

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 97/MP/2024

Coram:

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

Date of Order: 26th July, 2024

In the matter of:

Petition under section 79 of the Electricity Act, 2003 read with Regulations 41 & 42 of CERC (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 as amended from time to time, seeking connectivity as a Renewable Energy/ Power Park Developer in phases.

And

In the matter of:

Adani Green Energy Limited

Adani Corporate House, 4th Floor,
South Wing, Shantigram, S G Highway,
Ahmedabad, Gujarat – 382 421

...Petitioner

Vs

Central Transmission Utility of India Limited (CTUIL)

1st Floor Saudamini, Plot No. – 2,
Sector – 29 Near IFFCO Chowk Metro Station,
Gurgaon – 122 001

...Respondent

Parties present:

Shri. Hemant Singh, Advocate, AGEL
Shri. Chetan Garg, Advocate, AGEL
Ms. Alchi Thapliyal, Advocate, AGEL
Shri. Jay Lal, Advocate, AGEL
Shri. Fazl Askari, Advocate, AGEL
Shri. Gandharv Garg, Advocate, AGEL
Shri. Gyanendra, Advocate, AGEL
Shri. Shubham Arya, Advocate, CTUIL
Shri. Swapnil Verma, CTUIL

ORDER

The Petitioner, Adani Green Energy Limited (hereinafter referred to as 'AGEL/ Petitioner'), is a Renewable Energy/ Power Park Developer authorized by the Competent Authority for the development of the 9500 MW Solar and/ or Wind and/ or Wind-Solar Hybrid Park Project at Khavda in the State of Gujarat. The Petitioner has filed the present Petition seeking clarification of Regulation 5.5 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 (in short, "CERC GNA Regulations") so as to allow AGEL/ Petitioner to obtain the ISTS connectivity in parts/phases up to the capacity/ quantum for which it has been authorized by the Competent Authority, rather than seeking connectivity for the entire authorised capacity/ quantum at one go. The Petitioner has made the following prayers:

- “(a) Admit the present petition;*
- (b) Direct the Respondent/ CTUIL to consider the application filed by the Petitioner for connectivity in phases under Regulation 5.5 of the CERC (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022, read with Regulations 41 and 42, in terms stated in the present petition;*
- (c) Direct the Respondent/ CTUIL to grant connectivity as applied by the Petitioner for part cumulative capacity of 2075 MW in terms stated in the present petition; and*
- (d) Pass any other orders as this Commission may deem fit in the facts and circumstances of the present case and in the interest of justice.*

2. During the course of the hearing held on 11.7.2024, the learned counsel for the Petitioner made the following submissions:

- a) The present case is unique in that, AGEL/ Petitioner, being a Renewable Park Developer, is authorised to develop the 9500 MW Solar and/ or Wind and/ or Wind-Solar Hybrid Park Project at Khavda, Gujarat.

b) Prior to the filing of the present Petition, AGEL/ Petitioner had already secured connectivity for 5400 MW out of the authorised capacity of 9500 MW, under the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 at Khavda Pooling Station-1 (“KPS-1”) and Khavda Pooling Station- 3 (“KPS-3”), which as on date stands transitioned under the GNA Regulations.

c) As such, the issue arising in the present Petition was only in relation to the filing and processing of the connectivity applications for 2570 MW (9 Applications) in parts/phases out of the balance capacity of 4100 MW under the present GNA regime. The change in the regulatory regime was beyond the control of AGEL/ Petitioner.

d) However, while the Petition was pending, the Petitioner applied for the entire balance capacity of 4100 MW by way of filing applications for enhancement of connectivity already granted earlier, as well as new applications for fresh connectivity at KPS-1 & KPS-3 sub-stations. Further, the system was planned in advance and there were no other competing entities seeking connectivity at the said pooling stations.

e) After filing the applications for the remaining 1530 MW, the Petitioner has now fulfilled the mandate of Regulation 5.5 of the CERC GNA Regulations by applying for the entire quantum for which it has been authorised to develop the Renewable Park (i.e., 9500 MW).

f) Accordingly, the captioned Petition may be disposed of in terms of the above development and the affidavit filed by CTUIL/ Respondent on 10.7.2024.

3. The learned counsel for CTUIL relied on its affidavit dated 10.7.2024 and submitted that all pending applications of Adani in Khavda shall be discussed together in the upcoming 31st CMETS Meeting, which is scheduled to be held at the end of July 2024. The priority of all the applications would be considered the same as that of the last application received on 20.6.2024. The relevant portion of the affidavit is extracted as under:

*“8. Towards this, CTU requested that both CTU and the Petitioner may be allowed to place submissions about how the applications can be grouped or stacked and processed. The said request was allowed by this Hon’ble Commission. Taking further steps towards a resolution, in the 30th Consultation Meeting for Evolving Transmission Schemes in Western Region held on 02.07.2024 (“30th CMETS-WR”), the aforesaid matter was included as an item in the meeting agenda. A copy of the agenda dated 28.06.2024 for the 30th CMETS-WR is annexed herewith as **Annexure-I**. In the meeting, it was informed that all pending applications of M/s Adani in Khavda area (received by CTU between the period January 2024 upto June 2024 i.e., 10 nos. of Applications for balance 4100 MW) may be discussed together in the upcoming 31st CMETS Meeting. The Petitioner’s representative was also requested to apprise the said information to this Hon’ble Commission and seek appropriate directions.*

9. It is therefore proposed that in light of discussions held in the hearing dated 27.06.2024, all pending applications of M/s Adani in Khavda are to be discussed together in the upcoming 31st CMETS Meeting which is scheduled to be held at the end of July 2024. The priority of all the applications would be considered same as that of the last application received on 20.06.2024.”

4. We have considered the submissions made by the Parties and are of the view that since the petitioner has applied to obtain the ISTS connectivity for balance capacity of 4100 MW out of the authorised capacity of 9500 MW (5400 MW connectivity already secured under Connectivity Regulations 2009) and the same is being considered by CTUIL in the upcoming 31st CMETS Meeting which is to be held at the end of July, 2024, no purpose will be served to keep the present Petition

pending as the issue arising out of the present Petition stands resolved and the Petitioner has no further grievance which requires consideration by this Commission.

5. Petition No. 97/MP/2024 stands disposed of in terms of the above.

Sd/
(Ramesh Babu V)
Member

Sd/
(Jishnu Barua)
Chairperson