

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 35/MP/2024

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with Regulation 42 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 and amendments thereof praying before this Hon'ble Commission to exercise its powers to "Remove Difficulty" arising out of the operation of the said Regulations.
- Petitioner : ReNew Surya Vihaan Private Limited.
- Respondents : Central Transmission Utility of India Limited & Anr.
- Date of Hearing : **6.1.2025**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Ms. Mannat Waraich, Advocate, RSVPL
Shri Mridul Gupta, Advocate, RSVPL
Ms. Ashabari Thakur, Advocate, RSVPL
Ms. Suparna Srivastava, Advocate, CTUIL
Ms. Divya Sharma, Advocate, CTUIL
Shri Siddharth Sharma, CTUIL
Shri Lashit Sharma, CTUIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking a direction upon the Respondent, CTUIL, to return the Construction Bank Guarantee @ Rs. 5 lakh/MW already furnished by the Petitioner and allow the Petitioner to submit the Conn-BG 1 of Rs. 50 lakh and Conn-BG 3 @ Rs. 2 lakh/MW in terms of the GNA Regulations, 2022. Learned counsel submitted that by relying upon Regulation 37.3(3)(d) of the GNA Regulations, the entire Construction BG of Rs. 5 crores as furnished by the Petitioner under the Connectivity Regulations, 2009 has been retained as Conn-BG 1 (Rs. 50 lakh) and Conn-BG 2 (balance Rs. 4.5 crores). However, the Petitioner, having obtained the connectivity at a terminal bay constructed by another Connectivity Grantee, is not required to furnish the Conn-BG 2 as it would be covered under the *proviso* to Regulation 8.2 of GNA Regulations. She further submitted that in terms of Regulation, 37.3 (3)(d) read with Regulation 8 of the GNA Regulations if the Petitioner was a fresh applicant or had not furnished a Construction BG or the Construction BG had been returned, the Petitioner would have been required to furnish only the Conn-BG 1 (Rs. 50 lakhs) and Conn-BG 3 of Rs. 2 crores (i.e., Rs. 2 lakh/MW), the cumulative amount being Rs. 2.5 crores. However, solely because it had already furnished a Construction BG, which had not been returned to the Petitioner at the time of transitioning from the Connectivity Regulations to the GNA Regulations, the Petitioner has been saddled with an additional liability of Rs. 2.5 crores (entire Construction BG having taken as Conn-BG 1 & 2). She

also submitted that keeping in view that the provisions of Regulation 37.3 (3)(d) are merely for the purpose of transition, the Petitioner has prayed the Commission to exercise its Power to Remove Difficulties in the application of the said provisions and to mitigate the undue financial hardships faced by the Petitioner. In this regard, she placed reliance on the Commission's order dated 22.9.2023 in Petition No. 11/SM/2023 passed by the Commission in the exercise of its powers to remove the difficulty under Regulation 42 of the GNA Regulations. She also apprised the Commission that the Petitioner's Project has already achieved the commercial operation.

2. Learned counsel for the Respondent, CTUIL, submitted that as per Regulation 37.3 (3)(d) of the GNA Regulations, the Construction BG furnished by an entity transitioning to the GNA Regulations is to be treated as Conn-BG 1 for Rs. 50 lakh and balance as Conn-BG 2. Accordingly, the Construction BG of Rs. 5 crores furnished by the Petitioner has been treated as Conn-BG 1 for Rs. 50 lakh and balance Rs. 4.5 crores as Conn-BG 2 strictly in terms of the GNA Regulations.

3. Considering the submissions made by the learned counsels for the parties, the Commission reserved the matter for order.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)