

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 421/MP/2024

Coram:

**Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member**

Date of Order: 25th November, 2024

In the matter of:

Petition under Section 79 (1) (k) of the Electricity Act 2003 read with Regulation 57 and 58 of the Indian Electricity Grid Code 2023 read with Regulation 67 and 68 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 seeking relaxation of Regulation 19 (2) (b) amended by way of Central Electricity Regulatory Commission (Indian Electricity Grid Code) (First Amendment) Regulations, 2024.

And

In the matter of:

TP Saurya Limited,

C/o The Tata Power Company Limited,
B Block, Corporate Centre,
34 Sant Tukaram Road, Carnac Bunder,
Mumbai- 400009, Maharashtra

...Petitioner

Vs.

- 1) Northern Regional Load Despatch Centre,**
18-A, Shaheed Jeet Singh Sansanwal Marg,
Katwaria Sarai, New Delhi - 110016
- 2) Solar Energy Corporation of India Limited,**
D-3, A Wing, 1st Floor, Religare Building,
District Centre, Saket, New Delhi - 110017
- 3) Tata Power Trading Company Limited,**
B-12/13, 2nd Floor, Sector 4,
Noida (Gautam Budh Nagar) - 201301
Uttar Pradesh

...Respondents

Parties Present:

Shri Venkatesh, Advocate, TPSL
Shri Anant Singh Ubeja, Advocate, TPSL
Shri Suhail Buttan, Advocate, TPSL



Shri Kunal Veer Chopra, Advocate, TPSL
Shri Alok Mishra, NRLDC
Shri Subrat Nayar, NRLDC

ORDER

The Petitioner, TP Saurya Limited, has filed the present Petition with the following prayers:

- a) Allow the present Petition;*
- b) Clarify that the IEGC 2024 and the amended Regulation 19 (2) (b) shall not apply retrospectively/to the Petitioner's Project and grant extension upto the actual COD of its entire project;*
- c) Direct NRLDC to not to take any coercive action during the pendency of the present Petition;*
- d) In the alternative, relax the provisions of Regulation 19(2)(b) as amended by the IEGC 2024 qua the Petitioner's Project and also grant extension beyond 135 days (45 days + 3 months) up to the actual CoD of the Project in as much as the Project is already overrun upto 175 days;*
- e) Pass such other order(s)/direction(s) which this Commission may deem fit and proper in light of the facts and circumstances of the present case and in the interest of justice".*

2. The matter was listed for the hearing on admission on 8.11.2024. During the course of the hearing, learned counsel for the Petitioner submitted that in view of the Advisory dated 30.10.2024 issued by NLDC, various issues raised in the Petition stand addressed except for the extension of the period for injection of infirm power beyond 135 days up to the actual Commercial Operate Date of its Project as prayed for at prayer (d). Learned counsel submitted that as per Regulation 19(2)(c) of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2023 ("IEGC, 2023) read with Central Electricity Regulatory Commission (Indian Electricity Grid Code) (First Amendment) Regulations, 2024 ("the First Amendment"), the injection of infirm power by the Renewable Energy Generating Station (REGS) has been restricted to 45 days from the date of first-time energization and integration approval. Further, in terms of *proviso* to Regulation 19(3), as inserted by the First

Amendment, an extension of the period for injection of infirm power for a period of up to three months may be allowed by the concerned RLDC and for a period beyond three months by this Commission on an application made by such REGS along with detailed reasons at least 10/15 days in advance of completion of the stipulated period. Learned counsel pointed out that since, in the present case, the Petitioner is already seeking an extension beyond 135 days (45 days + 3 months), the Petitioner will, in any case, be required to approach this Commission for such an extension of period for injection of infirm power.

3. However, in response to the specific observation of the Commission regarding the specific sequence provided in the *proviso* to Regulation 19(3) of the IEGC, 2023, as introduced by the First Amendment, the Petitioner is even yet to approach the concerned RLDC for the extension in terms thereof, the learned counsel for the Petitioner stated that, in that case, the Petitioner be permitted to withdraw the present case with liberty to approach the Commission for the above extension at the relevant point in time.

4. In view of the submissions of the learned counsel for the Petitioner, the Petitioner is permitted to withdraw the present Petition with the liberty to approach the Commission at the relevant point in time by way of a separate Petition. which shall be dealt with in accordance with law. The filing fees paid for the present Petition shall be adjusted against the Petition to be filed by the Petitioner in the future.

5. Accordingly, Petition No. 421/MP/2024 is disposed of as withdrawn.

Sd/-
(Harish Dudani)
Member

sd/-
(Ramesh V. Babu)
Member

sd/-
(Jishnu Barua)
Chairperson

