

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 268/MP/2023 and 269/MP/2023

Coram:

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

Date of Order: 19th January 2024

Petition No. 268/MP/2023

In the matter of:

Petition under Section 79(1)(c) read with Section 79(1)(f) of the Electricity Act, 2003 seeking directions to the Central Transmission Utility of India Ltd. (CTUIL) for shifting of connectivity of its 300 MW Solar Power Project in Jaisalmer District in the State of Rajasthan from Fatehgarh-II Pooling Sub-Station to Fatehgarh-III Pooling Sub-Station or Bhadla II Pooling Sub-Station.

And in the matter of:

Eden Renewable Bercy Private Limited,
Unit No. 236 B& C, 1st Floor,
DLF South Court Saket,
New Delhi-110017

.....Petitioner

Versus

1. **Central Transmission Utility of India Limited**, Plot no. 2, Sector 29 Gurugram,
Haryana- 122001
2. **Solar Energy Corporation of India Limited**,
6th floor, Plate B NBCC office block
Tower-2, East Kidwai Nagar
New Delhi-110023
3. **Telangana State Southern Power Distribution Company Limited**,
6-1-50, Mint Compound,
Hyderabad, Telangana-500 063
4. **Telangana State Northern Power Distribution Company Limited**,
H.No: 2-5-31/2, Corporate Office, Vidyut Bhavan,
Nakkalahgutta, Hanamkonda, Warangal,
Telangana 506001
5. **Project Nine Renewable Power Private Limited**,
S 2904; 29th Floor; World Trade Centre;
Brigade Gateway; #26/1, Dr. Rajkumar Road
Rajajinagar Bangalore; Karnataka, 560055

.....Respondent(s)



Petition No. 269/MP/2023

In the matter of:

Petition under Section 79(1)(c) read with Section 79(1)(f) of the Electricity Act, 2003 seeking directions to the Central Transmission Utility of India Ltd. (CTUIL) for shifting of connectivity of its 300 MW Solar Power Project in Jaisalmer District in the State of Rajasthan from Fatehgarh-II Pooling Sub-Station to Fatehgarh-III Pooling Sub-Station or Bhadla II Pooling Sub-Station.

And in the matter of:

Eden Renewable Passy Private Limited,
Unit No. 236 B& C, 1st Floor,
DLF South Court Saket,
New Delhi-110017

.....Petitioner

Versus

1. Central Transmission Utility of India Limited,
Plot no. 2, Sector 29 Gurugram,
Haryana- 122001

2. NHPC Limited,
NHPC Office Complex, Sector 33,
Faridabad, Haryana 121003

3. Madhya Pradesh Power Management Company Limited,
Block No.11, Shakti Bhawan,
Vidyut Nagar, Jabalpur, Madhya Pradesh-482008

4. Project Nine Renewable Power Private Limited,
S 2904; 29th Floor; World Trade Centre;
Brigade Gateway; #26/1, Dr. Rajkumar Road
Rajajinagar Bangalore; Karnataka, 560055

.....Respondent(s)

Parties Present:

Shri Venkatesh, Advocate, Eden Renewable
Shri Ashutosh Srivastava, Advocate, Eden Renewable
Shri Aashwyn Singh, Advocate, Eden Renewable
Shri PunyanBhutani, Advocate, Eden Renewable
Shri Yatin Sharma, CTUIL
Shri Siddharth Sharma, CTUIL
Ms. PriyansiJadiya, CTUIL
Shri Aniket Prasoon, Advocate, Project Nine
Shri Aman Sheikh, Advocate, Project Nine



ORDER

Petition No. 268/MP/2023 pertaining to Eden Renewable Bercy Private Limited (hereinafter to be referred to as "Eden Bercy") and Petition No. 269/MP/2023 Eden Renewable Passy Private Limited (hereinafter to be referred as "Eden Passy") (hereinafter collectively to be referred as "the Petitioners"), have been filed seeking directions to the Central Transmission Utility of India Ltd. (hereinafter to be referred as "CTUIL") for shifting of connectivity of their 300 MW Solar Power Project from Fatehgarh-II Pooling Sub-Station ("Fatehgarh-II") to Fatehgarh-III Pooling Sub-Station ("Fatehgarh-III") or Bhadla II Pooling Sub-Station ("Bhadla-II").

2. The Petitioner has made the following prayers in Petition No. 268/MP/2023:

- (a) *Admit the present Petition;*
- (b) *Direct CTUIL to shift the connectivity of the Petitioner's Project from Fatehgarh-II to Fatehgarh-III or Bhadla II at the same voltage level of 220 kV while maintaining priority as per its original Stage-II Connectivity Application dated 15.07.2020;*
- (c) *Direct CTUIL to not impose any charges/penalty for shifting of connectivity from Fatehgarh-II to Fatehgarh-III or Bhadla-II; AND/OR*
- (d) *Direct CTUIL to explore the possibility of alternative usage of the 220 kV Bay at Fatehgarh-II constructed for the Petitioner's Project and in case there is no other venue of utilization, the Bays/Equipment(s), which have been constructed by PGCIL under RTM, may be shifted to some other substations being constructed by PGCIL; AND/OR*
- (e) *Pass any such order(s)/direction(s) which this Hon'ble Commission may deem fit and proper in light of the facts and circumstances of the present case.*

Interim Prayer:

- (a) *Direct CTUIL to reserve capacity of 300 MW capacity in the Fatehgarh-III or Bhadla-II.*

3. The Petitioner has made the following prayers in Petition No. 269/MP/2023:

- (a) *Admit the present Petition;*
- (b) *Direct CTUIL to shift the connectivity of the Petitioner's Project from Fatehgarh-II to Fatehgarh-III or Bhadla II at the same voltage level of 220 kV while maintaining priority as per its original Stage-II Connectivity Application dated 11.06.2020;*
- (c) *Direct CTUIL to not impose any charges/penalty for shifting of connectivity from Fatehgarh-II to Fatehgarh-III or Bhadla-II;*
- (d) *Direct CTUIL to explore the possibility of alternative usage of the 220 kV Bay at Fatehgarh-II constructed for the Petitioner's Project and in case there is no other venue of utilization, the Bays/Equipment(s), which have been constructed by PGCIL under RTM, may be shifted to some other substations being constructed by PGCIL; AND/OR*

(e) Pass any such order(s)/direction(s) which this Hon'ble Commission may deem fit and proper in light of the facts and circumstances of the present case.

Interim Prayer:

(a) Direct CTUIL to reserve capacity of 300 MW capacity in the Fatehgarh-III or Bhadla-II.

The issues raised in Petition No. 268/MP/2023 and Petition No. 269/MP/2023 are identical, except for the dates of grant of connectivity, execution of the agreements and the commissioning schedule of the projects. Hence, pleadings related to Petition No. 268/MP/2023 are captured, leading to analysis and decision in combined manner.

Submission of the Petitioner:

4. The petitioner has mainly submitted as follows:

- (a) The Petitioner is a 'Generating Company' which has been established for development of Renewable Projects in India. The Petitioner is developing a 300 MW Solar Power Project in Jaisalmer District in the State of Rajasthan.
- (b) On 20.03.2020, SECI issued a Request for Selection (RfS) for ISTS Grid connected Solar photovoltaic projects of 2000 MW capacity. Thereafter, on 15.07.2020, on the conclusion of the bidding process in terms of the RfS, a Letter of Award (LoA) was issued by SECI to Eden Bercy for a capacity of 300 MW out of the proposed 2000 MW.
- (c) On 06.07.2020, Eden Bercy submitted its Application for Stage-I Connectivity and on 15.07.2020, for Stage-II Connectivity for the Project at Fatehgarh-II through 220 kV Single Circuit Line on Double Circuit Towers to be connected to Bay No. A-202. On 09.10.2020, CTUIL granted Stage-I and Stage-II Connectivity to Eden Bercy for 300 MW capacity at Fatehgarh-II.
- (d) On 27.10.2020, Petitioner executed a Transmission Agreement for Connectivity with CTUIL.
- (e) On 22.10.2020, PGCIL issued an email to the Petitioner, thereby informing that during the 37th Northern Region constituents meeting regarding Connectivity/LTA Applications in NR held on 31/08/2020, it had been decided that two bays vacated by M/s Rosepetal Solar Energy Private Limited at Fatehgarh-II would be allocated to the Petitioner.



- (f) On 19.04.2021, Hon'ble Supreme Court by its Order in W.P. (C) No. 838 of 2019 titled as '*M.K. Ranjitsinh&Ors. v. Uol&Ors.*' ("GIB Order") issued certain directions for measures to be adopted *inter alia* towards existing and future over-head transmission lines in the priority and potential habitats of the Great Indian Bustard ("GIB"), viz., -
- i. It is mandatory for the powerlines already existing, and the powerlines to be implemented in the future to install bird-diverters to prevent harm to GIBs.
 - ii. All low voltage powerlines to be laid in the priority and potential habitats of GIB shall in all cases be laid underground in future.
 - iii. All existing low voltage overhead powerlines in the priority and potential habitats of GIB shall be converted into underground powerlines.
 - iv. For laying of high voltage underground powerline, feasibility of the same as to be first assessed by a committee constituted by Hon'ble Supreme Court ("Committee") such that:
 - (i) The Committee could obtain technical reports, if need be, from experts in the field of electricity.
 - (ii) Stakeholders were to refer their matter to the Committee with all the relevant material and particulars relating to feasibility.
 - (iii) The Committee shall assess the matter and arrive at a conclusion as to whether the undergrounding of such powerlines is feasible or not.
 - v. Wherever it is found feasible to convert the overhead cables into underground powerlines, the same shall be undertaken and completed within a period of one year and till such time, the diverters shall be hung from the existing powerlines.
- (g) In November 2021, the Solar Power Developers Association filed a Modification Application before the Hon'ble Supreme Court seeking modification of the GIB Order in the context of certain challenges faced in the implementation of directions in the GIB Order, including technical challenges in developing the underground transmission lines. Notably, the Modification Application is pending adjudication before the Hon'ble Supreme Court.
- (h) On 03.02.2022, MNRE acknowledged that the issuance of the GIB Order has



caused uncertainty among renewable energy developers with regard to the action they are required to take to comply with the GIB Order. Accordingly, MNRE directed that for all the renewable energy projects under implementation for which the transmission infrastructure lies wholly or partly in the priority or potential area of GIB, the scheduled date of commissioning will be extended to a date which is 30 days after the date of judgment passed by the Hon'ble Supreme Court in the IA filed by MNRE (IA No. 85618/2020 in W.P. No. 838 of 2019).

- (i) On 27.05.2022, MoPvide their Office Memorandum constituted a High-Level Committee of experts from CEA, CTUIL and Ministry of Environment, Forests and Climate Change ("MoEF&CC") headed by Member (Power System), CEA for preparation of a report on the technical feasibility of transmission system including the bird diverters that can be installed in the GIB areas.
- (j) On 01.08.2022, the MoP issued a communication to the Chairperson, CEA providing the techno-economic norms on under grounding of power lines.
- (k) On 18.08.2022, CTUIL granted LTA to the inter-State transmission system to Eden Bercy for evacuation of power from the Project through Fatehgarh-II from the interim date of 31.03.2024 up to 10.10.2048 and on 14.09.2022, an LTA Agreement ("LTAA") was executed between Eden Bercy and CTUIL.
- (l) On 13.01.2023, in compliance with the directions passed by the Hon'ble Supreme Court in the GIB Order, Eden Bercy issued a communication to the GIB Committee submitting the details of the Project and transmission lines for ratification of the GIB Committee for laying of S/C Overhead 220 kV High Voltage transmission line in the GIB Potential Area and stated as under:
 - (i) Another Solar Power Developer ("SPD"), Eden Passy, is also developing a 300 MW Solar project, awarded by NHPC Limited at Village Unda&Ors., Tehsil Fatehgarh, District Jaisalmer, Rajasthan, to be connected to Bay No. A-203 of Fatehgarh-II. Being a part of M/s. Eden Renewables India Group, and on account of the fact that the projects are adjacent to each other in addition to being connected to adjacent bays at Fatehgarh-II, a common 220 kV D/C transmission line (one circuit dedicated for each Project), having a length of approximately 21 kms, was envisaged for evacuation of generated power from both the projects. This was

proposed in view of the fact that the use of a common D/C line for the two projects would reduce the chances of the GIB colliding with the transmission lines.

- (ii) Further, as per the potential and priority GIB areas, the line connecting the Project to Fatehgarh-II passes through the Potential GIB area. The route of the above line has been finalized after a detailed and comprehensive analysis of available Transmission line route possibilities, and the whole length of the Transmission line was routed outside the GIB Priority area. However, due to locational constraints and location of Solar Energy Zones as well as Fatehgarh-II, the GIB Potential area could not be avoided.
- (iii) It was not technically feasible to lay 220 kV Underground cables to evacuate power for long distances on account of several issues connecting the Project to Fatehgarh-II. With appropriate mitigation measures like the installation of bird diverters in conductor / Earth wire possibility of collision of GIB can be minimized.
- (iv) In view of the aforesaid reasons, it was requested that the GIB Committee may permit the construction of the Overhead 220 kV S/c Line on D/C Towers from the Project to Fatehgarh-II. Eden Passy had also submitted a similar application to the GIB Committee dated 10.01.2023.
- (m) On 03.04.2023, Eden Passy issued a communication to the GIB Committee with reference to the Application dated 13.01.2023 submitted by the Petitioner, thereby inter alia stating that the GIB Committee may permit the construction of the overhead lines as per the option proposed and stated as follows:
 - (i) Subsequent to the application dated 13.01.2023 submitted by Eden Bercy, considering the importance of conservation of GIB, the Petitioner continued working on creating alternate transmission line route options to explore possibilities of merging both the projects on the same transmission line towers, exploring reduction in route length, line route to be as short as possible, line route to be parallel to projected flight path of birds as much as possible, considering local issues related to laying of transmission line, etc.
 - (ii) Since the lesser transmission line length would significantly reduce the chances of collision of GIB with the Transmission Lines, the Petitioner secured land parcels for both Projects within the shortest possible distance from each other and reworked the Electrical design of the Project to significantly reduce the length of the transmission line between two projects.



- (iii) A separate line between the two Projects and Fatehgarh-II had been explored, and it had been worked out that instead of the originally envisaged 28.2 km transmission line, a shorter one with a length of 21.1 km could be feasible. It would also lead to the reduction of exposure by 50% through the use of the D/C Transmission line (since both projects would be using the same transmission line).
- (n) On 20.05.2023, Eden Passy, on behalf of the Petitioners, issued a communication to CEA requesting for CEA's support and intervention in the setting up of both the Projects.
- (o) On 26.06.2023, the GIB Committee issued its response to the applications submitted by the Petitioners. The relevant extract of the response is as under:
- “2. The committee discussed the applications on 20.02.2023 & 09.06.2023 and observed that the proposed lines are passing through the Prioritized GIB Area in the vicinity of Rasla, where several bird mortalities have been recorded. **Therefore, the proposed transmission line poses a very high risk to the species, and cannot be considered for overhead laying.**
3. Accordingly, The applicant may explore feasibility of the followings:
- (i) Re-route the proposed lines in such a way the length of line in prioritized area is minimized. In this case, the section of the line lying in the prioritized area (near to the project & Fatehgarh II substation) needs to be undergrounded and the remaining section can be considered for overhead laying with mitigation.
- (ii) Connecting the projects at Fatehgarh III or any other substation outside the prioritized area. In this case, the initial section of the project lying in the prioritized area, needs to be undergrounded and the remaining section can be considered for overhead laying.”
- (p) On 26.06.2023 itself, Petitioners issued a communication to CTUIL submitting that Fatehgarh-II lies in the Prioritized GIB Area and near the Rasla enclosure, which necessarily requires undergrounding of 220 KV dedicated transmission line to evacuate power from the Project into Fatehgarh-II. Therefore, CTUIL was requested to shift/transfer/reallocate the Connectivity granted to the Petitioner to Fatehgarh-III, located outside the Prioritized GIB area, which would enable the Petitioner to setup its Project by exploring multiple options for transmission of generated power from Solar Project to ISTS substation. On the same date, Petitioners issued a communication to MNRE requesting MNRE to recommend the Project of the Petitioner and that of Eden Passy for early action on a priority basis by CTUIL.
- (q) On 29.06.2023, the Eden Bercy issued a communication to CTUIL, in furtherance of its communication dated 26.06.2023 issued to CTUIL, thereby requesting CTUIL to

explore the possibility of alternative usage of Bay No. A-202 at Fatehgarh-II.

- (r) Petitioner submitted an undertaking to CTUIL that it would approach this Commission for waiver of the applicable charges towards Bays at Fatehgarh-II on account of the shift of connectivity from Fatehgarh-II solely due to force majeure events beyond the reasonable control of the Petitioners. The Petitioners also undertook to pay the charges till the Bays vacated by it were shifted/utilised for some other purpose as may be determined by the Commission.
- (s) On 13.07.2023, SECI issued a communication to CTUIL, thereby inter alia requesting it to consider the request of Eden Bercy for reallocation of their connectivity from Fatehgarh-II to Fatehgarh-III by giving them first priority as against connectivity grantees of Fatehgarh-IV so that the Project for which connectivity was granted on 09.10.2020 and LTA on 18.08.2022 can get commissioned at the earliest.
- (t) On 20.07.2023, a meeting was held under the aegis of the MoP wherein the request of the Petitioners to shift/transfer/reallocate the Connectivity granted was deliberated.
- (u) By its letter dated 07.07.2023, The Petitioner requested the Committee to grant its concurrence to the alternative route being proposed from its Project to the Fatehgarh-III through 220 kV D/C line. It was highlighted that the entire length of the Transmission line is routed outside the GIB Priority area. However, due to locational constraints and location of Solar Energy Zones as well as Fatehgarh II, the GIB Potential area could not be avoided. On 27.07.2023, the GIB Committee issued a communication to the Petitioners. The Committee upheld its earlier decision communicated vide letter dated 26.06.2023 that the initial section of the project lying in the prioritised area needs to be undergrounded, and the remaining section towards Fatehgarh III substation can be considered for overhead laying.
- (v) On 02.08.2023, MNRE issued an OM wherein it recommended to the MoP that the Project of the Petitioner be allowed to shift/transfer/reallocate their Stage-II Connectivity from Fatehgarh-II to Fatehgarh-III, while taking appropriate steps to address the concerns of squatting of connectivity as well as reasonably addressing the concerns raised by CEA, PGCIL and CERC in respect of such transfer of

connectivity.

- (w) On 04.08.2023, in view of the recommendation of MNRE for shifting/transfer/reallocation of the connectivity of the Petitioners in the OM dated 02.08.2023, the Petitioners issued another communication to CTUIL, thereby requesting CTUIL to confirm the shifting of Connectivity from Fatehgarh-II to Fatehgarh-III.
- (x) On 08.08.2023, CTUIL, informed the Petitioner that, action would be taken in accordance with the outcome of the aforesaid request of MNRE to MOP.
- (y) The cost of cost of undergrounding of cables and land acquisition is prohibitively high (roughly Rs. 7.7 Crores to Rs. 9.7 crores per Kilometre). The said cost excludes the additional charges which would be paid for the Right of Way for a 4-Meter-wide trench for 18 KM to 21 KM. Evidently, the cost associated with undergrounding is very high when compared to Rs. 1.25 Crores/Km for laying the Overhead Line. Therefore, laying of underground transmission lines would be contrary to the interest of end consumers as enshrined under the Act.
- (z) Ministry of Power vide its OM No. 25-7/42/2019-PG dated 27.05.2022, had constituted a high-level committee of experts from CEA, CTU and MoEF& CC headed by Member (Power System), CEA (Technical Expert Committee) for preparation of a report on the technical feasibility of transmission system including the bird diverters that can be installed in the GIB areas. Pursuant thereto, Technical Expert Committee, in its 'Report of the Committee constituted by Ministry of Power for preparation of report on technical feasibility of transmission system that can be installed in the Great Indian Bustard (GIB) areas-Reg.' dated 01.08.2022, has come to a unequivocal conclusion that "Undergrounding of transmission lines of 66 kV and above voltage levels is not technically feasible for evacuation of Bulk power on account of the different constraint as. Therefore, overhead lines of 66 kV and above voltage level be allowed in GIB areas with installation of bird diverters."
- (aa) It was beyond the reasonable control of the Petitioners to lay overhead lines to connect the Project with Fatehgarh-II, and there are severe feasibility issues with respect to undergrounding the transmission lines. The Petitioners, for reasons beyond its control, were left with no choice but to explore the connectivity of its



Project with Fatehgarh-III or Bhadla-II.

- (bb) On one hand, Order dated 19.04.2021 passed by the Hon'ble Supreme Court and the Committee constituted thereto prohibits the Petitioners from laying overhead lines to Fatehgarh-II and requires it to underground the transmission lines. On the other hand, the Technical Expert Committee (comprising of members from CTUIL, MOEF&CC and CEA), in its Report annexed with MoP's letter dated 01.08.2022, declares that undergrounding of transmission lines is not technically feasible and may lead to severe disruptions in power supply.
- (cc) Such circumstances clearly fall within the scope of a force majeure event and appropriate relief must be granted to the Petitioners as otherwise the entire Project of the Petitioner would become stranded.
- (dd) The LTAA specifically recognises any event or circumstance or combination of events and circumstances which wholly or partly prevents or unavoidably delays an Affected Party in the performance of its obligations under the LTAA as a force majeure event.
- (ee) There is no provision in the extant regulations and DoP, 2018, as well as the revised procedure which provides for shifting of bays from one sub-station to another sub-station. However, considering the compelling nature of the present situation, the Commission may exercise its power to regulate under Section 79(1)(b) of the Act and grant appropriate relief as prayed for by the Petitioners.
- (ff) The Petitioners have always worked towards the early construction and completion of their Solar power projects are committed towards the implementation of the present Project. The Petitioner is seeking the indulgence of this Commission to exercise its Regulatory Powers and allow the Petitioner to shift its connectivity from Fatehgarh-II to Fatehgarh-III or Bhadla-II.
- (gg) CTUIL has earlier considered such requests and has shifted the connectivity of a Project from one Substation to another. In fact, CTUIL, vide its email dated 22.10.2020, has shifted the connectivity of Eden Passy from Fatehgarh-III to Fatehgarh-II. Therefore, a similar dispensation can be granted in the present situation as well.



Hearing dated 15.09.2023:

5. During the hearing on 15.09.2023, both the matters were taken up for hearing together. Representative of CTUIL submitted that there are no vacant bays at Fatehgarh-III and Bhadla-II to consider/accommodate the request of the Petitioners to shift their connectivity to Fatehgarh-III or Bhadla-II from Fatehgarh-II. There were certain bays at Fatehgarh-III 2-3 months back, which got vacated during the transition process. However, they have been re-allocated during the re-allocation meeting. At Fatehgarh-III, there is a certain space, however, the same cannot be allocated to the Petitioner due to application priority. The representative of CTUIL further submitted that while Fatehgarh-III has ample/additional space, there is no vacant/spare bays or planned system to accommodate the evacuation of power from the Petitioners' Projects. He also added that concerned transmission elements (including bays) for the operationalisation of LTA to the Petitioners at Fatehgarh-II are already at an advanced stage, and it might also not be proper to allocate the bays to Petitioners at the alternate S/s by displacing the applicants already in the queue.
6. Considering the submissions of Petitioner and Respondents, the Commission admitted the Petition and directed the CTUIL to maintain the status-quo with regard to the allocation of bays/space at Fatehgarh-III and Bhadla-II till the next date of hearing and also directed to submit the following information:
- (a) Details of the total connectivity and LTA already granted vis a vis available margin for Connectivity and LTA, respectively, as on date at Fatehgarh-II, Fatehgarh-III and Bhadla-II sub-stations. The details of allocation of bays including the date of allocation/ reallocation, basis of allocation/reallocation and status of transmission agreement for the bays at these sub-stations.
 - (b) Treatment of bays at Fatehgarh-IV when entities at Fatehgarh-IV are being shifted to Fatehgarh-III.
 - (c) Report on the feasibility of shifting the total connectivity quantum of Petitioner at Fatehgarh-III and at Bhadla-II sub-station.
 - (d) The procedure to carry out shifting of generators across different sub-stations. Does it apply bay charges or stranded capacity charges while shifting? The timeframe for the grant of a connectivity is when CTUIL allows a generator to seek shifting of bays. Whether the procedure of shifting across sub-stations is

standardized and available in the public domain or is it done on a case-to-case basis?

(e) As per the intimation for the grant of Stage-II connectivity dated 10.9.2020, in respect of Eden Passy, the connectivity to the Petitioner was granted at Fatehgarh-III PS. Clarify when connectivity granted was shifted to Fatehgarh-II, and the process followed. Whether, due to this, any bays were stranded at Fatehgarh-III. To whom such bays were allocated?

7. The Commission also directed the Petitioner to submit the following information:

(a) Report to the effect whether it can avail the connectivity at Fatehgarh-IV sub-station, if the bays (or) space is not available at Fatehgarh-III and Bhadla-II Pooling sub-station.

(b) Intimation of the grant of connectivity to the Petitioner at Fatehgarh-II in Petition No. 269/MP/2023.

(c) Undertaking to the effect that there is no sufficient land available for the Petitioners to develop their Projects (either of them) in the vicinity of Fatehgarh-II sub-station so that the length of underground cable can be minimized.

Petitioner's Submission:

8. Petitioners vide affidavit dated 20.09.2023 submitted as under:

(a) The petitioner has identified 2 land parcels for connecting the project through overhead 220 kV Transmission line to Fatehgarh III or Bhadla II substations. On the evaluation of the proposal for connectivity at the Fatehgarh IV Pooling substation, the land parcels have been identified after due diligence & technical studies including transmission line route surveys considering connectivity at Fatehgarh III or Bhadla II substations, respectively. Given that the project is significantly delayed & considering the huge time & efforts required in the identification of altogether new land parcels in the vicinity of Fatehgarh IV ISTS substation, the petitioner would request permission for connectivity at Fatehgarh III or Bhadla II ISTS substations.

(b) The petitioner undertakes that suitable land is not available near Fatehgarh II Substation for developing the project, which would, in turn, minimize the requirement of undergrounding transmission lines.

CTUIL Submissions:



9. CTUIL vide affidavit dated 20.09.2023 submitted as under:

- (a) Connectivity transmission system (2 nos. 220kV bays) at Fatehgarh-II PS is in the advanced stage of commissioning (Exp. Sep'23). Its LTA transmission system is also under the advanced stage of implementation with an expected schedule of Jul'24 & Sep'24 respectively. 765/400/220 kV Fatehgarh-II PS is now an existing station with 3180 MW of RE generation commissioned.
- (b) It is understood that the request for laying overhead DTL by four more projects totalling a capacity of 1680 MW at Fatehgarh-II PS was also not ratified by the GIB committee.
- (c) Considering the request of developer to shift its connectivity from Fatehgarh-II to Fatehgarh-III maintaining its original priority would not be in line with the existing connectivity regulations/procedures. Further, an entity that has been granted connectivity at Fatehgarh-III should not be shifted out to accommodate another entity out of priority. This may lead to similar request from many other entities which may lead to squatting of connectivity.
- (d) In case of bay allocation for Eden at Fatehgarh-III and shifting of connectivity from Fatehgarh-II to Fatehgarh-III, there would be obligations w.r.t. transmission charges of ISTS bays that would be commissioned at Fatehgarh-II as well as obligation associated with LTA which will rest with Eden as decided by CERC.
- (e) In view of no specific direction received from the Ministry by CTUIL, the reallocation exercise was carried out on 03.08.2023 which was further discussed and finalized in the monthly CMETS meeting held on 29.08.2023.
- (f) Connectivity shifting for Eden at any other location would also necessitate defining application priority order for the grant of connectivity under GNA vis a vis other applications as it shall have implications on the allocation of transmission system for connectivity.
- (g) Status of Connectivity & LTA as on date of effectiveness of GNA regulations i.e. 05/04/23, is as under:

1) Fatehgarh-II PS

- Grant of Connectivity: 5460 MW
- Grant of LTA : 5110 MW
- Surrender during GNA Transition: 1000 MW (2 nos. of 220kV bays & 1 no. of 400kV bay)
- Transitioned under GNA: 4460 MW



- Present margin for Connectivity: 1000 MW (500 MW at 220 kV & 500 MW at 400 KV)

2) Fatehgarh-III PS

Fatehgarh-III PS pooling station is being implemented in two sections i.e. Section-I & Section-II.

Section-I

- Grant of Connectivity: 2280 MW (excluding 2x250 MW by BESS agreed for grant as on 05.04.2023)
- Grant of LTA: 2280 MW (As on 5th April'23)
- Transitioned to GNA: 1980 MW (excluding 500 MW by BESS)
- Surrender during GNA Transition: 300MW (1 no. of 220kV bay)
- Present margin for Connectivity: NIL

Section-II

- Grant of Connectivity: 5525 MW
- Grant of LTA: 4233 MW (including 200 MW LTA agreed for grant)
- Transitioned to GNA: 2492 MW
- Surrender during GNA Transition: 3033 MW (1 no. of 220kV & 3 nos. of 400kV bays)
- Present margin for Connectivity: 40 MW (at 220 kV in sharing)

For the surrendered quantum under GNA (3033 MW), it was considered prudent to provide an opportunity to Stage-II grantees at Fatehgarh-IV PS if they wish to shift/reallocate their connectivity at Fatehgarh-III PS in accordance with the priority of the application received. To discuss and finalize the above matter, two meetings were held on 20.06.2023 and 03.08.2023 (amongst CEA, CTU, SECI and RE Developers for reallocation of above surrendered capacity. In the meeting held on 20.06.2023, provisional allocations (220kV) were made at Fatehgarh-III PS, which were finalized in meeting held on 03.08.2023. In the above reallocation meetings as well as the 23rd CMETS-NR meeting (minutes awaited), all the vacated bays/margins were allocated.

3) Bhadla-II PS

- Grant of Connectivity: 5945 MW
- Grant of LTA: 4245(including 50 MW LTA agreed for grant)
- Transitioned to GNA: 5345 MW
- Surrender during GNA Transition: 600 MW (2 Nos. of 220kV bays)
- Available margin under GNA: 150MW (at 220 kV in sharing)

765/400/220kV Bhadla-II PS is now an existing station with 1870 MW RE generation already commissioned. For the surrendered capacity (600 MW), in the Reallocation meeting held on 20.06.2023, Connectivity was offered to other RE developers at



Bhadla-III PS for shifting/reallocation of their connectivity at Bhadla-II PS in accordance with the priority of their application. However, no developer opted for such shifting/ Reallocation. Subsequently, surrendered 220 kV bays were offered to new applicants during the 23rd CMETS-NR meeting held on 29.08.2023 wherein M/s Project Nine Renewable Power Private Limited has opted for Stage-II Connectivity (450 MW) at Bhadla-II as per their application priority. Based on above, 2 nos. of 220 kV bays were allocated to M/s Project Nine. Considering 600 MW bay capacity for 2 nos. 220kV bays, 150MW margin is still available for grant under GNA at Bhadla-II PS in sharing.

(h) Treatment of bays at Fatehgarh-IV when entities at Fatehgarh-IV are being shifted to Fatehgarh-III (Section-2):

- (i) Fatehgarh-IV PS is to be implemented in two sections. A cumulative quantum of 3033 MW of Connectivity & LTA was surrendered under GNA Transition at Fatehgarh-III PS (Section-II). In view of the same, connectivity grantees/applicants at Fatehgarh-IV PS(Section-1) were offered to shift to Fatehgarh-III PS based on the application priority and willingness.
- (ii) After the reallocation option was exercised by Fatehgarh-IV (Sec-1) grantees, remaining margins were offered to Grantees/Applicants at Fatehgarh-IV PS(Sec-2) for reallocation to Fatehgarh-III based on their application priority. The remaining line bays & margins at Fatehgarh-III PS were offered to new applications at Fatehgarh-IV PS.
- (iii) Due to shifting of applicants granted connectivity at Fatehgarh-IV PS(Sec-1) to Fatehgarh-III PS (sec-2), 4 no. of 220 kV line bays were vacated at Fatehgarh-IV PS(Sec-1). These were offered to connectivity grantees/applicants at Fatehgarh-IV PS(Sec-2) to shift to Fatehgarh-IV PS(Sec-1) based on their application priority and willingness. Two applicants opted to shift their connectivity from Fatehgarh-IV (Sec-2) to Fatehgarh-IV PS(Sec-1).
- (iv) One no. of 220 kV line bay was offered to new applicants at Fatehgarh-IV PS. BN Hybrid Power-1 Pvt. Ltd., with a cumulative connectivity quantum of 300 MW (119.2+180.8), opted for connectivity at Fatehgarh-IV (Sec-1) through 220 kV line bay (1 no.). The same was agreed for grant in the 23rd CMETS meeting held on 29.08.2023. Balance one 220kV bay, for the purpose of GNA/power transfer, shall be connected to Section-2 through sectionaliser arrangement. Therefore,

balance one no of 220 kV line bay vacated at Fatehgarh-IV(Sec-2) shall be allocated to Cannice Renewables Energy Pvt. Ltd. (320 MW).

(v) In view of the volume of applications received in Rajasthan and especially in Fatehgarh complex (Fatehgarh-III /Fatehgarh-IV), no bay was stranded due to the above reallocation. The capacity available at Fatehgarh-III PS(Sec-2) is completely allocated. Similarly, at Fatehgarh-IV PS (Sec-1 & Sec-2) also, the capacity available at 220 kV is completely allocated. However, some margin (1500 MW) is still available at the 400 kV level of Fatehgarh-IV PS(Sec-2) which will be considered for grant to new applications in ensuing CMETS meetings.

(i) Report on the feasibility of shifting the total connectivity quantum of Petitioner at Fatehgarh-III and at Bhadla-II sub-station:

(i) Fatehgarh-III PS is being implemented in two sections viz. 400/220kV Fatehgarh-III Section-1 & 765/400/220kV Fatehgarh-III Section-2. In Section-I, considering N-1 planning criteria, no additional margin for the grant of the total connectivity quantum of the petitioner is available due to the limitation of physical space for an additional 400/220kV ICTs (6th).

(ii) As per the CEA manual of Planning criteria 2023, the capacity of any single sub-station, including the Generation Pooling Station at 765/400kV voltage levels, shall not normally exceed 9000 MVA. Considering N-1 planning criteria, injection of about 7500 MW is permissible. Connectivity of 5650 MW is already granted at Section-II after reallocation/allocation. In addition, Fatehgarh-IV Section-1 PS also radially injects more than 2000 MW in Fatehgarh-III Section-II PS. Therefore, cumulative injection at Fatehgarh-III PS(Sec-II) becomes about 7650 MW. Further there is no space for the 7th 765/400kV 1500 MVA ICT in 765/400/220kV Fatehgarh-III PS. Thus, there is no additional margin for the grant of the total connectivity quantum of the petitioner at Sec-2 of Fatehgarh-III.

(iii) 765/400/220kV Bhadla-II PS is an existing substation with a design fault level of 40 kA at 765kV & 50 kA at 400 kV level. Bhadla-II PS also pools RE power from Bhadla (PG) at 400kV level. After reallocation/allocation, only 150 MW of margin (on sharing basis) is available at 220kV bay. Thus, there is no additional margin for the grant of the total connectivity quantum of the petitioner at Bhadla-II due to fault level increasing beyond design levels.



(j) Procedure to carry out shifting of generators across different substations. Does it apply bay charges or stranded capacity charges while shifting? The timeframe for the grant of a connectivity, when CTUIL allows a generator to seek shifting of bays. Whether the procedure of shifting across sub-stations is standardised and available in the public domain or is done on a case-to-case basis:

(i) The shifting/reallocation of generators is carried out for substations in the same vicinity/complex in order to give the opportunity to the generation developers who were granted connectivity at a new substation due to the non-availability of bay/margin at the earlier substation. In case allocated bay(s) at an earlier substation is vacated at a later stage due to surrender/revocation of connectivity, applicants at a new substation are offered shifting/reallocation to the earlier station in order of their application priority and willingness. This shall facilitate avoidance of stranded capacity of transmission system at earlier stations, defer investments on new transmission infrastructure at new substation, conservation of RoW due to reduced length of Dedicated Transmission Line (DTL) in some cases and thus ensure the development of an efficient and economical transmission system.

(ii) This exercise is carried out in a transparent manner in consultation with RE developers, SECI, CEA etc., in a Reallocation meeting followed by a monthly Consultation meeting (CMETS) with all stakeholders.

(iii) In regard to bay charges or stranded capacity charges for the connectivity revoked/surrendered in the earlier substation, treatment of the same is carried out as per applicable CERC regulations.

(iv) In case of shifting of cases with both Connectivity & LTA to earlier substation, it is ensured that the start date of LTA is not postponed avoiding stranding of any transmission infrastructure during such reallocation process. In case of shifting of connectivity cases, if the schedule of the bay at the earlier substation is later than the schedule of the bay at the new substation, then the liability of bay charges for the intervening period is attached to reallocated grantees.

(k) M/s Eden Renewable Passy Private Limited was granted 300MW Stage-II Connectivity at Fatehgarh-III PS, and intimation was issued on 10.09.2020. Subsequently, in view of the revocation of 600MW Stage-II Connectivity at



Fatehgarh-II PS by M/s Rosepetal Pvt Ltd (RSEPL), two nos. of 220kV bays were vacated at Fatehgarh-II PS. Considering the above, it was considered prudent to provide an opportunity to Stage-II grantees at Fatehgarh-III PS if they wish to shift their connectivity at Fatehgarh-II PS in accordance with application priority. Out of all, M/s Eden Renewable Passy, vide email dated 26/08/2020 informed that they would like to shift their Connectivity of 300 MW (one 220 kV bay) to Fatehgarh-II PS. Based on the discussion in the 38th meeting of Northern Region constituents regarding Connectivity/LTA Applications in NR held on 31.08.2020, 300MW Connectivity granted to M/s Eden Passy at Fatehgarh-III PS was shifted to Fatehgarh-II PS and intimation issued on 05.11.2020. The remaining one 220kV bay was still available.

(l) Further, M/s Eden Renewable Bercy Private Limited had applied for 300MW Stage-II Connectivity at Fatehgarh-II PS. In the 38th meeting of Northern Region constituents regarding Connectivity/LTA Applications in NR held on 31.08.2020, it was also informed that due to revocation of the connectivity granted to M/s RSEPL, 2 nos. of 220kV bays were available for grant to the applicants. Accordingly, in the meeting M/s Eden Renewable Bercy Private Limited confirmed that they wish to utilize the 2nd 220 kV vacated bay at Fatehgarh-II PS for their 300MW Stage-II Connectivity. Since the priority of Eden was the highest among all Stage-II Connectivity applicants, it was agreed to grant Connectivity through 220 kV S/c at Fatehgarh-II PS, and intimation was issued on 09/10/20.

(m) No bay was stranded at Fatehgarh-III PS due to the above reallocation of M/s Eden from Fatehgarh-III PS to Fatehgarh -II PS. 220 kV bay at Fatehgarh-III PS was allocated to the next applicant in queue at Fatehgarh-III PS, which was M/s ReNew Surya Aayan Pvt. Ltd.

Hearing dated 22.09.2023:

10. During the hearing dated 22.09.2023 the counsel of the Petitioner indicated that with respect to 600 MW of surrendered capacity at Bhadla-II, Connectivity was offered to other RE developers at Bhadla-III PS for shifting/reallocation of their Connectivity at Bhadla-II PS in the reallocation meeting held on 20.6.2023. However, no developer opted for such shifting/reallocation and subsequently, surrendered 220 kV bays were offered to “new applicants” during the 23rd CMETS-NR meeting held on 29.8.2023 wherein Project Nine Renewable Power Private Limited opted for Stage-II Connectivity (450 MW) at Bhadla-II as per their application priority. Learned counsel submitted that,



keeping in view that the Petitioners have been requesting to shift their Connectivity from Fatehgarh-II since June 2023 itself, the request of the Petitioners for shifting of Connectivity to Bhadla-II could have been considered rather than allocating the Connectivity to “new applicants”. The representative of the CTUIL submitted that Project Nine Renewable Power Private Limited has opted for Stage-II Connectivity (450 MW) at Bhadla-II as per its application priority, and presently, only a 150 MW margin is available for the grant of Connectivity at Bhadla II PS. The representative of CTUIL added that in the event of shifting the Petitioners Connectivity at any other location, there would also be obligation w.r.t. transmission charges of ISTS bays that would be commissioned at Fatehgarh-II, as well as obligation associated with LTA upon the Petitioners.

11. Considering the submissions of Petitioners and CTUIL, the Commission directed the CTUIL and Petitioners to carry out a joint consultation (with the Petitioners and other project developers) to explore the feasibility/possibility of shifting the Connectivity of the Petitioners to the Fatehgarh-III or Bhadla-II pooling sub-station maintaining the Petitioner priority and to file the outcome of such consultation within two weeks. The Commission also instructed CTUIL to apprise the Petitioners about the obligation of transmission charges associated with such shifting as per the extant Regulations.

Submissions of CTUIL:

12. CTUIL vide affidavit dated 13.10.2023 and 23.10.2023 submitted as under:

- (a) A joint consultation (with the Petitioners i.e., M/s Eden) and other RE project developers who were recently reallocated/allocated connectivity at Fatehgarh-III (Sec-2) & Bhadla-II PS was held on 05/10/23.
- (b) In the joint consultation meeting, CTUIL asked each of the above developers whether they are willing to shift their connectivity (reallocated/allocated) from Fatehgarh-III & Bhadla-II PS so that M/s Eden Renewables can be accommodated. M/s Eden also informed that they have worked out land identification near both Fatehgarh-III & Bhadla-II PS. The summary of discussion is as under:

Fatehgarh-III PS (Sec-II)

- Earlier, at 220kV Fatehgarh-III (Sec-II) PS, 300 MW connectivity (1 no.) was agreed for reallocation to M/s Khaba. In addition, 3 nos. 400kV bays were also agreed for reallocation/allocation at Fatehgarh-III (Sec-II) PS.



- M/s Khaba at 220kV Fatehgarh-III PS submitted non-willingness to shift their connectivity to accommodate Eden at 220kV Fatehgarh-III PS [Sec-II].
- It was also deliberated that shifting of M/s Khaba from Fatehgarh-III PS to Fatehgarh-IV PS (Sec-1) will necessitate shifting of another applicant from Fatehgarh-IV PS (Sec-1) to Fatehgarh-IV PS (Sec-2) as well as from Fatehgarh-IV PS (Sec-2) to Barmer-1 PS.
- Other RE developers for reallocated/allocated 400kV bays (M/s Renew, Serentica, Sprng) also denied willingness to shift their connectivity to accommodate Eden at Fatehgarh-III PS (400kV).
- M/s Eden stated that due to the project design they are willing to have connectivity at 220kV voltage level at Fatehgarh-III PS or Bhadla-II PS only and not at 400kV.

Bhadla-II PS

- Earlier at Bhadla-II PS, 600 MW capacity was vacated at 220kV (2 bays), which was agreed for allocation to M/s Project Nine [450 MW]. Therefore, with the utilization of 450 MW out of 600 MW, a margin of 150 MW is still available at Bhadla-II PS.
- M/s Project Nine [450 MW] submitted non-willingness to shift their connectivity to accommodate Eden at Bhadla-II PS (220kV).
- M/s Project Nine stated that they have also secured LOA from REMCL for which the timeline is June 2025 and Considering the readiness of Bhadla-II PS and LOA timelines, they are willing to continue at Bhadla-II PS.

Other alternatives

- That as no developers were willing to shift their connectivity to accommodate M/s Eden at Fatehgarh-III PS or Bhadla-II PS, CTUIL shared other alternatives in upcoming stations in Rajasthan to M/s Eden viz. Ramgarh [400kV or 220kV], Bhadla-III [400kV or 220kV], Fatehgarh-IV(Sec-2) [400kV] & Barmer-I [400kV or 220kV]. M/s Eden informed that they are targeting to commission their project by Jan'25. Therefore, Fatehgarh-IV(Sec-II) and Barmer-I PS, which are expected to come up in 2026 are not feasible for them. M/s Eden reiterated that they are also not willing to get connectivity at 400 kV level [Fatehgarh-IV(Sec-II)].
- CTUIL informed M/s Eden about the substation Schedule of mid 2025 for Ramgarh (Apr'25)/Bhadla-III (Mar'25) PS. However, the GNA effective date will be later than the substation schedule. M/s Eden confirmed that they will explore the options of Ramgarh & Bhadla-III PS and inform their decision by next week (i.e. Oct 9-13'23).



- (c) CTUIL, vide mail dated 13.10.2023, informed M/s Eden about the obligation of transmission charges associated with such shifting. Under GNA transition (as per GNA regulation 37.3), Petitioners have submitted the requisite Conn BGs for transition, and accordingly, GNA is deemed to have been granted to Petitioners. In the instant case, a change in connectivity location would result in a postponement in LTA/GNA effectiveness dates. Such rescheduling/postponement of the date of connectivity under GNA Regulation on account of change in transmission system is not covered in the extant regulation.
- (d) As, the 220kV terminal bays (2 nos.) at Fatehgarh-II PS (associated with earlier connectivity as per connectivity regulation 2009) are under the advanced stage of completion (expected Oct'23), these bays will remain stranded/unutilized in case of above shifting. Therefore, Con BG-2 (total Rs 6 Cr) submitted on account of bays should be encashed in this case.
- (e) Common transmission system (associated with earlier LTA+) shall also remain underutilized (e.g. 765kV Fatehgarh-II-Bhadla- II (2nd) D/c etc.) pursuant to above shifting. Since such case is also not covered under the CERC Sharing or the GNA regulations, the obligation of transmission charges in such case shall be as per the direction of the commission.

Hearing dated 25.10.2023:

13. During the hearing dated 25.10.2023 the matters were mentioned by the learned counsel for the Petitioners, and consequently, taken up for the hearing. Counsel for the Petitioners submitted that pursuant to directions of the Commission, CTUIL in its additional affidavit dated 23.10.2023 has indicated that the surrendered 220 kV bays & capacity (600 MW) at Bhadla-II PS were offered to new applicants during the 23rd CMETS-NR meeting held on 29.8.2023 wherein the Project Nine Renewable Power Private Limited ('Project Nine'), who had applied for the connectivity at Bhadla-III PS on the land-BG basis, has opted the Stage-II Connectivity (450 MW) at Bhadla-II as per its application priority and on the said basis, the 2 nos. of 220 kV bays were agreed to be allocated at the Bhadla-II PS to Project Nine. Counsel for Petitioners also submitted that as per the earlier Connectivity Regulations as well as the extant GNA Regulations, the vested right to the connectivity only crystallises upon the grant of the Stage II connectivity, which is yet to be issued to Project Nine and keeping in view the genuine difficulties being faced by the Petitioners in getting connected to the Fatehgarh-II PS in



view of the Hon'ble Supreme Court's GIB order, the connectivity of the Petitioners ought to be allowed to be shifted to the Bhadla-II PS.

14. On the specific query of the Commission, the counsel for the petitioner also submitted that the Petitioners are willing to bear the costs associated with the bays that will be vacated at the Fatehgarh-II upon shifting of their connectivity to Bhadla-II and may also be permitted to take up the matter with CTUIL to explore the option of shifting of such bays/equipments to the Bhadla-II or other PS so that they do not remain stranded.
15. The counsel for the CTUIL submitted that in view of the various administrative and other difficulties involved, the Commission may, rather than directing to the maintain status-quo, order that any action taken by CTUIL with regard to the grant of the connectivity to Bhadla II or Fatehgarh III PS be subject to the outcome of present proceedings.
16. Considering the submissions of Petitioner and CTUIL, the Commission directed the Petitioners to implead Project Nine as a party to the Petition and to file an affidavit indicating its willingness to bear the financial liabilities arising out of the vacating the bays at the Fatehgarh II PS on shifting of their connectivity to another location and CTUIL to maintain the status quo with regard to the grant of connectivity/allocating the bays at Bhadla II PS and reserve 2 No. 220KV bays at Badhla III PS till the next date of hearing.
17. In compliance with the RoP for hearing dated 31.10.2023, the Petitioners, vide affidavit dated 31.10.2023 impleaded Project Nine Renewable Power Private Limited ('Project Nine') as a party to the Petition.

Submission of Petitioners:

18. The Petitioners vide affidavit dated 07.11.2023 submitted as under:
 - (a) The Petitioners do not wish to obtain connectivity from Fatehgarh-III Pooling Sub-Station ("Fatehgarh-III") and wish to connect their respective Projects to Bhadla-II.
 - (b) That the Petitioners are willing to bear the cost for the bays that have been already allocated to the Petitioners at Fatehgarh-II till such time as the bays are utilised by / allocated by CTUIL. In case the existing bays are allocated to another Renewable Energy Project Developer, the cost of construction of said bays may be reconciled between the Petitioners and the subsequent allottee.
 - (c) This Commission may direct CTUIL to explore the option of shifting of the existing bays at Fatehgarh-II to some other prospective Substations as the bays at



Fatehgarh-II are unlikely to be utilised.

- (d) In case it is feasible, the Petitioners are willing to bear the costs for shifting / transportation of the bays that have already been constructed for the Petitioners at Fatehgarh-II.

Reply of Project Nine:

19. Project Nine vide affidavit dated 08.11.2023 submitted as under:

- (a) In response to the RfS, Project Nine was declared as successful bidder, and REMCL issued Letter of Acceptance dated 27.04.2023 for supply of contracted capacity of 300 MW from renewable projects located in the State(s) of Rajasthan, Karnataka & Andhra Pradesh as per the terms and conditions contained in the RfS at a tariff of Rs. 4.12 per kWh for a period of 25 years.
- (b) In order to avail connectivity for the Solar Projects, Project Nine inter alia applied for connectivity at Bhadla-III Pooling Station on 28.04.2023 in terms of the GNA Regulations under Land-BG Route envisaged under Regulation 5.8 (xi). Project Nine also furnished a Bank Guarantee dated 24.04.2023 of Rs. 45,00,00,000/- (Rupees Forty-Five Crores Only) in favour of CTUIL for availing connectivity.
- (c) 23rd CMETS-NR was convened on 29.08.2023 wherein the connectivity sought by the Project Nine at Bhadla-III was deliberated. In the said meeting, CTUIL informed that two (2) no. of bays at Bhadla-II PS are vacated on account of surrendered grantees and thus, are available for allocation. In this context, Project Nine submitted that it is desirous to obtain connectivity at Bhadla-II PS. Accordingly, it was agreed to grant connectivity for 450 MW to Project Nine at Bhadla-II PS through 2 no. of 220 kV line bays.
- (d) As on date, Project Nine has incurred a cost of Rs. 26,07,76,158/- (Rupees Twenty-Six Crores Seven Lakhs Seventy-Six Thousand One Hundred Fifty-Eight Only) towards the development of the renewable projects under the PPAs including the Solar Projects.
- (e) A meeting with RE developers allocated/reallocated connectivity at Bhadla-II & Fatehgarh-III PS was convened on 05.10.2023. During the course of the said meeting, Project Nine along with other RE developers granted connectivity at Fatehgarh-III, refused to defer or surrender their connectivity agreed by CTUIL into



23rd CMETS-NR.

- (f) Due to the operation of status quo order, as directed by this Commission vide its RoP dated 15.09.2023 and 25.10.2023, Project Nine is facing severe impediments in the implementation of the Solar Projects, as no further steps as per the GNA Regulations could have been taken to ensure the further implementation of the decision already taken in the 23rd CMETS-NR dated 29.08.2023. Accordingly, Project Nine/ its SPVs is/are unable to proceed with the construction of the Dedicated Transmission Line.
- (g) The reliefs sought by the Petitioner are not maintainable in view of the fact that the GNA Regulation and the Detailed Procedure issued by this Commission, does not encompass any power either on part of this Commission or CTUIL, to unilaterally change or shift or relocate the bays already allocated/granted/agreed to other entities.
- (h) The Hon'ble Supreme Court in *PTC India Limited v. CERC & Ors.*, reported as (2010)4SCC 603 explicitly held that if there is a regulation under Section 178 of the Electricity Act, then the power to regulate under Section 79(1) of the Electricity Act has to be in conformity with the regulations framed under Section 178.
- (i) The reliefs sought by the Petitioner in the present Petition ought not to be allowed, as the connectivity granted to Petitioner at Fatehgarh-II was based on its own assessment, and requirement and was duly as agreed by the Petitioner.
- (j) For availing connectivity at Bhadla-II or for that matter at any other pooling station, the Petitioner is necessarily required to apply for fresh connectivity under the GNA Regulations and the connectivity sought by the Petitioner would be granted to it priority basis as envisaged in Regulation 3.6 of the GNA Regulation which provides that 'the inter-se priority of applications shall be accorded as per the date and time of receipt of the application, wherever required'.
- (k) From the very inception of the Eden Project, the Petitioner has been repeatedly, at its own whims and fancies, changing its stance regarding the location of its Project as well as the substation at which it requires the connectivity.
- (l) Firstly, the Petitioner while availing Stage-I and Stage-II connectivity, mentioned the location of the Project in Barmer, Rajasthan, and sought connectivity at Fatehgarh III. However, only upon Petitioner's concurrence, did CTUIL issue a grant of Stage-I



and Stage-II connectivity at Fatehgarh-II for the project to be set up in Barmer, Rajasthan.

- (m) Pursuant to rejection from the committee established by the Hon'ble Supreme Court for lying of overhead in the transmission line, the Petitioner sought for shifting of its connectivity from Fatehgarh-II to Fatehgarh-III only and not Bhadla-II. Petitioner never sought for reallocation of substation to Bhadla-II, and only by way of the present Petition, it has sought for shifting of connectivity of the Petitioner's Eden Project from Fatehgarh-II to Fatehgarh-III or Bhadla-II. This clearly shows that the Petitioner is changing its stance at its whims and fancies. Thus, the contention of the Petitioner that since it has been requesting to shift their connectivity from Fatehgarh-II since June 2023 itself, the request of the Petitioners for shifting of connectivity to Bhadla-II could have been considered rather than allocating the connectivity to "new applicants", is false and devoid any merits
- (n) Pursuant to 23rd CMETS-NR, Project Nine, in order to timely implement the Solar Projects and to ensure the supply of solar power to WCR from 28.06.2025 without any unwarranted delay, undertook the following steps:
- (i) Engaged JETS to inter alia carry out a study of the tract between the take off point and the terminal point of the Dedicated Transmission Line and its vicinity on 04.10.2023. Accordingly, JETS prepared the Survey Report dated 09.10.2023 viz. the lying of the Dedicated Transmission Line.
- (ii) Identified 750 acres of land in Village: Sindhipura, Gadna and Badisid, Jodhpur, Rajasthan (Coordinates: 27.422933°N, 72.443762° E) ("Project Land"), for development of the Solar Projects. It is to be noted that the Project Site is only 11 kms from the Bhadla-II.
- (iii) Two separate Land Procurement Agreements dated 05.10.2023 were executed between Rays Prime Power Private Limited and PERPPL and PSEPPL inter alia for lease or purchase of the Project Land with clear and marketable title, with unfettered, unrestricted, unhindered and unencumbered rights, and clear access from the nearest public road for the Solar Projects along with all the requisite Government Approvals, exclusive/non-exclusive Access Road for the Project Land.

- (iv) Sought approval from the Committee established by the Hon'ble Supreme Court of India vide its order dated 19.04.2021, for laying overhead transmission line from the Solar Projects to Bhadla-II by way of e-mail dated 17.10.2023 and letter dated 18.10.2023.
- (o) The Project Land identified by the Project Nine is only 11 kms from Bhadla-II, as opposed to project land of the Petitioner which is approx. 178 kms from Bhadla-II. Accordingly, the Bhadla-II substation is much more suitable for the Project Nine than the Petitioner.
- (p) The power supplied by Project Nine from its Solar Projects will be for the operation of Railways, which will help the public at large. Thus, Solar Projects to be developed by Project Nine under the PPAs are flagship projects of public importance.

Hearing dated 09.11.2023:

20. During the hearing dated 09.11.2023, the counsel for Project Nine Renewable Power Private Limited, made detailed submissions on the matters and opposed the maintainability of these Petitions and submitted that the Respondent has also moved IAs in these matters opposing their maintainability. He also added that a separate Petition has been filed seeking issuance of directions to the CTUIL on a very immediate and urgent basis to take further steps to ensure expeditious grant of connectivity for a quantum of 450 MW to its Solar Projects allowed to be connected at Bhadla-II Pooling Station. After hearing the submissions made by the Petitioners and the Respondents, the Commission directed to file their respective written submissions, if any, within two weeks and reserved the matter for order.

Submission of Petitioners:

21. The Petitioners in their written submissions dated 30.11.2023 re-iterated its earlier submissions and mainly submitted as follows:

- (a) The Committee appointed by the Hon'ble Supreme Court in the GIB Case vide its letter dated 26.06.2023, advised the Petitioners to explore undergrounding the section of transmission lines lying in the Prioritized GIB Area or connecting the Project to Fatehgarh-III or Bhadla-II.
- (b) There is no provision in the extant regulations and "Detailed Procedure for grant of Connectivity to project based on renewable energy sources to inter-State

Transmission System” issued by this Hon’ble Commission on 15.05.2018 (“DOP, 2018”) as well as the revised procedure issued on 20.02.2021 for shifting of bays from one sub-station to another sub-station.

- (c) Due to difficulty that may arise due to non-availability of capacity at Fatehgarh-III, the Petitioners filed an affidavit dated 07.11.2023 stating that the Petitioners do not wish to obtain connectivity from Fatehgarh-III and wish to connect their respective Projects only to Bhadla-II since there was an available capacity of 600 MW at two 220 kV bays.
- (d) In the GNA Regulations, there is no provision for Stage-I or Stage-II Connectivity. The GNA Regulations simply provide that on an Application being made, firstly, an in-principle grant of connectivity shall be issued to the Applicant in terms of Regulation 7 and, secondly, a final grant of connectivity shall be issued to the Applicant, once the said Applicant complies with the requirement of submitting Connectivity Bank Guarantees as provided for in the GNA Regulations.
- (e) Grant of Stage-I connectivity under the earlier regime and in-principle approval under the GNA (being equivalent to Stage-I connectivity) does not create a right in favour of the grantee and the same can be altered in consideration of the prevailing facts and circumstances.
- (f) It is only after the grant of Stage-II connectivity (equivalent to the Final Grant of connectivity under the GNA), that a grantee can be said to have acquired a right over the specified bays.
- (g) It is evident that, at present, Project Nine is yet to submit Conn BG-1, Conn BG-2 and Conn BG-3, which are pre-requisite for the grant of final connectivity under Regulation 9 of the GNA Regulations. Further, even the in-principle grant of connectivity as provided for under Regulation 7 of the GNA Regulations is yet to be issued by CTU to Project Nine. Therefore, at this stage, there is no vested right in Project Nine regarding the bays allocated to it at Bhadla-II PS.

Submissions of Project Nine:

22. The Project Nine in their written submissions dated 06.12.2023 re-iterated its earlier submissions and mainly submitted as follows:

- (a) An entity granted connectivity under the old regime i.e., Connectivity Regulations,



2009, is required to either (i) convert the LTA under the GNA Regulations; or (ii) surrender the LTA.

- (b) GNA Regulations read with the Detailed Procedure do not provide any priority or right of an entity / applicant on bays / sub-stations which were earlier not allotted to such entity / applicant. For Eden, the only option it had was to retain its connectivity at Fatehgarh-II by following the procedure enumerated under Regulation 37.3 of the GNA Regulations, failing which the connectivity granted to Eden at Fatehgarh-II would have been deemed to be surrendered / foreclosed, and the Construction Bank Guarantee furnished by it under the Connectivity Regulations, 2009 should have been encashed to the extent of estimated cost of associated transmission system which has been awarded for implementation.
- (c) GNA Regulations and the Detailed Procedure do not envisage/vest any power either on this Commission or CTUIL, to unilaterally change shift or relocate the bays already allocated / granted / agreed to other entities.
- (d) For availing connectivity at Bhadla-II or for that matter at any other pooling sub-station, Eden is necessarily required to apply for fresh connectivity under the GNA Regulations and the connectivity sought by Eden would be granted to it on a priority basis as envisaged in Regulation 3.6 of the GNA Regulations which provides that '*the inter-se priority of applications shall be accorded as per the date and time of receipt of the application, wherever required*'.
- (e) Constitutional Bench of the Hon'ble Supreme Court in ***PTC India Limited v. CERC & Ors., (2010) 4 SCC 603*** has explicitly held that if there is a regulation under Section 178 of the Electricity Act, then the power to regulate under Section 79(1) of the Electricity Act has to be in conformity with the regulations framed under Section 178.
- (f) The relief(s) sought by Eden in the present Petitions cannot be granted by this Hon'ble Commission *inter alia* on account of there being no provision which allows for approaching this Commission for allocation / transfer of the connectivity. The process of grant of connectivity is to be carried out by the Nodal Agency i.e., CTUIL under the GNA Regulations. The process sought to be adopted by Eden for grant of the connectivity is arbitrary and contrary to and in utter violation of the GNA Regulations.

- (g) Eden never sought transfer of connectivity from Fatehgarh-II to Bhadla-II sub-station in any of the correspondence prior to filing the present Petition.
- (h) Project Nine has been agreed upon for the connectivity at Bhadla-II in accordance with the due procedure laid down by this Hon'ble Commission in the form of the GNA Regulations. The same has been confirmed by CTUIL in its Affidavit dated 23.10.2023, wherein it has been stated that Project Nine has been granted connectivity at Bhadla-II as per its application priority.
- (i) Pursuant to 23rd CMETS-NR, Project Nine has altered its position and has made investments towards procurement of Project Land near to Bhadla-II and construction of Dedicated Transmission Line from Project Nine Solar Projects to Bhadla-II. It is submitted that as on date, Project Nine has incurred a cost of Rs. 26,07,76,158/- towards the development of renewable projects under the PPAs including Project Nine Solar Projects.
- (j) The right of Project Nine ought to be maintained on the principles of the doctrine of promissory estoppel. The said doctrine essentially provides that if a party changes its position substantially, either by acting or forbearing from acting in a certain way, after relying upon a promise made by another party, then the first party can enforce the said promise, even in the absence of a formal contract to that effect.
- (k) The Project Land identified by Project Nine is only 11 kms from Bhadla-II, as opposed to the project land of Eden, which is approx. 178 kms from Bhadla-II. Accordingly, the Bhadla-II substation is much more suitable for Project Nine than Eden.
- (l) The present Petition(s) sought transfer of connectivity which is stranded due to technical difficulties faced by Eden on account of the GIB issue. Rather than claiming frustration on account of the GIB related super intervening restriction which changed the substratum of Eden's projects and then made fresh applications for newer projects, Eden chose to dismantle the vested rights of another party, namely Project Nine.

Analysis and Decision

23. We have perused the submissions of the Petitioner and Respondents and also perused the documents placed on record. To recapitulate the facts on record :



24. Petitioner (Eden Bercy) was selected successful bidder by SECI and was issued a Letter of Award (LoA) for a capacity of 300 MW on 15.7.2020. Petitioner (Eden Bercy) was granted Stage-II Connectivity at Fatehgarh-II PS on 9.10.2020 for 300 MW. On 19.04.2021, the Hon'ble Supreme Court issued the GIB Order vide which certain restrictions were laid on the laying of overhead lines in the priority and potential habitats of the Great Indian Bustard ("GIB") and for laying of high voltage underground powerline, feasibility of the same as to be first assessed by a committee constituted by Hon'ble Supreme Court. The Supreme Court observed that *"all future cases of installing the transmission lines a study shall be conducted with regard to the feasibility for the lines to be laid underground. In all such cases where it is feasible, steps shall be taken to lay the transmission line underground. For the lines to be laid in future if as per the technical report the overhead line alone is feasible and the same is ratified by the Committee, in such event the installation of the divertors shall also be a condition attached in the contract to be entered with generating companies."*

25. Petitioner submitted details of its project to the GIB Committee on 13.01.2023 and 3.4.23 for laying of S/c Overhead 220 kV High Voltage transmission line in the GIB Potential Area. However, on 26.6.2023, the GIB Committee issued its response to the applications submitted by the Petitioners, stating that the proposed transmission line poses a very high risk to the species, and cannot be considered for laying overhead lines and that the applicant may explore feasibility of re-routing the proposed lines in such a way the length of line in prioritized area is minimized or connect its projects at Fatehgarh III or any other substation outside the prioritized area. On receiving the response from the GIB Committee, the Petitioner requested CTUIL on 26.6.23 to shift its connectivity to Fatehgarh-III. Petitioners also undertook to pay the charges till the Bays vacated by it were shifted/utilised for some other purpose as may be determined by the Commission.

26. SECI vide letter dated 13.07.2023 requested CTUIL to consider the request of Eden Bercy for reallocation of their connectivity from Fatehgarh-II to Fatehgarh-III by giving them first priority as against connectivity grantees of Fatehgarh-IV so that the Project for which connectivity was granted on 09.10.2020 and LTA on 18.08.2022 can get commissioned at the earliest. CTUIL, informed the Petitioner that, action will be taken in accordance with the outcome of the request of MNRE to MOP.

27. Petitioner has submitted that the cost of undergrounding of cables and land acquisition is prohibitively high (roughly Rs. 7.7 Crores to Rs. 9.7 crores per Kilometre) as compared to Rs. 1.25 Crores/Km for laying Overhead Line. Further, the Ministry of Power vide its OM No. 25-7/42/2019-PG dated 27.05.2022, had constituted a high-level committee



of experts from CEA, CTU and MoEF& CC headed by Member (Power System), which vide its Report dated 01.08.2022, has concluded that “Undergrounding of transmission lines of 66 kV and above voltage levels is not technically feasible for evacuation of Bulk power on account of the different constraints. Petitioners, for reasons beyond its control, were left with no choice but to explore the connectivity of its Project with Fatehgarh-III or Bhadla-II.

28. Petitioner has submitted that CTUIL has earlier considered such requests and has shifted the connectivity of a Project from one Substation to another and a similar dispensation can be granted in the present situation as well.

29. CTUIL has submitted that the Connectivity transmission system (2 nos. 220kV bays) at Fatehgarh-II PS is in the advance stage of commissioning (Exp. Sep’23). Its LTA transmission system is also under the advance stage of implementation with an expected schedule of Jul’24 & Sep’24, respectively. CTUIL further submitted that considering the request of the developer to shift its connectivity from Fatehgarh-II to Fatehgarh-III maintaining its original priority would not be in line with the existing connectivity regulations/procedures. Further, an entity that has been granted connectivity at Fatehgarh-III should not be shifted out to accommodate another entity out of priority. This may lead to similar requests from many other entities which may lead to squatting of connectivity. In case of bay allocation for Eden at Fatehgarh-III and shifting of connectivity from Fatehgarh-II to Fatehgarh-III, there would be obligations w.r.t. transmission charges of ISTS bays that would be commissioned at Fatehgarh-II as well as obligation associated with LTA which will rest with Eden as decided by CERC. In view of no specific direction received from the Ministry by CTUIL, the reallocation exercise was carried out on 03.08.2023 which was further discussed and finalized in the monthly CMETS meeting held on 29.08.2023. Connectivity shifting for Eden at any other location would also necessitate defining application priority order for the grant of connectivity under GNA vis a vis other applications as it shall have implications on the allocation of transmission system for connectivity.

30. Respondent M/s Project Nine Renewables has submitted that the reliefs sought by the Petitioner are not maintainable in view of the fact that the GNA Regulations and the Detailed Procedure issued by this Commission, does not encompass any power either on the part of this Commission or CTUIL, to unilaterally change or shift or relocate the bays already allocated/granted/agreed to other entities. Respondent has also submitted that due to the operation of the status quo order, as directed by this Commission vide its RoP dated 15.09.2023 and 25.10.2023, Project Nine is facing severe impediments in the implementation of the Solar Projects, as no further steps as per the GNA Regulations could

have been taken to ensure the further implementation of the decision already taken in the 23rd CMETS-NR dated 29.08.2023. For availing connectivity at Bhadla-II or for that matter at any other pooling station, the Petitioner is necessarily required to apply for fresh connectivity under the GNA Regulations and the connectivity sought by the Petitioner would be granted to it priority basis as envisaged in Regulation 3.6 of the GNA Regulation which provides that 'the inter-se priority of applications shall be accorded as per the date and time of receipt of the application, wherever required.

31. Considering the submissions of Petitioner and Respondents, the issues which arise for our consideration are as follows:

Issue No.1: What are the provisions of shifting of Connectivity from one substation to another under the Connectivity Regulations 2009 and the GNA Regulations and the Detailed Procedures thereof? What is the application priority in terms of the Connectivity Regulations 2009 and the GNA Regulations and the Detailed Procedures thereof?

Issue No.2: What is the process ordinarily being followed by CTUIL while shifting Connectivity from one substation to another? What are the directions with respect to such shifting of Connectivity?

Issue No.3: Whether any directions need to be issued to CTUIL to allow the shifting of connectivity of Petitioner from Fatehgarh-II PS?

Issue No.4: What shall be the charges/penalty for shifting of connectivity from Fatehgarh-II?

32. Now we proceed to discuss the above issues.

Issue No.1: What are the provisions of shifting of Connectivity from one substation to another under the Connectivity Regulations 2009 and the GNA Regulations and the Detailed Procedures thereof? What is the application priority in terms of the Connectivity Regulations 2009 and the GNA Regulations and the Detailed Procedures thereof?

33. The main objection of the Respondent M/s Project Nine is that the reliefs sought by the Petitioner are not maintainable in view of the fact that the GNA Regulations and the Detailed Procedures issued by this Commission, do not confer any power either on the part of this Commission or CTUIL, to unilaterally change or shift or relocate the bays already allocated/granted/agreed to other entities.

34. The relevant provisions of the "Revised Procedure for Grant of Connectivity to Projects based on Renewable Sources to Inter-State Transmission System" dated 20.02.2021 under Connectivity Regulations, 2009 are as under:

"10. Processing of Applications and Grant of Stage-II Connectivity



10.1 The processing of applications for Stage-II Connectivity shall be in accordance with Regulation 5A of the Connectivity Regulations.

10.2 The applications for Stage-II Connectivity with time and date stamp shall be displayed on website of CTU. The inter-se priority for grant of Connectivity to applications received during same month shall be as per the date and time of receipt of the applications complete in all respects after rectification of deficiencies, if any.

.....
10.6 The intimation for grant of Stage-II Connectivity shall include the following:
(i) Name of the ISTS Sub-station where Stage-II Connectivity is granted.
(ii) The bay number and Single Line Diagram in case of an existing or under construction sub-station.
(iii) In case of a new sub-station, the confirmation of the location of the sub-station, SCOD and allocation of bay(s), after finalizing the same in consultation with the implementing transmission licensee of the sub-station, within three months of the award of contract for construction of such sub-station.

....
11. Monitoring of progress of renewable projects after grant of Stage-II Connectivity
.....

11.4 On a specific request of Stage-II Connectivity grantee(s) and for the purpose of optimal utilisation of transmission infrastructure, CTU may, after consultation with the Stage-II Connectivity grantee(s) concerned, carry out rearrangement or shifting of the Stage-II Connectivity across different bay(s) of the same ISTS sub-station.”

As per the above, CTUIL was required to grant Stage-II Connectivity with the name of the substation where such Stage-II Connectivity has been granted. After the grant of Stage-II Connectivity, on a specific request of Stage-II Connectivity grantee(s), the rearrangement or shifting of the Stage-II Connectivity was allowed across the different bay(s) of the **same ISTS sub-Station**. The shifting of Connectivity across substations by CTUIL is not provided for in the said Procedure. The application priority is as per the date and time stamp of the Stage-II Connectivity application.

35. We have also perused the relevant provisions of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 as under:

“7. In-principle Grant of Connectivity by the Nodal Agency

7.1. In the event the Nodal Agency after the interconnection study undertaken in accordance with Regulation 6.1 of these regulations, determines that no ATS is required, the Nodal Agency shall intimate in-principle grant of Connectivity to the Applicant within 30 days from the last day of the month in which the application had been received along with details such as terminal bay(s), already available or to be developed under ISTS through CTU, and minimum design features for dedicated transmission lines to be constructed by the Applicant.

7.2. In case the Nodal Agency, after the interconnection study undertaken in accordance with Regulation 6.1 of these regulations, determines that ATS is required, the Nodal Agency shall intimate in-principle grant of Connectivity to the Applicant within 60 days from the last day of the month in which the application had been received: Provided that intimation for in-principle grant of Connectivity shall mention the ATS and terminal bay(s), estimated cost of such ATS and terminal bay(s), minimum design features for dedicated transmission lines to be



constructed by the Applicant and the likely date of start of Connectivity: Provided further that the firm date of start of Connectivity shall be confirmed at the time of final grant of Connectivity.

.....

9. Final Grant of Connectivity by the Nodal Agency

9.1. Within 15 days of receipt of Conn-BG2 and Conn-BG3, as applicable, the Nodal Agency shall intimate the final grant of Connectivity to the entity that has been intimated in-principle grant of Connectivity. The intimation shall contain, inter alia, the following:

- (a) Name of the ISTS sub-station or switchyard of the generating station, as the case may be, where Connectivity is granted.
- (b) In case of an existing ISTS sub-station, the terminal bay location along with Single Line Diagram.
- (c) In case of an ISTS sub-station under-construction, the coordinates and scheduled date of commercial operation of such ISTS sub-station, terminal bay location along with Single Line Diagram.
- (d) In case of a proposed ISTS sub-station, the tentative coordinates and the scheduled date of commercial operation of such ISTS sub-station.
- (e) The broad design features of the dedicated transmission lines including voltage level.

...

11. Monitoring by the Nodal Agency

11.1. Connectivity grantee shall update the status of implementation of work under its scope, including dedicated transmission lines, every quarter to the Nodal Agency who shall update the same on its website.

11.2. The Nodal Agency shall update the status of implementation of the ATS and terminal bays in respect of all Connectivity grantees, every quarter, on its website.

11.3. The Nodal Agency shall review and take corrective action based on the status of implementation of work under the scope of the Connectivity grantee as submitted under Regulation 11.1 and status of implementation of the ATS and terminal bay(s) as updated under Regulation 11.2.

11.4. For optimal utilisation of transmission system, the Nodal Agency with consent of the concerned Connectivity grantee(s), may rearrange the Connectivity across different terminal bay(s) of the same ISTS sub-station.

11.5. The Nodal Agency shall display the updated status of allocation of terminal bay(s), inter alia, quantum of Connectivity granted bay-wise and balance quantum for which Connectivity can be granted bay-wise, at existing or proposed ISTS sub-stations on its website and the same shall be updated on monthly basis.”

As per above, the re-arrangement of the Connectivity is allowed across different terminal bay(s) of the same ISTS sub-Station. There is no provision to shift the connectivity from one ISTS sub-station to another sub-station. The application priority is as per the date and time stamp of the connectivity application.

36. We observe that in case any grantee wishes to obtain Connectivity at a substation other than the one on which he has been granted connectivity, the only option under the Regulations is that he surrenders the Connectivity granted at a particular substation and seeks fresh Connectivity at the desired substation, which shall be considered as per the application date and time stamp as per the Regulations. When a connectivity grantee wishes to shift its point of connectivity from substation ‘A’ (where it has been granted



Connectivity) to substation 'B' (where it wants to shift its connectivity), whether the substation 'B' is in the vicinity or is far off from 'A' is of no consequence as far as the process of grant of connectivity and commercial liabilities in terms of the Regulations, is concerned.

37. We take note of the fact that CTUIL has never made any submissions regarding the transfer of connectivity across the substations, during its comments on the Draft GNA Regulations dated 25.2.2023 or comments dated 27.02.2023 on draft GNA First Amendment or its various letters dated 16.12.2022, 02.06.2023, 12.07.2023, 25.08.2023, 1.09.2023, 07.09.2023, 08.09.2023, 13.09.2023, 22.09.2023, 27.09.2023 on the issues in respect of the implementation of GNA Regulations. However, it has come to our notice through the instant Petition that CTUIL has been carrying out the shifting of Connectivity across different substations. Issue No. 1 is answered accordingly. In this light, we take up Issue No.2.

Issue No.2: What is the process ordinarily being followed by CTUIL while shifting Connectivity from one substation to another? What are the directions with respect to such shifting of Connectivity?

38. During ROP for the hearing held on 15.09.2023, the Commission asked CTUIL to submit the procedure it follows to carry out shifting of generators across different sub-stations, whether it applies bay charges or stranded capacity charges while shifting, the timeframe for the grant of connectivity, when CTUIL allows a generator to seek shifting of bays, and whether the procedure of shifting across sub-stations is standardized and available in the public domain or is done on a case-to-case basis.

39. CTUIL, in response, has submitted that the shifting/reallocation of generators is carried out for substations in the same vicinity/complex in order to give the opportunity to the generation developers who were granted connectivity at a new substation due to the non-availability of bay/margin at the earlier substation. CTUIL has further submitted that in cases where allocated bay(s) at an earlier substation is vacated at a later stage due to surrender/revocation of connectivity, applicants at new substation are offered shifting/reallocation to earlier station in order of their application priority and willingness. This procedure facilitates the avoidance of stranded capacity of the transmission system at the earlier station, defer investments on new transmission infrastructure at the new substation, conserve RoW due to the reduced length of the Dedicated Transmission Line

(DTL) in some cases thus ensuring the development of an efficient and economical transmission system. CTUIL has also submitted that in cases of proposals for shifting with both Connectivity & LTA to an earlier substation, it is ensured that the start date of LTA is not postponed avoiding stranding of any transmission infrastructure during such reallocation process. In cases of shifting of connectivity, if the schedule of the bay at the earlier substation is later than the schedule of the bay at the new substation, then the liability of bay charges for the intervening period is attached to reallocated grantees.

40. We have perused the minutes of the "Reallocation meeting" held on 20.06.2023 and 03.08.2023, conducted by CTUIL and submitted under instant Petition quoted as follows:

"Minutes of Meeting for Reallocation of Connectivity Bays at Fatehgarh-III, Bhadla-II PS & Bikaner-II PS held on 20.06.2023

A meeting for Reallocation of connectivity bays at Fatehgarh-III, Bhadla-II PS & Bikaner-II PS vacated post GNA Transition to other Grantees/applicants in Rajasthan RE complexes was held on 20.06.2023.

.....

It was also informed that after scrutiny of the GNA transition options (opted/not opted) received by CTUIL, it is observed that some of the applicants have surrendered the connectivity & LTA at Bhadla-II PS, Fatehgarh-II PS & Fatehgarh-III PS. Further, St-II connectivity granted to M/s SOLTOWN (675MW) at Bikaner-II PS has been revoked by CTUIL on 05.04.2023 after which, 675MW margin is available for grant at Bikaner-II PS. The bays vacated at these substations post surrender/revocation may be allotted to other RE developers based on their application priority, consent for GNA Transition and willingness.

.....

It was noted that bays corresponding to surrendered connectivity at Bhadla-II (2 nos. 220 kV), Fatehgarh-II (2 nos. 220 kV) & Fatehgarh-III (Sec-1) (1 no. 220 kV) are already under implementation.

As informed earlier, connectivity capacity surrendered shall be allotted to other RE developers in proximity to these Pooling stations based on their application priority subject to consent for GNA Transition and willingness, however, Fatehgarh-II PS is located inside the additional Important area identified by the supreme court constituted GIB committee. Due to this reason, many applicants who have been granted connectivity at Fatehgarh-II PS are still awaiting to get clearance for their overhead DTL from the GIB committee. In view of the above, the connectivity capacity surrendered at Fatehgarh-II PS (500 MW) is not considered for reallocation option till clarity of GIB clearance of other RE developers DTL at Fatehgarh-II PS. Further, considering GIB clearance issues, developer at Fatehgarh-II PS has also showed willingness to shift their connectivity to Fatehgarh-III PS. M/s Eden Renewables Pvt. Ltd. vide letter dated 20.05.2023, requested shifting of connectivity to nearest alternative ISTS Substation i.e. Fatehgarh-III PS due to non-receipt of permission from Supreme Court constituted GIB committee for laying of overhead Transmission line to Fatehgarh-II PS. However, decision of GIB committee on Eden is not yet received & interconnecting bays for M/s Eden is also under advanced stage of implementation at Fatehgarh-II PS.

....

Accordingly, 1200 MW capacity of connectivity at Fatehgarh-III PS (Sec-2) (900 MW at 400 kV(1 bay) & 300 MW at 220 kV(1 baySec-2)), 600 MW capacity of connectivity at Bhadla-II PS(220 kV -2 bays) & 675 MW capacity of connectivity at Bikaner-II PS (220 kV -2 bays) were only considered for reallocation in meeting.

Under connectivity regulation 2009, LTA & connectivity were different products. Grant of connectivity involved connectivity transmission system for interconnection of generation project with ISTS as well as allocation of bay at pooling station whereas LTA involved allocation of transmission system for onward transfer of power.

However, under GNA regulation, connectivity is a merged product i.e. connectivity comes with deemed GNA (in place of LTA). Therefore, grant of connectivity under GNA regulations not only involves allocation of bays along with connectivity transmission system but also involve allocation of transmission system for onward transfer of power.

For applicants with both connectivity & LTA, transmission system for onward transfer is already allocated. However, for applicants with only connectivity, transmission system is yet to be allocated. Therefore, under GNA regime, for reallocation of bays as well as onward transmission system, priority is being proposed to be accorded to grantees/applicants with both Connectivity & LTA over connectivity only. Further, after allocation to grantees/applicants with both Connectivity & LTA, the remaining shall be offered to Stage-II connectivity grantees/applicants. Inter se priority among applicants shall be as per their application date & timestamp.

In line with above, the deliberations held on reallocation of bays at various ISTS Pooling stations wise Details are as follows:

.....

B. Bhadla-II PS

It was stated that 600 MW of Stage-II connectivity granted to M/s Adani Renewable Energy Holding Eighteen Private Limited at 220 kV Section-2(bays 2 No) of Bhadla-II PS is surrendered. The corresponding two no. of 220 kV line bays are already under implementation in ISTS and expected to be commissioned in Jul'23. The same is proposed to be allocated to Grantees/Applicants at Bhadla-III PS based on their priority as mentioned earlier subject to consent for GNA Transition and willingness with priority to applicants with both connectivity & LTA over applicants with only Connectivity. Since the Bhadla-II PS is already closed for grant of fresh connectivity due to technical limitations, 600 MW capacity from Bhadla-III PS can be shifted to 220 kV bays (2 no.) vacated at Bhadla-II PS.

Based on the above, M/s Prerak in the meeting opted to shift their connectivity & LTA of 400MW from Bhadla-III PS to Bhadla-II PS at 220kV level at one vacated bay. CTU enquired about commissioning schedule of M/s Prerak generation project and stated that 35 220kV bays at Bhadla-II PS will be ready in next month and onward evacuation system is also expected in Sep'24 (Ph-II, Part E). M/s Prerak informed that project is in advance stage with schedule commissioning date of Jan'25. It was also informed that in case of delay of M/s Prerak generation project from the scheduled commissioning date, transmission charges will be applicable as per Sharing regulation.

.....

M/s Juniper Green stated that they want to reallocate their 300MW (100+150+50) from their 3 nos. of LTA applications to Bhadla-II PS. CTU enquired about the status of their generation project and relative distance of their project from Bhadla-II PS and Bhadla-III PS. M/s Juniper stated that, the expected commissioning date of their project is Jun'25 for 150MW and Dec'25 for balance 150MW .The generation project location is about 20kms from Bhadla-III PS and about 45kms from Bhadla-II PS, however they M/s Juniper informed that they also

have land near Bhadla-II PS which may be considered as new location for above applications (100+150+50). CTU stated that M/s Juniper was granted connectivity for 300MW on L&FC route and it is not possible to change the location of above project from earlier location provided by M/s Juniper, as that was the eligibility criteria for their grant of connectivity. However, they may apply afresh application in GNA regulation for seeking connectivity at Bhadla-II PS and based upon the application priority, application will be processed. CTU also stated that tentative commissioning schedule of Bhadla-III PS and onwards EHVAC transmission is Jan'25. M/s Juniper stated that they need some time to discuss on above matter with their management and revert later after meeting, however CTU informed that they need to confirm their decision in the meeting only as uncertainty will impact the margin/bay availability to other RE applicants in queue. Considering the project commissioning schedule and shorter distance from Bhadla-III PS, M/s Juniper agreed to retain their present connectivity/LTA at Bhadla-III PS.

.....

C. Fatehgarh-III PS

It was deliberated that Fatehgarh-III PS is currently under implementation by POWERGRID in two sections. Section-1 of Fatehgarh-III PS is currently under advanced stage of implementation as Part of Phase-II Part-A. The power from Fatehgarh-III (Sec-1) will be evacuated through 400 kV D/c lines towards Fatehgarh-II PS & Jaisalmer-II(RVPN) S/s. Section-2 of Fatehgarh-III PS is taken up for implementation by POWERGRID as part of Phase-III Part E1 scheme in matching timeframe of other packages of Phase-III scheme.

It was stated that in Fatehgarh-III PS Sec-1, capacity up to 300 MW can be reallocated to applicants granted LTA/connectivity at Fatehgarh-IV PS, however space is available only for 5th 500 MVA ICT at Fatehgarh-III (Sec-1) and with 300MW addition at 220kV level of section-1, total RE capacity will become 2280MW at Fatehgarh-III PS (Sec-1). As per new CEA manual on transmission planning criteria (Mar'23), N-1' reliability criteria may be considered for ICTs at the ISTS /STU pooling stations for renewable energy based generation of more than 1000 MW. In view of that connectivity of RE projects at Fatehgarh-III PS (Sec-1) needs to be restricted to below 2000 MW due to ICT limitation at Fatehgarh-III PS (Sec-1) to fulfill above criteria. Therefore, in view of requirement of optimal utilization of system, it was decided that the vacated bay at Fatehgarh-III PS (Sec-1) shall be allocated to upcoming BESS as SECI's Standard Battery Energy Storage Purchase Agreement (BESPA) mandates that the discharge of BESS shall take place subject to the transmission constraints such as peak solar hours, at the ISTS substation.

Further, in Fatehgarh-III PS (Sec-2), capacity up to 1200 MW can be reallocated to Grantees/Applicants at Fatehgarh-IV PS. For this, 900 MW at 400 kV bay (1 no.) & 300 MW at 220 kV bay (1 no.) can be accommodated on vacated margin at Fatehgarh-III PS (Sec2) based on their priority as mentioned earlier subject to consent for GNA Transition and willingness. In this case, reallocation option shall be offered first to Fatehgarh-IV (Sec-1) grantees/applicants with priority to applicants with both connectivity & LTA over applicants with only Connectivity. Any remaining capacity shall be offered to Fatehgarh-IV (Sec-2) grantees/applicants (in priority to applicants with Connectivity & LTA over applicants with only Connectivity), as both the stations (Sec-1 & Sec-2) of Fatehgarh-IV PS are being developed in different phases & timelines.

M/s Eden Renewables Pvt. Ltd. vide letter dated 20.05.2023, requested shifting of connectivity to nearest alternative ISTS Substation i.e. Fatehgarh-III due to non-receipt of permission from Supreme Court constituted GIB committee for laying of overhead Transmission line to Fatehgarh-II PS. However, decision of GIB committee is not yet received & interconnecting bays for M/s Eden is also under advanced stage of implementation.

In the meeting, SECI stated that many generation project who have been granted connectivity at Fatehgarh-II S/s and awaiting DTL clearance from the GIB committee, may also be included for reallocation for vacated margin at Fatehgarh-III PS. SECI asked

that Fatehgarh-II grantees including M/s Eden must have been invited for this meeting. CTU stated that GIB committee decision has not been received yet for the developers at Fatehgarh-II PS & CTU cannot change the connectivity granted to these applicants on suo-moto basis as their bays are already under advanced stage of implementation. This would also require directions from the Ministry. For the same reason, applicants granted connectivity at Fatehgarh-II are not considered for reallocation and the same were not invited by CTUIL for reallocation meeting.

However, SECI insisted to keep reallocation of 220 kV Fatehgarh-III PS on hold for allocation to developers at Fatehgarh-II PS. After deliberations, it was decided that the provisional reallocation to Fatehgarh-IV applicants will be carried out. **However, in case CTUIL receives any direction from the Ministry to specifically allocate these bays and available margin, the same will be considered and the connectivity of applicants opting to shift to Fatehgarh-III PS will be restored at Fatehgarh-IV PS.**

Table 5: Reallocation to Fatehgarh-III (SEC-2) from Fatehgarh-IV PS (Section-1)

S. No.	Applicant Name	LTA App. No	LTA App. Date	LTA Quantum (MW)	Opted/ Not opted for Reallocation
Grantees/Applicants with both St-II Connectivity & LTA at Fatehgarh-IV PS(Sec-1)					
1	AMP Energy Green Pvt. Ltd	1200003416	24-Aug-21	130	Not opted
2	ABC Renewable Energy Pvt. Ltd.	1200003531	20-Nov-21	380	Not Opted
3	ReNewDinkar Jyoti Private Limited	1200003879	20-Apr-22	100	Opted to 400kV level at Fatehgarh-III PS (Section-2)
4	Amp Energy Green Pvt. Ltd. (Under Process)	412100019	24-Jan-23	120	Not Opted
Grantees/Applicants with Stage-II Connectivity at Fatehgarh-IV PS(Sec-1)					
5	ABC RJ Land 01 Pvt. Ltd.	1200003332	08-Jul-21	110	Not opted
6	ReNew Solar (Shakti Three) Pvt. Ltd.	1200003447	14-Sep-21	300	Opted to 400kV level at Fatehgarh-III PS (Sec-2) in sharing with ReNewDinkar Jyoti
7	Khaba Renewable Energy Pvt. Ltd.	1200003502	28-Oct-21	250	Opted to 220kV level at Fatehgarh-III PS (Sec-2) **
8	ReNew Samir Shakti Private Limited	1200003504	29-Oct-21	100	Opted to 400kV level at Fatehgarh-III PS (Sec-2) in sharing with ReNewDinkar

						Jyoti & ReNew Solar (Shakti Three)
9	ReNew Shakti Limited	Samir Private	1200003514	07-Nov-21	100	Opted to 400kV level at Fatehgarh-III PS (Sec-2) in sharing with ReNewDinkar Jyoti & ReNew Solar (Shakti Three)
10	ReNew Shakti Limited	Samir Private	1200003562	28-Nov-21	100	Opted to 400kV level at Fatehgarh-III PS (Sec-2) in sharing with ReNewDinkar Jyoti & ReNew Solar (Shakti Three)
11	ABC RJ Land Private Limited	01	1200003575	23-Dec-21	270	Not opted
12	SprngPavanaUrja Private Limited		1200003719	16-Feb-22	50	Not opted
13	AMP Green Limited	Energy Private	0312100007	31-Aug-22	50	Not opted

**** Provisional. In case of any directions from the Ministry to CTU to grant these bays and available margin to Fatehgarh-II PS grantees, the connectivity of M/s Khaba shall be restored at Fatehgarh-IV (Sec-1)**

After reallocation option exercised by Fatehgarh-IV (Sec-1) grantees, margin of 200MW (900MW-700MW) at Fatehgarh-III (Sec-2) at 400 kV level on sharing basis with Renew and 50 MW (Provisional) at 220 kV level on sharing basis with M/s Khaba is still available. The same was offered to Grantees/Applicants at Fatehgarh-IV PS (Sec-2) in their application priority. M/s Renew Solar (Shakti Five) Private Limited (1200003496) opted to shift 100 MW to Fatehgarh-III PS at 400 kV on sharing basis. All other grantees/applicants confirmed not opting for reallocation at Fatehgarh-III PS (Sec-2) on sharing basis with above available margin and confirmed that they wish to continue at Fatehgarh-IV PS.

Annexure-I

List of Participants of Meeting for Reallocation of Connectivity Bays at Fatehgarh-III PS, Bhadla-II PS & Bikaner-II PS in Northern Region held on 20.06.2023

SECI

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CTU

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Applicants/Grantees



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Minutes issued on 17.8.2023

“Minutes of 2nd meeting for Reallocation of Connectivity Bays at Fatehgarh-III/Fatehgarh-IV PS held on 03.08.2023-

In continuation to the first meeting for Reallocation of connectivity bays vacated post GNA Transition to other Grantees/applicants in Rajasthan RE complexes held on 20.06.2023, 2nd meeting for Reallocation of connectivity bays at Fatehgarh-III PS was held on 03.08.2023. List of participants is enclosed at Annexure-I. Dy. COO, CTU welcomed all the participants in the meeting. Applicants were asked to confirm the application priority mentioned in the agenda based on application dates. As no comments were received from any RE developers, it was informed that the given details shall be considered in determining priority.

In the first reallocation meeting, M/s Prerak Greentech had opted to shift from Bhadla-III to Bhadla-II PS and it was decided to allocate one no. of 220 kV line bay at Bhadla-II PS (out of the 2 no. of bay surrendered by M/s Adani) to M/s Prerak. However, after the meeting, M/s Prerak vide letter dated 04.07.2023 informed their decision to continue with connectivity at Bhadla-III PS. Since no other applicant granted connectivity at Bhadla-III PS had opted for Bhadla-II PS in the reallocation meeting, it was decided that the earlier vacated bays (2 no.)/capacity at Bhadla-II PS shall be offered to new applicants in Bhadla complex based on their application priority.

Further, based on SECI request to consider GIB clearance issues for developers at Fatehgarh-II PS for reallocation and consequent provisional reallocation to developers at Fatehgarh-IV PS (Sec-1 & 2), it was decided that another meeting shall be held in 2nd week of July'23 for finalization of allocation. On specific issues raised by SECI regarding GIB at Fatehgarh-II PS, it was also decided that, reallocation at 220kV level of Fatehgarh III PS (Section-2) shall be provisional and in case CTUIL receives any direction from the ministry to specifically allocate these bays and available margin, the same will be considered and the connectivity of applicants opting to shift to Fatehgarh-III PS will be restored at Fatehgarh-IV PS.

In the 2nd meeting, it was informed that after the first meeting on reallocation of bays, following additional developments have occurred which necessitated reallocation of bays afresh at Fatehgarh-III PS:

(i). Subsequent to GNA Transition opted by M/s Azure in May'23, M/s Azure vide letter dated 29.06.2023 informed that they are unable to furnish Conn BGs for LTA & connectivity of cumulative quantum of 1833 MW granted at Fatehgarh-III PS(Sec-2) at 400 kV level(out of 2600 MW granted with 3 no. of 400kV line bays). Therefore, the LTA and corresponding connectivity quantum of 1833 MW is being considered as surrendered.

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(iii). It was informed that, in the previous meeting 250 MW connectivity at 220 kV Fatehgarh-III PS(Sec-2) was allocated to M/s Khaba on provisional basis with condition that, in case CTUIL receives any direction from ministry to specifically allocate these bays and available margin to Fatehgarh-II PS grantees, the connectivity of M/s Khaba shall be restored at Fatehgarh-IV PS. MNRE vide OM dated 02.08.23 to MOP has requested to consider request of M/s Eden for connectivity shifting while taking appropriate steps to address the concerns of squatting of connectivity as well as concerns raised by CERC in respect of such transfer of connectivity. In view of no specific direction received from Ministry by CTUIL, it was decided that 250 MW connectivity of M/s Khaba through 1 no. of 220 kV line bay at 220 kV Fatehgarh III PS(Sec-2) shall be discussed for finalization in present meeting.

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As the Fatehgarh-IV PS scheme has been awarded, liabilities of transmission charges on account of LTA system/ISTS bay for mismatch period shall be with existing grantees at Fatehgarh-IV PS (Section-1). Any vacated bays at Fatehgarh-IV PS Sec-1 may be utilized by Section-2 grantees /applicants. However, in cases where the applicant granted connectivity at Fatehgarh-IV PS (Sec-1) has opted to shift to Fatehgarh-III PS (Sec-2), but requested start date of connectivity under GNA transition for later than Feb'25 (i.e. Tr. scheme schedule), in that case liability of intervening period i.e Feb'25 & requested start date of connectivity under GNA shall be with such grantee. However, effort shall be made by CTU to allocate vacated bays to new applicants in such a way that bay non utilization is minimized. Accordingly, in addition to application priority, allotment shall also be carried out based on RE generation having early schedules for utilization of bay. Further, it was also informed that the reallocation is subject to completion of transition process and submission of requisite BGs for transition under GNA regulations. In case an applicant fails to submit 609 50 requisite BGs under transition, the treatment shall be considered as per the earlier grant of connectivity/LTA. Applicants noted the above & agreed on the same. It was also informed earlier in the agenda that in case of no participation in the meeting by the applicant, it will be construed that the applicant is not willing for reallocation and therefore they will not be considered for the subject reallocation. **Further, it was also informed that the decision taken by the applicants in the meeting shall be considered as final and based on that the reallocation shall be finalized.** Accordingly, deliberations on reallocation took place as under.....

(c) Reallocation from Fatehgarh-IV PS (Section-2) to Fatehgarh-IV (Section-1)

After the reallocation of Fatehgarh-IV PS(Sec-1) grantees to Fatehgarh-III PS(sec-2), out of first 6 nos. bays, 950 MW of connectivity at 3 no. of 220 kV line bays(Renew -400 + 300 MW; Khaba: 250 MW) vacated at Fatehgarh-IV PS(Sec-1) and above margin was offered for reallocation to Grantees/Applicants at Fatehgarh-IV(Sec-2) to Fatehgarh-IV PS(Sec-1).

It was also informed that Fatehgarh-IV PS(Sec-1) is already awarded including 7 no. of 220 kV line bays. SPV of phase III-Part A1 has been transferred to M/s Apraava Energy Private Limited on 02.08.2023 with implementation timeline of 18 months from SPV transfer (i.e. Feb'25). In view of commissioning schedule of the above scheme, for optimal utilization of the transmission system including 220kV line bays, 3 no. of bay at Fatehgarh-IV PS(Sec-1) preferred to be allocated to applicants with commissioning schedule closer to phase III-Part A1 scheme schedule i.e. Feb'25.

After deliberations, M/s Juniper Green Steller 365 MW (Schedule-Jun'25) & M/s Luceo 300 MW (200+100) (Schedule-April'25) opted to shift their connectivity to Fatehgarh-IV (Sec-1) from Fatehgarh-IV (Sec-2). M/s Tepsol 300 MW (Schedule-Dec'25) initially intended to shift to Fatehgarh-IV PS(Sec-1), however considering completion schedule of bays (Feb'25), M/s Tepsol informed that they would confirm their decision within one day. Subsequently, M/s Tepsol vide mail dated 07.08.2023 informed that they are not willing to move their connectivity schedule (31 st Dec'23) as submitted under application and GNA transition request for Fatehgarh-IV connectivity and therefore don't want to reallocate connectivity and bay in Fatehgarh-IV (Sec-1). Accordingly, it was decided to offer bay to other applicants as mentioned earlier. Based on the above, the details of reallocation option exercised by grantees at Fatehgarh-IV PS (Sec-2) in their priority order are as mentioned in Table-3.

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Summary of deliberations

After deliberations, the reallocation of bays is finalized as follows :

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After reallocation, the remaining vacant bays and the available margins shall be offered to the new applicants based on their priority, willingness as well as their generation schedule



including for optimal utilization of awarded bays at Fatehgarh-IV PS (Sec-1). The same shall also be updated on the CTUIL website.

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Annexure-I

List of Participants of Meeting for Reallocation of Connectivity Bays at Fatehgarh-III PS in Northern Region held on 03.08.2023

SECI

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CTU

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Applicants/Grantees

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41. We observe the following from the above quoted minutes of the meetings:

A. Priority of reallocation suggested by CTU during the meetings:

1. Connectivity capacity surrendered shall be allotted to other RE developers in proximity to these Pooling stations based on their application priority subject to consent for GNA transition and willingness.
2. For the reallocation of bays, priority is being proposed to be accorded to grantees/applicants with both Connectivity & LTA over connectivity only.
3. Allotment shall also be carried out based on RE generation having early schedules for utilization of the bay.
4. Reallocation is not offered to entities that were granted Connectivity on the basis of Land and F&C routes.
5. Fatehgarh-III was offered first to Fatehgarh-IV (Sec-1) grantees/applicants and any remaining capacity to Fatehgarh-IV (Sec-2) grantees/applicants.
6. Meeting held on 20.6.23 - CTU cannot change the connectivity granted to these applicants on a suo-moto basis as their bays are already under advanced stage of implementation. This would also require directions from the Ministry.
7. Meeting held on 3.8.2023 - In view of no specific direction received from the Ministry by CTUIL, it was decided that 250 MW connectivity of M/s Khaba through 1 no. of 220 kV line bay at 220 kV Fatehgarh III PS(Sec-2) shall be discussed for finalization in the present meeting.

42. We observe that CTU offers reallocation of bays based on a criteria adopted on a case to case basis. We observe that none of the criteria used by CTU is provided for in any of the regulations or by directions by this Commission, nor has it been put on the website of CTU transparently. As per the GNA Regulations, the bay is allocated with a grant of Connectivity, and the only criteria for priority in such cases is the date and time stamp of the application.
43. We also observe that during the referred reallocation meetings held on 20.6.2023 and 3.08.2023, CTU did not invite all the stakeholders, as there is a specific reference to Petitioner who was not invited for the meeting held on 20.6.2023. It is also noted that the meeting notice for the said reallocation meetings, the agenda/ and the minutes of the meeting have not been uploaded on the CTU Website.
44. We observe that the allocation of bays is one of the most important aspects of the development of the RE project. The bays cannot be allocated/reallocated by following criteria on a case to case basis and in a non-transparent manner. Section 38 of The Act lays down the intention of legislature in providing the concept of CTU and lays down its function. It has been said to be formed with mainly two objects; (a) to ensure development of an efficient, co-ordinated and economical system of inter-state transmission lines for smooth flow of electricity from generating stations to load centres (b) to provide **non-discriminatory** open access to its transmission system for use by any licensee or generating company on payment of the transmission charges or any consumer as provided by the State Commission. We express our serious concern for such process followed by CTU without specifying proper procedure in non-discriminatory manner and deciding the criteria on a case to case basis in a non-transparent manner. We direct CTU to stop the exercise of reallocation of bays with immediate effect, as per the case to case criteria, subject to our directions in Paragraph 47 of this Order.
45. We observe that CTU has issued a fresh grant of Connectivity to some entities as per the GNA Regulations and has offered "reallocation" to some entities by way of meetings held on 20.6.2023 and 3.8.2023, which were already granted Connectivity at another substation. CTU has already carried out some reallocations across substations based on reallocation meetings dated 20.6.2023 and 3.8.2023 or any subsequent reallocations

meeting held for substations located in Rajasthan. We observe that based on reallocation meetings, CTU might have granted Connectivity to the generating stations at the reallocated substations, based on which a generating stations might have submitted bank guarantee and have settled their further affairs. To make minimum perturbation in the reallocations already carried out, the following entities which were reallocated bays during reallocation meetings dated 20.6.2023 and 3.8.2023 or any subsequent reallocation meetings held for substations located in Rajasthan, shall not be perturbed under the reallocation exercise and shall continue to avail the connectivity at the reallocated substation:

- (a) entities to whom revised initial grant of Connectivity under Regulation 7 has been issued at the reallocated substation and the grantee has submitted the required Conn-BGs.
- (b) entities to whom final grant of Connectivity has been issued under Regulation 9.1. of the GNA Regulations.
- (c) Entities whose process of transition to GNA have been completed at the reallocated substation by way of issue of grant of deemed GNA at the reallocated substation.

For all the cases, other than the ones covered in clauses (a) to (c) above, where Connectivity has not been crystallized shall be considered for the fresh reallocations based on the principles enunciated in the instant Order at Paragraph No. 47. As far as possible, the Connectivity granted to any fresh applicant under Regulation 7 or Regulation 9.1 of the GNA Regulations, as per the provisions of the GNA Regulations, shall not be disturbed. Only the reallocations carried out pursuant to minutes of meeting for reallocation meetings held on 20.6.2023 and 3.8.2023 or any subsequent reallocation meeting held for substations in Rajasthan shall be reconsidered in light of our observations. We direct CTU to carry out the above said exercise for the meetings held on 20.6.2023 and 3.8.2023 or any subsequent reallocation meeting held for substations in Rajasthan, within next 30 days of this order and to file the outcome within 45 days of date of issue of this Order.

46. We are of the considered view that considering the dynamism of the renewable sector, if the exercise of reallocation is the need of the hour, the principles of such reallocation and the associated commercial liabilities are required to be included in the transparent Procedure /Regulations following due process of law after due stakeholder consultation.



We direct the staff of the Commission to process the required amendment in light of the above observations. In this regard, CTU is directed to suggest the proposed amendments to be included in the Regulations, with due stakeholder consultation within a month of the issue of this Order.

47. We observe that until the appropriate provisions are included in the Regulations, we are inclined to issue practice directions to CTU for carrying out future reallocations, if required, in a transparent manner as per the following principles:

- (a) Any bay falling vacant due to surrender or revocation shall be transparently made available on the website of CTU. Any Connectivity grantee (Stage-II grantee under the Connectivity Regulations, 2009 or Connectivity grantee under the GNA Regulations) shall be eligible to request the said bay based on the date and time stamp of its original Connectivity application.
- (b) Only the Connectivity grantees which have been granted Connectivity at any substation located within a State shall be eligible to place a request for reallocation to another substation within the same State,
- (c) The option of reallocation shall be subject to agreeing to pay commercial liabilities pertaining to existing connectivity as per the Sharing Regulations 2020. Suppose, the bay falls vacant due to the shifting of the grantee (Grantee 'X') at another substation is allocated to another grantee (Grantee 'Y'), where the start date of Connectivity of 'Y' is later than that of 'X', then the liability to pay the charges for the ATS/ bay shall remain with 'X' for such a mismatch period.
- (d) The start date of connectivity of the Grantee 'X' which has been allowed to be reallocated, shall remain the same at the reallocated substation as that of the original substation and cannot be postponed pursuant to the reallocation exercise. However, the Grantee 'X' can seek an advancement of the start date, which shall be subject to the availability of transmission system.

The above principles have been enunciated so that exercise of reallocation, which is the need of the hour can be carried out in a transparent manner, until appropriate amendments to the regulations are issued after stakeholder consultation. This order is being issued in exercise of our regulatory power.

Issue No.3: Whether any directions need to be issued to CTUIL to allow the shifting of connectivity of the Petitioner from Fatehgarh-II PS ?



48. Petitioners have prayed for directions to CTUIL to shift the connectivity of the Petitioner's Project from Fatehgarh-II to Fatehgarh-III or Bhadla II at the same voltage level of 220 kV while maintaining priority as per its original Stage-II Connectivity Application dated 15.07.2020.
49. Petitioners issued a communication on 26.6.2023 to CTUIL submitting that Fatehgarh-II lies in Prioritized GIB area and near the Rasla enclosure, which necessarily requires the undergrounding of a 220 KV dedicated transmission line to evacuate power from the Project into Fatehgarh-II. Therefore, CTUIL was requested to shift/transfer/reallocate the Connectivity granted to the Petitioner to Fatehgarh-III, located outside the Prioritized GIB area, which would enable the Petitioner to setup its Project by exploring multiple options for the transmission of generated power from their Solar Projects to ISTS substation.
50. Petitioners have submitted that it was beyond their reasonable control to lay overhead lines to connect the Project with Fatehgarh-II, and there are severe feasibility issues with respect to undergrounding the transmission lines. For reasons beyond their control, they were left with no choice but to explore the connectivity of their Project with Fatehgarh-III or Bhadla-II. Petitioners have further submitted that CTUIL has earlier considered such requests and has shifted the connectivity of a Project from one Substation to another. Therefore, a similar dispensation can be granted in the present situation as well.
51. Respondent CTUIL has submitted that considering the request of the developer to shift its connectivity from Fatehgarh-II to Fatehgarh-III maintaining its original priority would not be in line with the existing connectivity regulations/procedures. Further, an entity that has been granted connectivity at Fatehgarh-III should not be shifted out to accommodate another entity out of priority. This may lead to similar requests from many other entities, which may lead to squatting for connectivity. Connectivity shifting for Eden at any other location would also necessitate spelling out the application priority order for the grant of connectivity under GNA vis a vis other applications as it would have implication for the allocation of the transmission system for connectivity.
52. During the hearing on 25.10.2023, the Counsel for the Petitioners also submitted that as per the earlier Connectivity Regulations as well as the extant GNA Regulations, the vested right to connectivity only crystallises upon the grant of Stage II connectivity, which is yet to be issued to Project Nine. Keeping in view the genuine difficulties being faced by the Petitioners in getting connected to the Fatehgarh-II PS in view of the Hon'ble

Supreme Court's GIB order, the connectivity of the Petitioners ought to be allowed to be shifted to the Bhadla-II PS.

53. Petitioners vide Affidavit dated 7.11.2023 have submitted that they do not wish to obtain connectivity from Fatehgarh-III Pooling Sub-Station ("Fatehgarh-III") and wish to connect their respective Projects to Bhadla-II.

54. Respondent Project Nine has submitted that during the 23rd CMETS-NR convened on 29.08.2023, the connectivity sought by Project Nine at Bhadla-III was deliberated. In the said meeting, CTUIL informed that two (2) bays at Bhadla-II PS are vacated on account of surrendered grantees and thus, are available for allocation. In this context, Project Nine submitted that it desires to obtain connectivity at Bhadla-II PS. Accordingly, it was agreed to grant connectivity for 450 MW to Project Nine at Bhadla-II PS through 2 no. of 220 kV line bays.

55. Project Nine has also submitted that for availing connectivity at Bhadla-II or for that matter at any other pooling station, the Petitioner is necessarily required to apply for fresh connectivity under the GNA Regulations and the connectivity sought by the Petitioner would be granted to it on a priority basis as envisaged in Regulation 3.6 of the GNA Regulation which provides that 'the inter-se priority of applications shall be accorded as per the date and time of receipt of the application, wherever required'.

56. We have considered the submissions of the Petitioner and Respondents. We have already concluded in Issue No. 2 that the reallocation exercise was carried out by CTU in a non-transparent and non-uniform manner. We have already directed CTUIL in Para 45 to carry out the exercise of reallocation for the meetings held on 20.6.2023 and 3.8.2023 or any subsequent reallocation meeting held for substations in Rajasthan as per principles stated in Para 47 and Para 45 of this Order. We hereby direct the CTUIL to include Petitioner's application in the reallocation exercise.

57. The Issue No.3 is answered accordingly.

Issue No.4: What shall be the charges/penalty for shifting of connectivity from Fatehgarh-II?

58. Petitioners have prayed to direct CTUIL not to impose any charges/penalty for shifting connectivity from Fatehgarh-II to Fatehgarh-III or Bhadla-II, or to direct CTUIL to explore the possibility of alternative usage of the 220 kV Bay at Fatehgarh-II constructed for the



Petitioner's Project and in case there is no other possibility of utilization, the Bays/Equipment(s), which have been constructed by PGCIL under RTM, may be shifted to some other substations being constructed by PGCIL.

59. The Petitioners, vide affidavit dated 7.11.2023, have submitted that they are willing to bear the cost of the bays that have already been allocated to the Petitioners at Fatehgarh-II till such time as the bays are utilised by / allocated by CTUIL and in case the existing bays are allocated to another Renewable Energy Project Developer, the cost of construction of said bays may be reconciled between the Petitioners and the subsequent allottees.

60. Respondent CTUIL has submitted that in the case of bay allocation to the Petitioners at Fatehgarh-III and shifting of connectivity from Fatehgarh-II to Fatehgarh-III, there would be obligations w.r.t. transmission charges of ISTS bays that would be commissioned at Fatehgarh-II as well as obligations associated with LTA which will rest with the Petitioners.

61. We have considered the submissions of the Petitioners and the Respondents. We observe that in the event of the Petitioners shifting out from Fatehgarh-II, the ISTS bays and ATS (if any) that are already under construction or commissioned shall become stranded unless they are allotted to another grantee. However, the transmission licensee shall be eligible to recover the transmission charges on declaration of COD of such assets. Accordingly, the liability to pay charges for the terminal bays and ATS constructed for the Petitioners shall lie with the Petitioners in accordance with the GNA Regulations and the 2020 Sharing Regulations, subject to principles enunciated at Para 47 (c) of this Order. We are not inclined to give any further directions to CTU regarding shifting of bay equipment at another substation by PGCIL.

62. The Issue No.4 is answered accordingly.

63. Petition No. 268/MP/2023 and Petition No. 269/MP/2023 is disposed of in terms of the above.

Sd/

(P. K. Singh)

Member

Sd/

(Arun Goyal)

Member

Sd/

(Jishnu Barua)

Chairperson

