the Applicant and learned counsel for Respondent, CTUIL, including the reasons put forth by the Applicant for seeking the extension of time and the categorical assurance given by the learned senior counsel for the Applicant that no further extension shall be sought by the Applicant for compliance with the condition at paragraph 61(a) of the order dated 21.4.2024, the Commission deems it appropriate to grant one-time extension of time limit prescribed for compliance with the condition at paragraph 61(a) of the order dated 21.4.2024. Accordingly, the Commission permits the Applicant to submit the BG of Rs. 30 crores each for its Project at Gadag and Koppal to CTUIL by 20.5.2024. However, the Commission also clarified that in the event the Applicant fails to submit the BGs by 20.5.2024, CTUIL shall proceed with the revocation of connectivity granted to the Applicant. Insofar as the other prayers made in the IAs are concerned, as submitted by the learned senior counsel for the Applicant, they stand withdrawn with a liberty to the Applicant to approach the Commission in the future, if required.”

4. The IAs Diary No. 230/2024 and Diary No. 231/2024 were converted into Miscellaneous Petitions Diary No. 257/2024 and Diary No. 258/2024.
5. SolarOne Energy Private Limited had filed a compliance affidavit dated 17.05.2024 in Petition Diary No. 257/2024 stating as under:
- a) Submission of BG is not possible since the necessary approvals have not been received by the Petitioner. However, in the meantime, the Petitioner has succeeded in getting the requisite land documents for compliance with the directions of this Commission.
 - b) The Petitioner has executed Registered Lease Deeds for 205.29 acres and executed Registered Deeds for Land Use Rights for 21.078 acres. The Petitioner has further uploaded documents on the portal for registration for around 29 acres and shall formalize the registration by 20.05.2024, making the total registered deeds as 256.07 acres.



- c) The Demand Draft is ready for the balance of 55.93 acres, and the landowners are awaited to come and execute the deeds for the balance 55.93 acres.
 - d) The Petitioner be allowed to compile the documents for 312 acres and formalize the deeds for the balance of 55.93 acres, for which another two weeks from 20.05.2024 be allowed.
 - e) The Petitioner has thus taken all necessary steps for complying with the directions at Para 61(a) of the Order dated 21.04.2024 and production of the above details be treated as compliance.
 - f) The Petitioner has requested the Commission to direct CTUIL not to take any coercive and/or precipitative action until the documents are being collated and compiled for submission to CTUIL in the desired format.
6. Subsequently, SolarOne Energy Private Limited mentioned about the compliance affidavit dated 17.05.2024 in Miscellaneous Petition Diary No. 257/2024 before the Commission on 17.05.2024. The Commission directed the Registry to register the Compliance Affidavit as an I.A. and issued the following directions vide Order dated 19.05.2024 :

“6. Considering the submissions made by the learned senior counsel for the Petitioner and the representative of CTUIL, we express our strong displeasure over the conduct of the Petitioner in seeking extension of the timeline again for compliance with the conditions prescribed under paragraph 61(a) of the order dated 21.4.2024. We note that keeping in view the request of the Petitioner, the Commission, by order dated 4.5.2024, had already permitted a one-time extension to the Petitioner to furnish the BG for the requisite amount to CTUIL (in lieu of land documents) by 20.5.2024. However, the Petitioner, owing to the failure to secure the approval of its Board, could not do so and has now sought a week’s extension to submit the requisite land documents in respect of its 300 MW connectivity application at Gadaq sub-station. Such a lackadaisical approach cannot be taken lightly. However, at the same time, the Petitioner already being at an advance stage of furnishing the requisite land documents as indicated by its affidavit and seeking further extension of only a week to furnish all the requisite documents to CTUIL. In our view, the submissions of the petitioner cannot be brushed aside lightly in the overall interest of the promotion and development of renewable energy based projects in the country. Hence, keeping in view the above, we deemed it appropriate to permit the Petitioner to provide a week’s time i.e. by 27.05.2024 to provide all the requisite land documents to CTUIL, failing which CTUIL shall proceed with the revocation of the connectivity granted to the Petitioner. Taking into account the overall approach of the Petitioner as above, we also



consider it fit to impose a cost of Rs. Ten thousand to be deposited within a week and to provide the proof of such deposition to registry within a week thereafter.”

7. SolarOne Energy Private Limited vide Compliance affidavit dated 20.05.2024 in Miscellaneous Petition Diary No. 257/2024 submitted that it has successfully registered the deed for land use rights for 312 acres of the Project land and furnished the details of land documents. However, the Petitioner sought time to submit all documents to collate and compile the land documents for submission to CTUIL in the desired format. The Petitioner also sought directions to CTU not to take any precipitative action till the submission of documents.
8. SolarOne Energy Private Limited vide Compliance affidavit dated 17.05.2024 in Petition Diary No. 258/2024 submitted as follows:
 - a) Submission of BG is not possible since the necessary approvals have not been received by the Petitioner, and in the meantime, the Petitioner has succeeded in getting the requisite land documents necessary for compliance with the directions of this Commission.
 - b) The registered lease deeds/land use deeds for 306 acres have already been executed, and the balance of 06 acres is likely to be registered on or before 20.05.2024.
 - c) In light of the above, the Petitioner has demonstrated its compliance with the directions in the Order dated 21.04.2024, and production of the above details be treated as compliance.
 - d) Requested to take the present Compliance Affidavit on record and direct CTUIL not to take any coercive and / or precipitative action till the documents are being collated and complied for submission to CTUIL in the desired format.
9. Subsequently, CTUIL filed two IAs (allotted Diary No.288/2024 and 289/2024) seeking appropriate directions from the Commission to proceed with the compliance filed by the Petitioner. The IAs were mentioned by CTUIL on 29.5.2024 and the Commission after



hearing the learned senior counsel for the Petitioner and the representative of CTUIL issued the following directions:

“3. Considering the submissions made by the learned senior counsel for the Petitioner and the representative of CTUIL, the Commission permitted the Petitioner to file its response to the IAs moved by CTUIL within a week with a copy to CTUIL. The Commission also directed CTUIL not to take any coercive steps in respect of the connectivity granted at Koppal and Gadag S/s until the next date of hearing.

4. The CTUIL is directed to convert the said IAs into the Miscellaneous Petitions immediately.”

10. IA (Diary) No.288/2024 and IA (Diary) No.289/2024 have been converted into the Miscellaneous Petition Nos. 218/MP/2024 and 219/MP/2024 respectively. These petitions are disposed of through this common order.

Submission of Petitioner in Petition No. 218/MP/2024

11. Petitioner CTUIL has made the following submissions:

- a) The LOA to the Respondent SolarOne Energy Private Limited, which was the basis for the application for grant of connectivity, was for a solar power project. The Respondent for the first time in its Additional Affidavit dated 07.02.2024 in Petition No. 291/MP/2023 and Petition No. 292/MP/2023, submitted that the proposed 300 MW RE power would be comprising 200 MW solar and 100 MW wind. Despite the proposed change in configuration, the Respondent did not amend the prayers sought in Petition No. 291/MP/2023 and 292/MP/2023. Accordingly, the Respondent never prayed for recognition of the changed configuration/ source of the renewable energy from solar to wind-solar hybrid.
- b) The Respondent, vide compliance affidavit dated 20.05.2024 filed in Petition Diary No. 258/2024, had put on record its purported compliance with the requisite land requirement for execution of its project in the form of an annexure without land documents. Notwithstanding the same, nothing contained in this application is an admission by CTUIL of the correctness of the said land documents. However, CTUIL has highlighted the difficulties being encountered by it in the implementation of the



directions passed by this Commission in Petition Nos.291/MP/2023 and 292/MP/2023 and Petition (Diary No.) 257/2024.

- c) Pursuant to the original application for connectivity under the 2009 Connectivity Regulations, the requirement of land as represented by the Respondent in the Joint Coordination Committee Meeting dated 05.04.2023 (“JCC”) was stated to be 1200 acres, which would translate to a land requirement of about 4 acres per MW of solar power project.
- d) CEA, in consultation with CTU and other stakeholders, had decided in the meeting held on 23.8.2023 that the minimum land requirement for solar standalone projects/power parks would be 3 acres/MW w.e.f. 01.10. 2023.. Accordingly, CTU, under information to this Commission, has also published an advisory on its website indicating the benchmark level for the minimum requirement of land. Therefore, to meet the requirement in terms of the directions of the Commission in Petition No 291/MP/2023, the Respondent was required to submit the land documents for 450 acres of land (equivalent to 50% of the total land requirement) in terms of Regulation 5.8(xi) of the GNA Regulations, 2022 read with CTUIL advisory.
- e) The Commission vide Order 12.05.2024 in Petition No. 9/MP/2024 has decided the issue regarding the change in configuration from Solar to Wind or any other renewable source for the purpose of connectivity as under:
 - i. Applicants who have been granted connectivity based on a particular renewable energy source can change to another renewable energy source subject to the approval of CTUIL, keeping in view the outcome of the system studies.
 - ii. Such an option of change of connectivity from one renewable source to another renewable source can be exercised by an applicant who qualifies as a ‘connectivity grantee’ in terms of the GNA Regulations.
- f) The Respondent SolarOne Energy Private Limited does not qualify as a “connectivity grantee” in terms of Regulation 10.3 of the GNA Regulations since it does not satisfy the conditions under Regulations 10.1 and 10.2 of the GNA Regulations and thereafter has not entered into a connectivity agreement with CTUIL.
- g) As of the status quo, the Respondent’s connectivity for all purposes is connectivity granted for a solar-based project of 300 MW. Therefore, the land requirement for



the same would be as represented by the Respondent in the Project Review Meeting (JCC) dated 05.04.2023, i.e., a total of 1200 acres or norms now specified by CTU (in line with the MoM circulated vide CEA letter dated 24.08.2023), i.e., 3 acres per MW. CTUIL, being the nodal agency, exercises power only in terms of the GNA Regulations, it does not have the power to change the source of the Respondent's connectivity in terms of the GNA Regulations and the Order of this Commission in Petition No. 9/MP/2024.

- h) The Commission had observed that the *“Petitioner(s) shall follow the due process to change the configuration, if not done already, failing which it shall be treated as per the details provided at the time of grant of Connectivity by the CTUIL.”* In this regard, it is informed that as per the provisions of the GNA Regulations, 2022 and the Commission's directions in Petition No. 9/MP/2024 dated 12.05.2024, the due process for the change in configuration shall involve the following steps in the case of the Petitioner/Non-Applicant:
- i. Processing the request for transition submitted by the Petitioner/Non-Applicant in terms of Regulation 37.2 of CERC GNA Regulations, 2022;
 - ii. Issuance of in-principle grant of connectivity with details about requisite bank guarantees to be submitted as per GNA Regulations, 2022;
 - iii. Submission of requisite Conn-BGs;
 - iv. Signing of Connection Agreement leading to attaining the status of “Connectivity Grantee” in terms of Regulation 10.3;
 - v. Request for change in configuration can be submitted after attaining the status of connectivity grantee.

As such, CTU cannot, at the present stage, entertain the requests of the Respondent/Non-Applicant for a change in configuration.

- i) Without prejudice to the above, it is apposite to mention here that the minimum land requirement for wind standalone projects/ power parks shall be 0.25 Acre/MW as decided vide CEA letter dated 24.08.2023. However, for wind projects, land parcels shall be suitable for the development of Wind power projects, and contiguous land shall not be accepted. To substantiate the same, applicants are required to provide a capacity of the individual turbines considered for the project for calculation of the

land requirement and placement of wind turbine generators (WTGs) on the land parcels indicating the inter-WTG distance in accordance with MNRE Guidelines.

- j) As a result of the above, CTUIL would not be able to treat the land details furnished by the Respondent as adequate to comply with the requirements for the grant of connectivity in terms of the land route.
- k) Accordingly, CTUIL has sought directions from this Commission to proceed with the Respondent's compliance affidavit in accordance with the provisions of the GNA Regulations and the Order of this Commission in 9/MP/2024.

Submission of Petitioner in Petition No.219/MP/2024

- 12. The Petitioner CTUIL has submitted similar submissions as filed in Petition No. 218/MP/2024.

Hearing on 12.06.2024

- 13. The extract of the RoP of the hearing dated 12.06.2024 is as under:

“Learned counsel for the Petitioner, CTUIL, submitted that the present Petitions had been filed by CTUIL inter alia seeking directions from the Commission to proceed with the compliance affidavit of Respondent, SEPL, in terms of the provisions of the GNA Regulations and the order of the Commission in Petition No. 9/MP/2024. Learned counsel briefly recapitulated the background of the matters and reiterated the submissions made during the course of the hearing on 29.5.2024. Learned counsel submitted that the 50% of land documents (~312 acres for each Project) submitted by the Respondent pursuant to the extension of time allowed by the Commission is premised upon the configuration of its Projects being the Hybrid Projects and thereby the total land requirement of in each case is purported to be 625 acres. However, as on date, the Respondent's connectivity, for all purposes, is the connectivity for the Solar Projects (300 MW each), and CTUIL, at this stage, does not have power to change the source of the Respondent's connectivity in terms of the GNA Regulations and the order of this Commission dated 12.5.2024 in Petition No. 9/MP/2024 (ACME Cleantech Solutions Pvt. Ltd. & Anr. v. CTUIL & Ors.). Learned counsel added that as per the provisions of the GNA Regulations and findings of the Commission in the order dated 12.5.2024 in Petition No. 9/MP/2024, change in connectivity from one renewable source to another can be exercised by an applicant which qualifies as 'connectivity grantee' in terms of the GNA Regulations and the Respondent herein does not qualify as 'connectivity grantee' presently and would require various compliances on the part of Respondent as pointed out by CTUIL in the petitions. Learned counsel also emphasized that the present proceedings are not adversarial in nature, and CTUIL is only seeking the Commission's direction on the particular aspect(s) as pointed out in the pleadings.

2. Learned senior counsel for the Respondents mainly submitted as under:



(a) By order dated 21.4.2024 in Petition Nos. 291/MP/2023 and 292/MP/2023, the Commission has already allowed the Respondent to retain its connectivity granted under the old regime, i.e., Connectivity Regulations, 2009, and to convert its connectivity granted under the LoA route to any other route as provided for in Regulation 5.8(xi) of the GNA Regulations. Thus, in terms of the said order, the Petitioner is deemed to be 'connectivity grantee' under the GNA Regulations.

(b) The provisions of the GNA Regulations cannot be cherry-picked by CTUIL while applying in the context of the Respondent because if the same analogy is extended, then even Regulation 24.6 of the GNA Regulation (Revocation of Connectivity and forfeiture of Bank Guarantee) will not apply to the Respondent as it is in the context of 'connectivity grantee' under the GNA.

(c) Even otherwise, the Respondent being not a 'connectivity grantee' under the GNA Regulations, as contended, is entirely attributable to the lapses on the part of CTUIL. Upon the GNA Regulations coming into effect, the Respondent had duly exercised its option to convert the connectivity granted under the Connectivity Regulations, 2009, as specified in Regulation 37.2 of the GNA Regulations. However, not only did CTUIL fail to act in terms thereof within the stipulated timeframe, but it also proceeded to revoke the termination of the connectivity after the LoA issued to Respondent was annulled, which led to Respondent filing the Petition Nos. 291/MP/2023 and 292/MP/2023 before this Commission.

(d) The reliance placed by CTUIL on the Commission's order dated 12.5.2024 in Petition No.9/MP/2024 is misplaced. In the said case, in-principle connectivity was granted to ACME Sun, a subsidiary of ACME Cleantech, and ACME Cleantech was having the LoA. In terms of the GNA Regulations, ACME Sun did not have the status of connectivity grantee. The request for conversion was made by the ACME Sun but the LoA was issued to the Parent Company, ACME Cleantech and not to the ACME Sun. The facts of the said case are completely different from the present cases, where no issue is involved qua grant of connectivity and utilization of connectivity since it is the Respondent only who had applied for the connectivity and intends to utilize the same. The Respondent is also not looking to utilize the documents of any other company, either holding or subsidiary company to meet the requirements of the GNA Regulations.

(e) CTUIL was fully aware of the change in configuration of the Project as brought on record by the Respondent vide its affidavit dated 7.2.2024 and the subsequent pleadings in Petition Nos. 291/MP/2023 and 292/MP/2023. The Commission, in its order dated 21.4.2024, has also duly recognized and recorded the change in configuration of Project(s) to be established by Respondent. Moreover, as per the observations of the Commission in the said order, the Respondent vide communication dated 29.4.2024 also notified CTUIL of the modification in the configuration of its 300 MW Projects from solar-based generation to wind-solar hybrid generation. However, no response has been received from CTUIL in this regard. Thus, despite being aware of the modification in configuration of the Projects as preferred by the Respondent, CTUIL did not raise any objection or content thereof prior to raising such issue(s) in the present proceedings at the fag end.

3. In response, the learned counsel and the representative of CTUIL mainly submitted as under:

(a) The Commission's order dated 21.4.2024 cannot be construed to mean that the Respondent is a 'connectivity grantee' in terms of the GNA Regulations in as much as it is yet to comply with the various requirements specified thereunder.

(b) Insofar as the application of the Respondent for conversion of its connectivity granted under the Connectivity Regulations, 2009 to the GNA Regulations is concerned, immediately after the notification of the GNA Regulations, CTUIL undertook the various activities, including preparation of the Detailed Procedure, and application forms, etc. as stipulated thereunder and keeping in view that large number of applications received from the renewable energy generators from the Southern Region, their processing indeed took some time. However, the details of the above activities were updated on its website to keep the renewable generators apprised and it was not the case that the application of the Respondent herein was singled out.

(c) Prior to the application of the Respondent herein could be processed, CTUIL came to know about the fact of annulment of LoA issued in its favour, and accordingly, CTUIL proceeded to revoke the connectivity granted to Respondent based on the said LoA. Had the CTUIL converted the connectivity granted to the Respondent under the Connectivity Regulations, 2009 under the GNA Regulations and then proceeded to revoke the same due to annulment of the LoA, the Respondent would have been even worse off as such revocation would have followed the encashment of the Conn BGs.

(d) Although the Respondent had, at that time, contended that it was entitled to convert the said connectivity granted under LoA route under Connectivity Regulations, 2009 to the alternative routes provided under Regulation 5.8 of the GNA Regulations, the said contention has been specifically rejected by the Commission at paragraph 38 of the order dated 21.4.2024.

(e) Prior to its compliance affidavits dated 17.5.2024 in Diary Nos. 257/2024 and 258/2024, the Respondent was to submit all along the land BG to comply with the requirements under the GNA Regulations and had also sought the first extension for submitting the land BG only. However, it was only in the said compliance affidavits that the Respondent indicated that it would not be in a position to submit the land BG and opted to submit the land documents. Accordingly, CTUIL had no prior occasion to consider/ raise the aspect as indicated in the present Petitions.

4. Considering the submissions made by the learned counsel and representative of the parties, the Commission permitted both sides to file their respective written submissions, if any, within a week. The Commission also directed CTUIL not to take any coercive steps in respect of the connectivity granted at Koppal and Gadag S/s till the outcome of the matters.

5. Subject to the above, the Commission reserved the matters for order.”

Written submission of Petitioner in Petition No. 218/MP/2024

14. The Petitioner, vide its written submission dated 28.06.2024, has reiterated its earlier submissions and additionally submitted as under:

a) The present petition would involve interpretation of previous orders of this Commission; before proceeding to the merits of the instant petition, it is expedient to understand the principles of interpretation of a judgment. It is settled law that a judgment is not to be read as a statute. The *ratio decidendi* of a judgment is its reasoning, which can be deciphered only upon reading the same in its entirety. The



ratio decidendi of a case or the principles and reasons on which it is based is distinct from the relief finally granted or the manner adopted for its disposal. (See: Executive Engineer, Dhenkanal Minor Irrigation Division v. N.C. Budharaj (2001)2 SCC 721). It is further trite that a decision is an authority for what it decides and not what can be logically deduced therefrom. (See Union of India v. Chajju Ram (2003) 5 SCC 568). It is submitted that a Court/ Tribunal would not read some sentences from here and there to find out the intent and purport of the decision by not only considering what has been said therein but also the text and context in which it was said. For the said purpose, a Court/ Tribunal may also consider the constitutional or relevant statutory provisions vis-a-vis its earlier decisions on which reliance has been placed. (See Islamic Academy of Education v. State of Karnataka, (2003) 6 SCC 697).

- b) The process of transition specified under Regulation 37.2 could have been initiated after SolarOne complied with the directions in Order 291/MP/2023 and 292/MP/2023; only after transition could SolarOne have signed the Connection Agreement (after submission of the Connectivity BGs) becoming a connectivity grantee. It is only after becoming a Connectivity Grantee under Regulation 10 that a request for change in configuration of the proposed RE project in terms of Regulation 5 (xii) of the GNA Regulations could have been made.
- c) A Letter dated 29.04.2024 allegedly informing the Petitioner of the proposed change in configuration of the proposed RE Project cannot be deemed to be an approval/ recognition of the change in configuration of the proposed RE Project by the Petitioner.
- d) Since the change in configuration cannot be recognised by CTU at this stage and SolarOne had represented during the JCC meetings that 1200 acres of land is required for the Project at Gadag, CTUIL is unable to process the applications after receiving land documents for only 312 acres. Even as per the CTU advisory on this aspect, the minimum land requirement for solar standalone projects/power parks shall be 3 Acres/MW as decided in the meeting held on 23.08.2023. Accordingly, in the instant case at hand, the prescribed requirement shall be for a minimum of 50% of 900 acres of land (calculated at 3 acres/MW).

Written submissions of Petitioner in Petition No. 219/MP/2024

15. Petitioner CTUIL submitted similar submissions as filed in Petition No. 218/MP/2024



Written submissions of Respondent in Petition No. 218/MP/2024

16. The Respondent SolarOne, vide its written submissions dated 11.07.2024, has reiterated its earlier submissions and additionally submitted as under:
- a) The present proceedings preferred by CTUIL are completely on frivolous grounds that the change in configuration of the Project from Solar to Solar/Wind Hybrid is not permissible in law. CTUIL has not filed any Appeal against the Original Order, especially raising any objections against Paragraphs 62-63 of the Original Order. Therefore, under the guise of the present proceedings, CTUIL is attempting to seek a modification/ review of the Subject Order, which is impermissible under the law; such an attempt is not permissible in a miscellaneous Application/ Petition. The revisional powers of this Commission can be exercised only where the statute doesn't provide a right of appeal.
 - b) SolarOne vide its letter/email dated 25.05.2024 has duly provided a copy of the land documents to CTUIL. The proof in this regard, which includes details of the registered lease deeds and land use right deeds along with the lawyer-certified title report were provided, substantiates the acquisition of land for the development of the project and also for utilisation of the connectivity for the Gadag district.
 - c) After passing of the Order dated 21.04.2024, SolarOne also issued a formal letter dated 29.04.2024 to CTUIL, informing about the modification of the configuration of its 300 MW Project at Gadag and 300 MW at Koppal from Solar based Generation to wind-solar hybrid generation. However, no response was received by SolarOne, nor were any objections raised till 28.05.2024. The contention of CTUIL that the change in renewable energy sources based on which SolarOne was granted Stage-II connectivity can only be changed subject to the approval of CTUIL, and such change can be exercised by an applicant who qualifies as a 'connectivity grantee' in terms of the GNA Regulations is misplaced and denied in toto, since, the reliance of CTUIL on Petition No. 9/MP/2024 is baseless and far-fetched since the facts in Petition No. 9/MP/2024 are not applicable in the present case and the same are distinguishable from the facts in the present proceedings.

- d) CTUIL failed to take into consideration the fact that this Commission vide Original Order has already allowed SolarOne to retain its connectivity granted under the Old regime, i.e., Connectivity Regulations, 2009, and also allowed SolarOne to convert its Connectivity granted under the LOA route to any other route as provided for in Regulation 5.8(xi) of the GNA Regulations. Notably, this conversion was made subject to certain conditions, which SolarOne as of date, has duly complied with and has submitted the documentary evidence to CTUIL in this regard. Thus, the question of whether SolarOne is a connectivity grantee has no relevance in the present facts and circumstances of the case since SolarOne is already a connectivity grantee by the purview of the Order dated 21.04.2024.
- e) It is a settled principle of law that findings on facts and circumstances by a judicial forum cannot be construed as findings on law, and reliance on a precedent can only be made on the finding of law and not on facts. Hence, the said finding on facts in Order dated 12.05.2024 passed in Petition No. 9/MP/2024 cannot be applied to the facts and circumstances of the present case. In this regard, reliance is placed upon the judgment of the Supreme Court in the case of Career Institute Education Society v. Om Shree Thakurji Educational Society reported at (2023) SCC Online SC 586, whereby the Court has held that:
- “8. In Jayant Verma (supra), this Court has referred to an earlier decision of this Court in Dalbir Singh v. State of Punjab to state that it is not the findings of material facts, direct and inferential, but the statements of the principles of law applicable to the legal problems disclosed by the facts, which is the vital element in the decision and operates as a precedent. **Even the conclusion does not operate as a precedent, albeit operates as res judicata. Thus, it is not everything said by a Judge when giving judgment that constitutes a precedent. The only thing in a Judge’s decision binding as a legal precedent is the principle upon which the case is decided and, for this reason, it is important to analyse a decision and isolate from it the obiter dicta”***
- f) The process chart detailed by CTUIL in its Written Submission (Para 10) and in terms of Regulation 37.2 of the GNA Regulations, once SolarOne opted for transition on 14.11.2022, CTUIL was required to issue intimation regarding requisite Bank Guarantees and align Connectivity Agreement in terms of the new GNA Regulations. CTUIL, to date, has not communicated the requisite bank guarantee to be submitted, and no steps have been taken to align the Connectivity Agreement in terms of the GNA Regulations. Therefore, to now take advantage of its own oversight and to suggest that SolarOne is not a Connectivity Grantee since SolarOne has not submitted the requisite bank guarantee and the new Connectivity Agreement has not been signed would be gravely unjustified.

Written submissions of Respondent in Petition No. 219/MP/2024

Respondent has submitted similar written submissions as filed in Petition No. 218/MP/2024.

Analysis and Decision

17. The Petitioner has submitted that the LOA, which was the basis of the application for grant of connectivity by the respondent SolarOne Energy Private Limited (SEPL), was for a solar project. The Respondent, for the first time in its Additional Affidavit dated 07.02.2024 filed in Petition No. 291/MP/2023, submitted that the proposed 300 MW RE power would be comprising 200 MW solar and 100 MW wind. The Petitioner has submitted that the Respondent never prayed before the Commission or CTU for recognition of the changed configuration/ source of the renewable energy from solar to wind-solar hybrid.
18. The Petitioner has submitted that the Respondent does not qualify as a “connectivity grantee” in terms of Regulation 10.3 of the GNA Regulations, as the Respondent has not fulfilled the requirements under GNA Regulations to become a ‘connectivity grantee’. The Petitioner has further submitted that as on date, the Respondent’s connectivity, for all purposes, is the connectivity for the Solar Projects (300 MW each), and CTUIL, at this stage, does not have the power to change the source of the Respondent’s connectivity in terms of the GNA Regulations and the Order of this Commission dated 12.5.2024 in Petition No. 9/MP/2024 (ACME Cleantech Solutions Pvt. Ltd. & Anr. v. CTUIL & Ors.).
19. The Petitioner has submitted that the land requirement for the Respondent’s project would be as represented by the Respondent in the Project Review Meeting (JCC) dated 05.04.2023 (i.e., a total of 1200 acres) or as per the norms now specified by CTU (i.e., 3 acres per MW).
20. The Respondent, during the hearing on 12.06.2023, has submitted that by order dated 21.4.2024 in Petition Nos. 291/MP/2023 and 292/MP/2023, the Commission has already allowed the Respondent to retain its connectivity granted under Connectivity Regulations, 2009, and to convert its connectivity granted under the LoA route to any other route as provided for in Regulation 5.8(xi) of the GNA Regulations. The Respondent has submitted that in terms of the said order, SolarOne Energy Private Limited is deemed to be a ‘connectivity grantee’ under the



GNA Regulations. The Respondent has further argued that the provisions of the GNA Regulations cannot be cherry-picked by CTUIL while applying in the context of the Respondent because if the same analogy is extended, then even Regulation 24.6 of the GNA Regulation (Revocation of Connectivity and forfeiture of Bank Guarantee) will not apply to the Respondent as it is in the context of 'connectivity grantee' under the GNA Regulations.

The Respondent has further submitted that the Respondent not being a 'connectivity grantee' under the GNA Regulations, as contended, is entirely attributable to the lapses on the part of CTUIL, which failed to act on the option exercised by the Respondent to convert the connectivity granted under the 2009 Connectivity Regulations in terms Regulation 37.2 of the GNA Regulations within the stipulated timeframe. The Respondent has submitted that CTUIL proceeded to revoke its connectivity after the LoA was annulled, which led to the Respondent filing Petition Nos. 291/MP/2023 and 292/MP/2023 before this Commission. The Respondent has also submitted that the Commission, in its Order dated 21.4.2024 in Petition No. 291/MP/2023 and 292/MP/2023, has also duly recognized and recorded the change in configuration of Project(s) to be established by the Respondent and as per the observations of the Commission in the said Order, the Respondent vide communication dated 29.4.2024 also notified CTUIL of the modification in the configuration of its 300 MW Projects from solar-based generation to wind-solar hybrid generation. The reliance placed by CTUIL on the Commission's Order dated 12.5.2024 in Petition No.9/MP/2024 is misplaced, as the facts of the said case are completely different from the present cases.

21. The Petitioner has submitted that before the application of the Respondent could be processed, CTUIL came to know about the fact of annulment of LoA issued in its favour, and accordingly, CTUIL proceeded to revoke the connectivity granted to Respondent based on the said LoA. Prior to its compliance affidavits dated 17.5.2024 in Diary Nos. 257/2024 and 258/2024, the Respondent was to submit all along the land BG to comply with the requirements under the GNA Regulations and had also sought the first extension for submitting the land BG only. However, it was only in the said compliance affidavits that the Respondent indicated that it would not be in a position to submit the land BG and opted to submit the land documents.

22. We have considered the submission of the Petitioner and the Respondent. The issue which arise for our consideration is as follows:

“What is the configuration (solar or hybrid) for which Respondent is required to furnish the land documents in terms of GNA Regulations and Order dated 21.04.2024 in Petition No. 291/MP/2023 and 292/MP/2023?”

23. The relevant extracts of Order dated 21.04.2024 in Petition No. 291/MP/2023 and 292/MP/2023 are as below:

“59. We observe that Petitioners have made progress in the implementation of the project and have submitted that they are serious about and committed to developing the project and, hence seek to retain the Connectivity. Further, we have already concluded that the annulment of the LoAs was not due to default on the part of the Petitioners. We observe that since the GNA Regulations do not have the provision to allow such conversion, we find merits in the submission of the Petitioners that they may be allowed to retain the Connectivity, keeping in view the progress made by the Petitioners on the ground as noted in paragraph 58 above and the seriousness and sincerity with which the Petitioners wish to develop the project. We are of the considered view that different routes of Connectivity were introduced in the first amendment to the GNA Regulations to ensure the full commitment of the applicants so that the projects are implemented in the the committed timeline. Considering these facts, we find the case of Petitioner(s), a fit case to be considered under our powers to relax and powers to remove difficulty and further invoke our regulatory power in order to safeguard the interests of the sector Regulation 41 of the GNA Regulations vests the Commission with the power to relax any of the provisions of the GNA Regulations to remove the hardship in operation of the GNA Regulations.....

.....

61. We note that the Petitioner(s) have been holding on to the Connectivity since June 2022, which is approximately two years. We are also aware that Connectivity is a crucial resource that should be optimally utilized. Keeping in view that the annulment of the LoAs was not due to default on the part of the Petitioners and the seriousness and commitment shown by the Petitioners by way of progress made to bring on the projects, we, in the exercise of our powers under Regulation 41 and Regulation 42 of the GNA Regulations, hereby relax the provisions of Regulation 24.6 and allow the Petitioners under Petition No. 291/MP/2023 and in Petition No. 292/MP/2023 to convert each of their Connectivity granted under LOA route to any other route as provided for in Regulation 5.8(xi) of the GNA Regulations, subject to the following conditions as listed below:

“(a) Petitioner(s), within two weeks of the issuance of this order, may either submit the Land documents or Land BG in terms of Regulation 5.8(xi) of the GNA Regulations for full 300 MW Connectivity each (under Petition No. 291/MP/2023 and in Petition No. 292/MP/2023) failing which, CTUIL shall revoke the Connectivity granted to the Petitioner(s). Further, the Petitioner(s) shall not be allowed to submit part land documents and part Land BG.

(b) In case the Petitioner(s) submit Land BG under sub-clause (a) of this Paragraph, the Petitioner(s) shall submit requisite land documents within three months of the issuance of this order, failing which CTUIL shall revoke the Connectivity granted to the Petitioners.

(c) After the annulment of the LoAs, the SCODs of the projects mentioned under LoA do not hold under both the Petitions. Considering that nearly two years have elapsed since the granting of connectivity and the Petitioners have shown that considerable progress has already been made in the projects, we are of the considered view that nine (9) months from



the issuance of this order shall be sufficient time to commission the project. We accordingly direct that the project developer shall commission its project within nine (9) months of the issuance of this order. Further, the milestones for achieving Financial closure and the release of 10% of the project cost under equity as required under Regulations 11(A) and 11(B) of the GNA Regulations shall have to be achieved within six months of the issue of this Order. In case Petitioner(s) fail to achieve financial closure or the release of 10% of the project cost under equity, the connectivity shall be revoked.

(d) The time to achieve various milestones has been relaxed for the Petitioners under Regulations 41 and 42 of the GNA Regulations. This relaxed timeline to achieve various milestones shall have no bearing on the liabilities under the Sharing Regulation 2020. The Petitioner shall ensure that the project is implemented in the timeframe mentioned above.

(e) The treatment of the Bank Guarantee submitted by the Petitioner shall be as per the applicable provisions of the GNA Regulations.

62. We observe that the Petitioner(s) have been granted Connectivity for 300 MW each based on the LOA of SECI for the development of a Solar power project. However, the petitioners, while calculating the land requirement, have considered the project as a hybrid of solar plus wind.

63. The “Detailed Procedure for Connectivity and General Network Access (GNA) to the ISTS” dated 14.10.2022 under the GNA Regulations provides as under:

“5. Application for Grant of Connectivity

.....

xiii. The Applicants who have been granted Connectivity to ISTS for the generation projects based on particular renewable energy source(s) (with or without ESS) may, for the same granted connectivity, change to another renewable energy source(s) (with or without ESS) in part or full, subject to approval by CTU, keeping in view of outcome of system studies. The entity shall submit the Technical Data for changed renewable energy source(s) and CTU shall incorporate the necessary change in connectivity agreement in line with GNA Regulations.”

As per the above, the applicant may change the configuration of their generation projects under the quoted clause by following the due procedure. However, there is nothing on record as to when the configurations of the projects changed from Solar to Hybrid project and whether due process has been followed. We are of the view that Petitioner(s) shall follow the due process to change the configuration, if not done already, failing which it shall be treated as per the details provided at the time of grant of Connectivity by the CTUIL.”

As per the above order, the Respondent herein (SolarOne Energy Private Limited) was directed to either submit the Land documents or Land BG in terms of Regulation 5.8(xi) of the GNA Regulations for full 300 MW connectivity each within two weeks of the issuance of the order. Further, the Commission also observed that the Respondent herein shall follow the due process to change the configuration, if not done already, failing which it shall be treated as per the details provided at the time of grant of Connectivity by the CTUIL.

24. As noted in the ‘Background’ of this Order, SolarOne Energy Private Limited submitted that it could not submit BG and sought time to submit land documents.



Through various ROPs and Orders as capitulated in instant Order, the Connectivity of SolarOne at Gadag and Koppal was protected till the matter is decided.

25. The Respondent SolarOne Energy Private Limited has submitted that the Commission has recognized the hybrid configuration of its projects in Order dated 21.04.2024 in Petition Nos 291/MP/2023 and 292/MP/2023.
26. We have carefully perused our Order dated 21.04.2024 in Petition Nos 291/MP/2023 and 292/MP/2023, and we note that nowhere in the said Petition Nos 291/MP/2023 and 292/MP/2023 did the Respondent herein (SolarOne Energy Private Limited) pray for approval for change in configuration nor did Commission accord approval for the change in configuration from solar to hybrid. The Commission, through para 63 of the said Order dated 21.04.2024, clearly directed the Respondent herein (SolarOne Energy Private Limited) to follow the due process to change the configuration. Hence, the Respondent's claim (herein SolarOne Energy Private Limited) that the Commission has duly recognized and approved the change in configuration of Project(s) from solar to hybrid, is not established.
27. Next, we proceed to consider the provisions for change in configuration under the GNA Regulations.
28. Clause 5(xiii) of the Detailed Procedure dated 14.10.2022 under the GNA Regulations provides as under:

“xiii. The Applicants who have been granted Connectivity to ISTS for the generation projects based on particular renewable energy source(s) (with or without ESS) may, for the same granted connectivity, change to another renewable energy source(s) (with or without ESS) in part or full, subject to approval by CTU, keeping in view of outcome of system studies. The entity shall submit the Technical Data for changed renewable energy source(s) and CTU shall incorporate the necessary change in connectivity agreement in line with GNA Regulations.”

As per the above provisions, an applicant who has been granted Connectivity to ISTS based on a particular renewable energy source (with or without ESS) can change to another renewable source (with or without ESS) subject to the approval of CTU, keeping in view of the outcome of system studies. Further, the concerned

entity shall submit the technical data for the changed renewable energy source, and necessary changes are required to be incorporated in the Connectivity Agreement.

29. As per above, we note that a change in configuration is neither an automatic process nor a matter of just informing the CTU. Change in configuration requires specific approval of CTU. There are technical issues associated with a change in configuration. When an applicant makes a Connectivity application to CTU specifying a particular configuration (say solar), CTU is required to carry out an interconnection study as specified in the CEA Technical Standards for Connectivity in terms of Regulation 6.1 of the GNA Regulations. Suppose such an applicant wishes to change the configuration from solar to hybrid, required interconnection studies are required to be carried out to ensure compliance with CEA Connectivity Technical Standards for Connectivity. Accordingly, Clause 5(xiii) provides for system studies to be carried out by CTU and approval of CTU for change in configuration. Therefore, change in configuration in the project themselves by the Respondent SolarOne Energy Private Limited, without following the due procedure and approval of CTU, and merely making a submission in the Petition, does not give any right to the Respondent to claim that the change in configuration has been recognized by the Commission in its Order dated 21.04.2024 in Petition No.291/MP/2023 and 292/MP/2023.

30. We also note that SolarOne Energy Private Limited, for the first time in its Additional Affidavit dated 07.02.2024 filed in Petition No. 291/MP/2023, submitted that the proposed 300 MW RE power would be comprising 200 MW solar and 100 MW wind. We are of the view that, based on this affidavit, the claim of SolarOne Energy Private Limited that CTUIL was aware of the configuration change does not stand. As per Clause 5(xiii) of the Detailed Procedure dated 14.10.2022 under the GNA Regulations for change in configuration, the approval of the CTUIL is required, and without taking CTUIL approval, SolarOne Energy Private Limited cannot claim the change in configuration of the Project.

31. Now let us analyse at what stage Respondent SolarOne Energy Private Limited can request for change in configuration of the project.

32. Respondent SolarOne has submitted that SolarOne also issued a formal letter dated 29.04.2024 to CTUIL informing about the modification of the configuration of its 300 MW Project at Gadag and 300 MW at Koppal from Solar based Generation to wind-solar hybrid generation. However, no response was received by SolarOne, nor were any objections raised till 28.05.2024.

33. CTUIL has submitted that as per the provisions of the GNA Regulations, 2022 and the Commission's directions in Petition No. 9/MP/2024 dated 12.05.2024, the due process for the change in configuration shall involve the following steps in the present case:

- i. Processing the request for transition submitted by the Petitioner/Non-Applicant in terms of Regulation 37.2 of CERC GNA Regulations, 2022;
- ii. Issuance of in-principle grant of connectivity with details about requisite bank guarantees to be submitted as per GNA Regulations, 2022;
- iii. Submission of requisite Conn-BGs;
- iv. Signing of Connection Agreement leading to attaining the status of "Connectivity Grantee" in terms of Regulation 10.3;
- v. Request for change in configuration can be submitted after attaining the status of connectivity grantee.

CTUIL has submitted that it cannot, at the present stage, entertain the requests of the Respondent/Non-Applicant for change in configuration, and that at the present stage, the Respondents under Petition No. 218/MP/2024 and 219/MP/2024 are not a Connectivity grantee.

34. SolarOne has submitted that the contention of CTUIL that the change in renewable energy sources based on which SolarOne was granted Stage-II connectivity can only be changed subject to the approval of CTUIL and such change can be exercised by an applicant who qualifies as a 'connectivity grantee' in terms of the GNA Regulations is misplaced and denied in toto, since, the reliance of CTUIL on Petition No. 9/MP/2024 is baseless and far-fetched since the facts in Petition No. 9/MP/2024 are not applicable in the present case and the same is distinguishable from the facts in the present proceedings.

35. We have considered the submissions of Petitioner and Respondents. We have already concluded in Paragraph 21 of the instant Order that change in configuration is not an automatic process. Approval is required to be sought from CTU, which may, in turn, approve such change or reject it based on the outcome of system studies. In the instant case, we had categorically directed the SolarOne vide Order dated 21.4.2024 in Petition Nos 291/MP/2023 and 292/MP/2023 as follows:

63. The "Detailed Procedure for Connectivity and General Network Access (GNA) to the ISTS" dated 14.10.2022 under the GNA Regulations provides as under:

"5. Application for Grant of Connectivity

.....
xiii. The Applicants who have been granted Connectivity to ISTS for the generation projects based on particular renewable energy source(s) (with or without ESS) may, for the same granted connectivity, change to another renewable energy source(s) (with or without ESS) in part or full, subject to approval by CTU, keeping in view of outcome of system studies. The entity shall submit the Technical Data for changed renewable energy source(s) and CTU shall incorporate the necessary change in connectivity agreement in line with GNA Regulations."

As per the above, the applicant may change the configuration of their generation projects under the quoted clause by following the due procedure. However, there is nothing on record as to when the configurations of the projects changed from Solar to Hybrid project and whether due process has been followed. We are of the view that Petitioner(s) shall follow the due process to change the configuration, if not done already, failing which it shall be treated as per the details provided at the time of grant of Connectivity by the CTUIL."

As per the above, SolarOne was categorically directed to follow the due process changing configuration, failing which it shall be treated as per the details provided at the time of the CTUIL's grant of Connectivity.

36. We have perused the SolarOne letter dated 29.04.2024 to CTUIL, which is as under:

SolarOne Energy Private Limited

Ref: SOEPL/CTU/ISTS/GADAG/29042024

Date:29-04-2024

To,
Central Transmission Utility of India Limited
Saudamini, Plot No.2, Sector-29, Near IFFCO Chowk,
Gurgaon, Haryana-122001

Sub: Notification to CTUIL Regarding Modification of Configuration for 300 MW Project at GADAG from Solar-Based Generation to Wind-solar Hybrid Generation.

Ref:

(i)CTU/S/5/ST-II/1200003794 Dated 14.06.2022

(ii)Transmission Agreement signed Ref No. C/CTUIL/TA/Con.St-II/300 MW/SEPL/1200003794 dated 28th June 2022

(iii)Letter No. CTU/SR/SEPL/GNA/120003794

(iv)Letter No.SOEPL/CTU/SECI ISTS X/23-24/020523

(v)Order in Petition No. 291/MP/2023 dated 21.04.2024

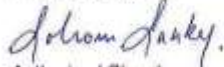
Dear Sir,

This is with reference to the modification in the configuration of 300 MW connectivity of Solar One Energy Private Limited at GADAG district of Karnataka.

We hereby notify CTUIL of a modification in the configuration of the aforementioned project from Solar-based generation to Wind-Solar Hybrid generation in accordance with the directive outlined in Petition No. 291/MP/2023 dated 21.04.2024.

We assure CTUIL that we are committed to following the necessary procedures for effecting this change.

Thanking you ,



Authorized Signatory

Encl: a/a



As per the above, SolarOne has notified CTU of the change in configuration from solar to Wind-Solar hybrid. However, no quantum of Solar or Wind capacity has been indicated in the abovementioned communication.

37. Further, we take note of the submissions of CTU that CTU cannot process the request for change in configuration at this stage and shall process it after the transition for SolarOne is completed.

38. In light of the above discussions and our Order dated 21.4.2024 in Petition Nos 291/MP/2023 and 292/MP/2023, whereby it was categorically noted that in case configuration change has not been approved by CTU, SolarOne shall be treated as per the details provided at the time of grant of Connectivity by the CTUIL, which is 'Solar' based project. Accordingly, we direct CTUIL to process the compliance

affidavits filed by SolarOne. We also note that Respondents SolarOne were directed to furnish Land or LANDBG vide Order dated 21.4.2024 in Petition Nos 291/MP/2023 and 292/MP/2023 within two weeks of the Order. SolarONE first sought an extension of time to submit BG and later sought time to submit land documents. We note that the Respondents SolarOne have been holding on Connectivity for the last two years and further from 21.4.2024 till date. Further, after the Order dated 21.4.2024, Respondents SolarOne has filed a compliance affidavit to the Commission, when the required documents should have been filed with CTU as per clear directions vide Order dated 21.4.2024. We are of the view that Respondents SolarOne shall furnish the land documents in terms of Regulation 5.8(xi) of the GNA Regulations based on solar configuration as per the original Connectivity application of SolarOne filed under the 2009 Connectivity Regulations within two weeks of the instant order. Further, in the case of Respondents SolarOne is not able to furnish land documents in terms of Regulation 5.8(xi) of the GNA Regulations corresponding to a full 300 MW capacity for each project within two weeks, the Connectivity quantum corresponding to land documents furnished by Respondents SolarOne shall be retained, and balance Connectivity shall be revoked, and Conn-BGs with respect to the quantum of connectivity revoked shall be dealt with in terms of Regulation 24.2 or 24.3 of the GNA Regulations as applicable. Further, as submitted by CTU, Solarone may thereafter apply for a change in configuration after completing the transition process.

39. All other terms and conditions shall be as per Order dated 21.04.2024 in Petition No. Petition No. 291/MP/2023 along with IA No. 75/2023 and 292/MP/2023 along with IA No. 74/2023.
40. The issue is answered accordingly.
41. Petition No. 218/MP/2024 and 219/MP/2024 are disposed of in terms of the above.

Sd/
(Ramesh Babu V)
Member

Sd/
(Arun Goyal)
Member

Sd/
(Jishnu Barua)
Chairperson

