

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition (Diary) No. 212/2025 along with IA (Diary) No. 213/2025

Subject : Petition under Section 79 of the Electricity Act, 2003, read with Regulations 41 and 42 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 challenging Notices dated 24.01.2025 and 13.03.2025 issued by Central Transmission Utility of India Limited to Betam Wind Energy Private Limited revoking its Connectivity of 32 MW (Interlocutory application for interim reliefs).

Petitioner : Betam Wind Energy Private Limited (BWEPL) & Anr.

Respondents : Central Transmission Utility of India Limited

Date of Hearing : **24.4.2025**

Coram : Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member

Parties Present : Shri Sanjay Sen, Sr. Advocate, BEWPL & VESPL
Shri Deep Rao, Advocate, BEWPL & VESPL
Shri Arjun Agrawal, Advocate, BEWPL & VESPL
Ms. Shikha Sood, Advocate, BEWPL & VESPL
Ms. Mandakini Ghosh, Advocate, BEWPL & VESPL
Ms. Neha M Dabrale, Advocate, BEWPL & VESPL
Shri Shubham Arya, Advocate, CTUIL
Shri Rishabh Saxena, Advocate, CTUIL
Ms. Shirin Gupta, Advocate, CTUIL
Shri Swapnil Verma, CTUIL

Record of Proceedings

Learned senior counsel for the Petitioners submitted that the present Petition has been filed challenging the revocation of 32 MW Connectivity *vide* notices dated 24.1.2025 and 13.3.2025 issued by the Respondent, CTUIL under Regulation 24.6(1)(a)(i) of GNA Regulations, 2022. Learned counsel mainly submitted as under:

(i) Petitioner No. 2, Vivid Solaire Energy Private Limited (VSEPL), the SPV of Petitioner No.1, is implementing two wind power projects of a cumulative capacity of 250.2 MW out of which 218.2 MW has already been commissioned at Villages Umarikottai, Chillangulam, Veppangulam, Akkanayakanpatti, and nearby villages of Tuticorin District in Tamil Nadu. Whereas, the commissioning of the remaining 32

MW capacity has been delayed on account of series of unforeseen and uncontrollable challenges, entirely beyond the Petitioners' control.

(ii) However, the Petitioners have already made substantial progress towards commissioning of this remaining 32 MW capacity and 4 MW capacity thereof has already received CEA's energisation approval. CTUIL has also inspected the Project Site on 21.3.2025 and the Project's Progress Report has also been filed.

(iii) The Petition raises the question of applicability of Regulation 24.6(1)(a) to the Petitioners' case. As per the Petitioners, Regulation 24.6(1)(a) applies only where connectivity and corresponding GNA have been made effective in terms of Regulation 22.4(a) (i.e. fresh application made under the GNA Regulations pursuant to Regulation 4.1 & 5) and the connectivity grantee fails to achieve its original or revised commercial operation date either in full or part as per the LoA or PPA basis which the connectivity application was made. In the present case, the LTA was operationalized on 31.7.2019 under the erstwhile Connectivity Regulations, 2009 (i.e. prior to enforcement of GNA regulations on 15.10.2022) and also prior to the enforcement of Regulation 24.6(1)(a) of GNA Regulations on 5.4.2023. Thus, the Petitioners do not fall within the category of fresh applications whose GNA was made effective under Regulation 22.4(a).

(iv) However, till the time the Commission considers the above issue, CTUIL may be restrained from allocating the Petitioners' 32 MW connectivity at Tuticorin II PS to any other developer or third-party during the pendency of the present proceedings. In this regard, the reliance was also placed on the Record of Proceedings dated 13.3.2025 and 18.3.2025 in Petition No. 276/MP/2025 and Petition No. 346/MP/2025 & batch respectively.

2. Learned counsel for the Respondent accepted the notice and sought time to file a reply. Learned counsel further submitted that the notice under Regulation 24.6(1)(a)(i) of GNA Regulations seeking the information regarding the commissioning status of balance 32 MW was issued to the Petitioners on 24.1.2025 and on account of the Petitioners' failure to commission the said capacity within the stipulated timeframe, CTUIL proceeded to revoke the connectivity by its letter dated 13.3.2025. Insofar as the allocation of the said capacity to any other developers in the subsequent CMETS meetings, learned counsel sought liberty to seek necessary instruction in this regard.

3 Considering the submissions made by the learned senior counsels for the Petitioner and the learned counsel for the Respondent, the Commission directed as under:

(a) Admit.

(b) The Respondent to file its reply, if any, within two weeks with a copy to the Petitioners, who may file their rejoinders, if any, within a week thereafter.

(c) The Registry is directed to register and Petition and IA after completion of all formalities.

4. The Petition along with IA will be listed for the hearing on **23.5.2025**.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**