

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram:  
Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member**

**Date of Order: 4<sup>th</sup> May, 2024**

**IA (Diary) No. 230 of 2024 in Petition No.291/MP/2023**

**In the matter of:**

Limited Application under Section 94 of the Electricity Act, 2003 read with Regulation 69 (Extension of Time Prescribed) along with Regulations 65-68 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 seeking indulgence of this Commission concerning clarification on certain aspects of the Order dated 21.4.2024 issued in Petition No. 291/MP/2023 and consequentially seek an extension of time for compliance with certain limited directions.

**And**

**In the matter of:**

**M/s SolarOne Energy Private Limited,**  
1A, Vandana Building,  
Tolstoy Marg, New Delhi – 110 001.

**...Petitioner/Applicant**

**Versus**

**1. Central Transmission Utility of India Limited,**  
Saudamini, 1<sup>st</sup> Floor Plot No.2  
Sector 29, Gurugram, Haryana 122 001.

**2. Solar Energy Corporation of India limited,**  
D-3, 1<sup>st</sup> Floor, Wing A,  
RIUS Platinum Building  
District Centre, Saket, New Delhi – 110 023

**...Respondents**

**And**

**IA (Diary) No. 231 of 2024 in Petition No.292/MP/2023**

**In the matter of:**

Limited Application under Section 94 of the Electricity Act, 2003 read with Regulation 69 (Extension of Time Prescribed) along with Regulations 65-68 of the Central



Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 seeking indulgence of this Commission concerning clarification on certain aspects of the Order dated 21.4.2024 issued in Petition No. 292/MP/2023 and consequentially seek an extension of time for compliance with certain limited directions.

**And**

**In the matter of:**

**M/s SolarOne Energy Private Limited,**  
1A, Vandana Building,  
Tolstoy Marg, New Delhi – 110 001.

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**Versus**

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D-3, 1<sup>st</sup> Floor, Wing A,  
RIUS Platinum Building  
District Centre, Saket, New Delhi – 110 023

**...Respondents**

**Parties Present:**

Shri Basava Prabhu Patil, Sr. Advocate, SEPL  
Ms. Molshree Bhatnagar, Advocate, SEPL  
Shri Nipun Sharma, Advocate, SEPL  
Shri Rishab Bhatnagar, Advocate, SEPL  
Shri Geet Ahuja, Advocate, SEPL  
Shri Alok Shankar, Advocate, CTUIL  
Shri Kumarjeet Ray, Advocate, CTUIL  
Shri Siddharth Sharma, CTUIL

### **ORDER**

The Applicant, M/s SolarOne Energy Private Limited has filed the instant IAs invoking the jurisdiction of the Commission under Section 94 of the Electricity Act, 2003 ('the Act') read with Regulations 65 to 69 of the Central Electricity Regulatory Commission (Conduct of Business Regulations, 2023 ('CoB Regulations'), *inter alia*, seeking clarification(s) on the certain aspects of the Order dated 21.4.2024 in Petition Nos. 291/MP/2023 and 292/MP/2023 and consequentially seeks an

extension of time for compliance of the limited direction(s) emerging from the Order dated 21.4.2024. In the IAs, the Applicant has made the following prayers:

*“... (a) Allow the present Application;*

*(b) Issue ex-parte, ad-interim appropriate order(s) / direction(s) to Central Transmission Utility of India to not take any precipitative and / or coercive action against the Applicant, till the disposal of the present Clarificatory Application;*

*(c) Issue appropriate order(s) / direction(s) extending the time for compliance of the conditions prescribed under Para 61 of the Order dated 21.04.2024 in so far as Para 61 (a) is concerned from ‘two weeks’ from issuance of the Order dated 21.04.2024 to ‘180 days’ from issuance of the Order dated 21.04.2024;*

*(d) Issue appropriate order(s) / direction(s) extending time for compliance of the conditions prescribed under Para 61 of the Order dated 21.04.2024 in so far as Para 61 (c) is concerned consonance of the power purchase agreement to be executed by the Applicant and allowing extension on account of time spent in pursuing the relief before this Commission;*

*(e) Issue appropriate order(s) / direction(s) to ensure that the intent and purpose for allowing relief to the Applicant by way of the findings and directions in the Order dated 21.04.2024, is not taken away and the Applicant is not deprived from reaping the fruits of the decree;*

*(f) Issue appropriate order(s) / direction(s) to protect the Applicant from any financial prejudice that may ensue as a consequence to the directions in the Order dated 21.04.2024;*

*(g) Issue appropriate order(s)/direction(s) to Central Transmission Utility of India Limited to take into account the revised timelines of compliance and do not precipitate any action against the Applicant in terms of the original timelines under Para 61 of Order dated 21.04.2024;*

*(h) Pass such other and further order(s) as this Commission may deem it appropriate in the facts and circumstances of the present case....”*

## **Hearing dated 1.5.2024**

2. The IAs were listed for the hearing on 1.5.2024 and during the course of the hearing, the learned senior counsel for the Applicant mainly submitted as under:

(a) The Commission, vide order dated 21.4.2024 in Petition Nos. 291/MP/2023 and 292/MP/2023, had quashed and set aside the revocation of 300 MW connectivity allowed to the Applicant at Gadag and Koppal sub-stations and consequently, allowed the Applicant to retain such connectivity by allowing the conversion from LOA/PPA route to land/Bank Guarantee (BG) route subject to certain conditions, which included the Petitioner/Applicant to submit, within two weeks of the issuance of the order, either the land documents or land BG in

terms of Regulation 5.8(xi) of GNA Regulations for full 300 MW connectivity each and failing which, CTUIL shall revoke the connectivity granted to the Petitioners.

(b) As per the above directions, the Applicant is required to submit either land documents (for 50% of total land requirement for establishing the 300 MW Project each) or submit the BG (Rs. 10 lakh/MW) by 6.5.2024. However, on account of the ongoing General Elections 2024 and implementation of the model code of conduct till 1.6.2024, the Applicant would not be in a position to submit the land documents as directed at Para 61(a) of the order dated 21.4.2024 and therefore, the Applicant, on a best effort basis, is taking all necessary steps to submit the BG of Rs. 30 crore in each case (Rs. 60 crore for both the Projects at Gagad and Koppal) by 6.5.2024.

(c) As a matter of abundant caution and not to be seen as violating the Commission's directions, the Applicant prays before the Commission to exercise its powers under Regulation 69 of the CoB Regulations and allow an extension by two weeks to comply with the directions at Para 61(a) of the order dated 21.4.2024.

(d) The Applicant is a 100% SPV of a Netherland-based BV company without any existing prior revenues, and therefore, it would require approval of the Shareholders to galvanize the funds to collateralise the BG. The Applicant has already initiated the process of obtaining the necessary Shareholders' approval and galvanizing funds and a confirmation is likely to be expected within a week. The Applicant has also written to its Bankers requesting for issuance of the BG.

(e) The Applicant is seeking two weeks in addition to the time already provided by the Commission i.e. from 6.5.2024 to 20.5.2024 and no prejudice shall be caused to CTUIL, if the time for compliance at para 61(a) of the order dated 21.4.2024 is extended by two weeks.

3. Learned counsel for Respondent, CTUIL pointed out that the present IAs, *inter alia*, seek to invoke the powers of the Commission under Section 94 of the Act which includes the reviewing of the decisions, directions and orders. Learned counsel, however, added that CTUIL has as such no objection if the Commission

finds it appropriate to consider the request of the Applicants for an extension of the time limit as indicated in paragraph 61(a) of the order dated 21.4.2024 by additional two weeks. Learned counsel also added that apart from the extension of the time limit to submit the BGs as requested for by the Applicant, the prayer(s) in the IAs also seek the extension of time for compliance with the conditions stipulated in paragraph 61(c) of the order dated 21.4.2024.

4. In response, the learned senior counsel submitted that the Applicant is not pressing for any other reliefs as prayed in the IAs and they may be considered as withdrawn with the liberty to approach the Commission in the future, if required.

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.

6. We direct the Registry of the Commission to convert these IAs into Miscellaneous Petitions. The Petitioner is directed to pay the balance filing fees of Rs. four lakh for the Miscellaneous Petitions within a week.

6. In view of the foregoing observations, IA (Diary) Nos. 230 of 2024 and 231 of 2024 which are being converted into the Miscellaneous Petitions, stand disposed of.

Sd/-  
**(P.K.Singh)**  
Member

sd/-  
**(Arun Goyal)**  
Member

sd/-  
**(Jishnu Barua)**  
Chairperson