

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition (Diary) No. 257 of 2024

Coram:

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

Date of Order: 19th May, 2024

In the matter of:

Petition under Sections 79 & 94 of the Electricity Act, 2003 read with applicable provisions of Central Electricity Regulatory Commission (Connectivity and General Network Access to inter-State Transmission System) Regulations, 2022 along with Regulations 65-69, 111-113 of the Central Electricity Regulation Commission (Conduct of Business) Regulations 1999 seeking relief(s) against the Central Transmission Utility of India Limited in connection with 300 MW connectivity at Gadag District in the State of Karnataka, granted to the Petitioner herein and also seeking the indulgence of the Commission concerning clarification of certain aspects of order dated 21.4.2024 issued in Petition No. 291/MP/2023 and consequentially seek an extension of time for compliance with the certain limited direction(s).

And

In the matter of:

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

...Petitioner

Versus

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

2. Solar Energy Corporation of India limited,
D-3, 1st 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 Siddharth Sharma, CTUIL
Shri Swapnil Verma, CTUIL

ORDER

The instant Petition, which was originally filed as an IA in Petition No. 291/MP/2023, *inter alia*, seeks clarification(s) on certain aspects of the Commission's order dated 21.4.2024 in Petition Nos. 291/MP/2023 and 292/MP/2023 and consequentially, seeking an extension of time for compliance with the limited direction(s) emerging from the said order, was heard by the Commission on 1.5.2024 and by order dated 4.5.2024, the Commission held as under:

"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."

2. In the said order, the Commission also directed the registry to convert the IAs into Miscellaneous Petitions, and the Petitioner was directed to pay the balance filing fees. Consequently, the said applications were disposed of.

Hearing dated 17.5.2024

3. However, citing the urgency therein, specifically in the present matter relating to its connectivity application of 300 MW at the Gadag sub-station, the matter was mentioned by the learned senior counsel for the Petitioner. Learned senior counsel submitted that pursuant to the order of the Commission dated 4.5.2024, the Petitioner

has filed a compliance affidavit dated 17.5.2024 in the matter and referring to the said affidavit learned senior counsel mainly submitted as under:

(a) By order dated 4.5.2024, the Commission had extended the time for compliance with the conditions prescribed under paragraph 61(a) of the order dated 21.4.2024 and the Petitioner was allowed to submit the Bank Guarantee (BG) by 20.5.2024.

(b) However, submitting BG was not possible because the necessary approval from the Petitioner company's board could not be received.

(c) In the meantime, the Petitioner has succeeded in getting the requisite land documents necessary for compliance with the directions of the Commission.

(d) Out of 625 acres of land required for establishing a 300 MW Project, under the GNA Regulations, the Petitioner is required to submit the documents pertaining to 50% of the Project land i.e. 312 acres. The Petitioner has executed the registered lease deeds for 205.29 acres and has executed registered deeds for land use right for the 21.78 acres. Thus, the total registered deeds are 227.07 acres.

(e) The Petitioner has further uploaded the documents on the portal for registration for around 29 acres and shall formalise registration by 20.5.2024, making the total registered deed as 256.07 acres. The Petitioner has the demand draft ready for the balance 55.93 acres.

(f) The landowners are awaited to come and execute the deeds for the balance 55.93 acres. However, due to various reasons, including service issues at the sub-registrar's office, the formalization of balance 55.93 acres may take another two weeks.

(g) The Petitioner has duly intimated the CTUIL about the mentioning of the matter during today's course of the hearing.

4. The representative of Respondent, CTUIL, submitted that the Petitioner had just informed CTUIL about today's mention and as such, the learned counsel for the

CTUIL could not remain present. The representative of CTUIL further submitted that the Commission has already provided an extension to the original deadline to the Petitioner to comply with the conditions prescribed under paragraph 61(a) of the order dated 21.4.2024. He also added that the CTUIL is yet to examine the Petitioner's compliance affidavit and other papers/documents along thereof, if any.

5. In response, the learned senior counsel for the Petitioner urged to grant at least a week's extension to provide the necessary land documents for submission to CTUIL in the desired format.

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 Gadag 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. We further direct the Registry to convert the compliance affidavit dated 17.5.2024 into an IA with the Petitioner required to complete all the formalities of its registration including the filing fees.

8. In view of the above observations, the petitioner's prayer(s) under its compliance affidavit, which is being converted into IA, stands disposed of.

Sd/-
(P.K.Singh)
Member

sd/-
(Arun Goyal)
Member

sd/
(Jishnu Barua)
Chairperson