

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition (Diary) No. 20 of 2024

Coram:

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

Date of Order: 21st January, 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 read with Regulation 111 of the CERC (Conduct of Business) Regulations, 1999 seeking relief in the nature of relaxing the time period as specified in the CERC (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 for submission of the appropriate bank guarantees thereby enabling the Petitioner to execute its Project(s).

And

In the Matter of

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

..... **Petitioner**

VERSUS

Central Transmission Utility of India Limited (CTUIL),
CTU-Planning (1st Floor-A Wing),
Saudamini, Plot No. -2, Sector-29,
Near IFFCO Chowk Metro Station
Gurgaon, Haryana

...**Respondent**

Parties present:

Shri Venkatesh, Advocate, TPREL
Shri Siddharth Sharma, CTUIL
Shri Swapnil Verma, CTUIL



ORDER

The Petitioner, Tata Power Renewable Energy Limited, has filed the present Petition for seeking a relaxation in the procedure set out in Regulation 8.2 (c) of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 (hereinafter referred to as “the GNA Regulations”) and direction to the Central Transmission Utility of India Limited (“CTUIL”) to accept the Bank Guarantees on behalf of the Petitioner. The Petitioner has made the following prayers:

“(a) Admit the present Petition;

(b) Exercise power under Regulations 41 & 42 of GNA Regulations and relax the period of 30 days as set out in Clause 8.2 (c) of the GNA Regulations by a period of 4 days;

(c) Condone the delay of 4 days in submission of the said BGs and direct the Respondent to accept the BGs in terms of the GNA Regulations;

(d) Hold and declare that the BG’s (as detailed in para 4 of the present Petition) are sufficient for the purposes of the GNA Regulations and the delay caused in submission of such BGs shall not lead to any adverse consequences against the Petitioner including that of Respondent – Central Transmission Utility of India Limited closing the connectivity application bearing Nos. 2200000242 & 2200000243, revoking the In- Principle grant of connectivity dated 30.11.2023 among such other;

(e) Pass such further/other Order(s) as this Hon’ble Commission may deem fit in the facts and circumstances of the case.”

2. The matter was mentioned by the learned counsel for the Petitioner on 12.1.2024 by citing the urgency and mainly submitted as under:

(a) The Petitioner, for its two generating plants, i.e., 288 MW Mudhol Wind Plant and 198 MW Karur Wind Plant, had made an application to the Central Transmission Utility of India (CTUIL) for the grant of the connectivity to Inter-State Transmission System. On 30.11.2023, CTUIL granted in-principle approval to the connectivity sought by the Petitioner.

(b) The Petitioner has undertaken all requisite steps, including that of complying with the necessary regulatory framework for the grant of connectivity, but for certain reasons (beyond the control of the Petitioner), it had furnished only a portion of the Bank Guarantees within the time stipulated in Regulation 8.2 (c) of the GNA Regulations.

(c) The Petitioner has submitted the Conn-BG-1 pertaining to both connectivity applications (Connectivity Application for Mudhol Wind Plant bearing No. 2200000243 with Bank Guarantee No.0393NDLG00175724 & Connectivity Application for Karur Wind Plant bearing No.2200000243 with Bank Guarantee No. 0393NDLG00175924) within the stipulated time. However, the Connectivity Bank Guarantees 2 & 3 for both the applications (i.e. Connectivity Application No. 2200000242 with Bank Guarantee No.0393NDDG00178624 and Bank Guarantee No.0393NDDG00178524 & Connectivity Application No. 2200000243 with Bank Guarantee No.0393NDDG00178724 and Bank Guarantee No.0393NDDG00178824) were submitted to CTUIL with a delay of 4 days.

(d) The Petitioner has achieved the core compliance of the submission of said Bank Guarantees, and there is no non-compliance on behalf of the Petitioner. Since the said delay is not being deliberate and intentional, the same may be condoned, by this Commission by exercising its 'power to relax' and power to remove difficulty' provisions.

(e) CTUIL be directed not to take any coercive steps till the matter is decided by the Commission.

3. The representative of the CTUIL during the course of the hearing submitted as under:

(a) Nearly eight different project developers who had applied for ISTS connectivity have delayed/or failed to submit the requisite Bank Guarantee within the period of 30 days as specified under the GNA Regulations.

(b) Out of such eight generating stations, only the Petitioner has approached CTUIL seeking condonation of the delay in filing of the Bank Guarantees.

(c) However, in terms of Regulation 7 of the GNA Regulations, the CTUIL is required to intimate the 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. However, CTUIL is not able to take the Bank Guarantees submitted by the Petitioner since there is a delay of four days.

(d) Therefore, as such, there is no objection to the prayers sought by the Petitioner and the Commission may take an appropriate view in the matter. However, caution may be exercised so that similar delays do not become commonplace. Accordingly, the Commission may not ascribe any precedential value to its direction in the present matter.

4. We have considered the submissions of the learned counsel for the Petitioner and the representative of CTUIL. During the course of the hearing, the representative of CTUIL submitted that CTUIL has no objection if the Bank Guarantees submitted by the Petitioner are accepted and acted upon by CTUIL. However, the only difficulty shown by CTUIL is that the GNA Regulations do not allow CTUIL to accept the Bank Guarantee submitted beyond the 30 days of the grant of in-principle approval.

5. Considering the submissions of the Petitioner and the CTUIL, the Commission is inclined to relax the timeline set out in Regulation 8.2 (c) of the GNA Regulations and allow CTUIL to take on record the Bank Guarantees submitted by the Petitioner submitted with a delay of four days. However, this will not be treated as a precedent for the future.

6. It is noticed that there may be other generators who might be facing similar difficulties in this period. Accordingly, considering the difficulties being faced by them, we hereby relax the timeline set out in Regulation 8.2 (c) and 8.3(e) of the GNA Regulations and allow CTUIL to take on record the Bank Guarantee submitted by such generators with a delay up to 10 days beyond the period specified in the GNA Regulations as a onetime measure for cases with a due date up to 20.1.2024.

7. Accordingly, the Petition (Diary) No. 20 of 2024 is disposed of in terms of the above.

Sd/-
(P.K.Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(Jishnu Barua)
Chairperson