

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 259/MP/2024 along with IA No. 59/2024

Coram:

Shri Jishnu Barua, Chairperson

Shri Ramesh Babu V., Member

Shri Harish Dudani, Member

Shri Ravinder Singh Dhillon, Member

Date of Order: 26.12.2025

In the Matter Of:

Petition under Section 79 (1)(c) of the Electricity Act, 2003, read with Central Electricity Regulatory Commission (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022.

AND

In the Matter Of:

ACME Cleantech Solutions Private Limited

Plot No.152, Sector - 44, Gurugram -122 002, Haryana

...Petitioner

Versus

1. Central Transmission Utility of India Limited

First Floor, Saudamini, Plot No.- 2, Sector- 29

Near IFFCO Chowk, Metro Station

Gurgaon - 122 001 Haryana

...Respondent No. 1

2. Solar Energy Corporation of India

6th Floor, Plate-B, NBCC Office Block Tower-2,

East Kidwai Nagar, New Delhi-110023

...Respondent No. 2

3. Ministry of New and Renewable Energy

Atal Akshaya Urja Bhawan, CGO Complex,

Lodhi Road, New Delhi - 110003

...Respondent No. 3

4. Ministry of Power Govt. of India,

Room No. 325, 3rd Floor, Shram Shakti Bhawan,



Parties Present: Shri Venkatesh, Advocate, ACME
Shri Shryeshth Sharma, Advocate, ACME
Shri Suhael Bhuttan, Advocate, ACME
Shri Vedant Choudhary, Advocate, ACME
Shri Shubham Arya, Advocate, CTUIL
Ms. Reeha Singh, Advocate, CTUIL
Shri Harshvardhan, Advocate, CTUIL
Shri Rishabh Saxena, Advocate, CTUIL
Ms. Priyansi Jadiya, CTUIL
Ms. Kavya Bhardwaj, CTUIL
Shri Lashit Sharma, CTUIL
Ms. Muskan Agarwal, CTUIL

ORDER

The instant petition has been filed by the Petitioner, ACME Cleantech Solutions Private Limited, under Section 79 (1)(c) of the Electricity Act, 2003, read with Regulation 41 and 42 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 (hereinafter referred to as “GNA Regulations”).

2. The Petitioner has made the following Prayers:

- a) *Admit the present Petition; and*
- b) *Set aside the Impugned Letter dated 10.07.2024 issued by Respondent No. 1 to Petitioner wherein the Respondent No. 1 has rejected the application for Petitioner's Solar Plant connectivity to ISTS, and*
- c) *Hold that the LoA submitted by the Petitioner to the Respondent No. 1 is within the meaning and ambit of LoA as required under Regulation 5.8 (xi) (a) of the GNA Regulations, and*
- d) *Direct the Respondent No. 1 to consider the LoA submitted by Petitioner vide its application ID No. 2200000865 as being sufficient in terms of Regulation 5.8(xi)(a) of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-state Transmission System) Regulations, 2022, or*
- e) *In the alternative exercise its power to relax and/or remove difficulties under Regulations 41 and 42 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-state Transmission System) Regulations, 2022 to relax and/or remove difficulties under the requirements under Regulation 5.8(xi)(a) of the said Regulations include the LoA as submitted by Petitioner to be sufficient under Regulation 5.8(xi)(a), and*
- f) *pass such further Order(s) as this Hon'ble Commission may deem fit in the facts and circumstances of the present case.*



Interim Reliefs

- a) *Petitioner is seeking interim relief from this Hon'ble Commission to direct Respondent No. 1 to reserve the capacity of 2182 MW at Sanchore S/s being subject to the outcome of the present Petition.*

Prayers vide 59/IA/2024:

- a) *Allow the present application and grant an ad-interim ex-parte stay on the operation of letter dated 10.07.2024 issued by Respondent No. 1 reject the Applicant's application for grant of ISTS connectivity at Sanchore S/s; and*
- b) *Direct Respondent No. 1 to reserve the capacity of 2182 MW at Sanchore S/s with the same priority as on date on which Petitioner has applied for connectivity, being subject to the outcome of the present Petition and to keep the connectivity application bearing no. 2200000865 of Applicant live during the pendency of the present Petition, and*
- c) *Direct Respondent No. 1 to maintain the priority of the Applicant's connectivity application bearing no. 2200000865, as per the date and time stamp of the said application, or*
- d) *Pass any other order or direction as it may deem fit and proper in the facts and circumstances of the case.*

Submissions of Petitioner

3. The Petitioner (ACSPL) has mainly submitted as follows:
- a. On 28.06.2023, the Hydrogen Division of MNRE issued the guidelines for the implementation of the SIGHT Programme of the National Green Hydrogen Mission. Notably, Solar Energy Corporation of India (SECI) was appointed as the implementing agency (i.e., REIA) for the successful implementation of the SIGHT Programme.
- b. On 10.07.2023, SECI issued a Request for Selection (RfS) for **the** selection of Green Hydrogen Producers for setting up production facilities for Green Hydrogen in India under the SIGHT scheme. In the RfS, the total capacity available for bidding was 410,000 MT/annum of Green Hydrogen under Technology Agnostic Pathways (Bucket I) and 40,000 MT/annum of Green Hydrogen under Biomass-Based Pathways (Bucket II).
- c. On 07.12.2023, Petitioner submitted its bid for 90,000 MT/Annum Green Hydrogen production capacity out of 410,000 MT/Annum Green Hydrogen via technology Agonistic Pathways (Bucket 1) and, in compliance with Clause 14 of the RfS, also enclosed the requisite Earnest Money Deposit ("EMD") of INR 22,50,000/-
- d. On 02.02.2024, SECI issued an LoA in favour of Petitioner for setting up the Green Hydrogen facility of 90,000 MT/annum production capacity.



- e. Between 13.02.2024 and 24.05.2024, Petitioner and SECI exchanged communications resulting in three amendments to the LoA. The said amendments were intended to include details of installed renewable energy ("RE") capacity and ISTS substations in the LoA. In the said communication issued by the Petitioner to SECI, the Petitioner emphasised the fact that it will require Solar Energy to implement and power its 90,000 MT Green Hydrogen Plant and has provided the detailed break-up of the solar energy required by the Petitioner to produce 90,000 MT Green Hydrogen/Annum. The break-up provided by Petitioner to SECI is reproduced herein:

Particulars	Details
<i>Energy required to produce 01 MT of green ammonia</i>	<i>12 MW hr</i>
<i>Green ammonia production from 90,000 MT of green hydrogen (using conversion factor of 0.1765)</i>	<i>509,915 MT</i>
<i>Energy required to produce 509,915 MT of green Ammonia</i>	<i>6118980 MW hr or 698MW</i>
<i>Solar capacity required to set up (@32% CUF)</i>	<i>2182 MW</i>

- f. In response to the above-mentioned communication, SECI on 06.03.2024, 13.05.2024 and 27.05.2024 issued addenda to the LoA and incorporated the details of RE capacity, which is required to be set up by the Petitioner against the power requirement to produce Green Hydrogen.
- g. On 29.05.2024, Petitioner filed an application under Regulations 4.1, 4.2, 5.6 and 5.7 of the GNA Regulations, for the grant of connectivity to ISTS for Petitioner's Solar Project at Sanchores S/s under the LoA route.
- h. On 05.06.2024, CTUIL raised certain queries pertaining to the Petitioner's application as under:

"1. As per Regulation 5.8(xi)(a) of CERC Connectivity & GNA Regulations 2022, LoA or PPA entered into with REIA/Distribution licensee/authorized agency on behalf of Distribution licensee consequent to Tariff Based Competitive Bidding is acceptable. However, the submitted LoA pertains to setting up of production facilities for Green Hydrogen Production facility. Accordingly, it is requested to submit LoA for setting up of solar project consequent to TBCB bidding as per Regulation 5.8(xi)(a) of CERC Connectivity & GNA Regulations 2022.

2. It may be noted that the application received after reverting shall be considered afresh; hence, all requisite documents, after incorporation of all the corrections/modifications, need to be attached with the revised application."

- i. On 06.06.2024, the Petitioner, vide its letter, made a detailed response to the queries raised by the CTUIL as under:

"ii. It is submitted that ACME Cleantech Solutions Private Limited ('ACSPL') has been awarded LOA by SEC/ which is a Renewable Energy Implementing Agency ('REIA') pursuant to Rfs no. SECJ/C&P/MI/00/0016/2023-24 dated 10.07.2023 under scheme



guidelines for implementation of Strategic Intervention for Green hydrogen Transition (SIGHT) issued by Ministry of New and Renewable Energy (MNRE) (herein referred to as "Guidelines").

iii. We would like to inform you that ACSPL is setting up of solar project of capacity 2182 MW for the purpose of supplying solar energy to its green hydrogen and ammonia facility planned to be set up in Orissa. The same has been verified and certified by SECI which is a REIA.

iv. Therefore, ACSPL is entitled for grant of connectivity at Sanchore substation for setting up of solar project of 2182 MW as has been certified by SECI on the basis of LOA awarded to ACSPL by SECI. It is requested that the above response be considered and ACSPL be granted connectivity at Sanchore substation. "

- j. On 06.06.2024 itself, after issuing a detailed response to the queries raised by CTUIL, Petitioner revised its application and once again applied for connectivity to ISTS for Petitioner's Solar Project at Sanchore S/s.
- k. On 10.07.2024 CTUIL *vide* the Impugned Letter has erred in rejecting the Petitioner's application for grant of connectivity from Petitioner's Solar Plant with the ISTS on the basis that the LoA submitted by Petitioner with its Application for grant of connectivity to ISTS does not fulfil the requirement of a valid LoA as per Regulation 5.8 (xi)(a) of the GNA Regulations.
- l. In view of the above stated facts and circumstances, the Petitioner has been constrained to approach this Commission, seeking the indulgence of this Commission, to exercise its power to regulate under Section 79 (1)(c) of the Electricity Act, 2003 and issue appropriate direction(s)-cum-clarification under Section 79(1)(c) of the Electricity Act, 2003 among other applicable law(s) *inter alia* to the effect that the LoA dated 02.02.2024 and addendums to the LoA issued by SECI to Petitioner as the successful bidder has been issued pursuant to the Competitive Bidding process undertaken by SECI and the LoA submitted by the Petitioner to CTUIL for grant of connectivity is for the purposes of supply of power from its Solar Plant to its Green Hydrogen Plant and qualifies as an LoA within the scope of LoA as provisioned under Regulation 5.8 (xi) (a) of the GNA Regulations.
- m. The actions of Respondent No. 1 in denying connectivity to the Petitioner's Solar Plant run contrary to the scheme of EA, 2003 and the rules and regulations framed thereunder, as well as the National Tariff Policy and National Electricity Plan, which mandate the promotion of generation of electricity from renewable energy sources. The preamble read with Section 86(1)(e) of the EA, 2003 provides for the promotion of the generation of electricity from renewable sources of energy. The actions of Respondent No. 1 in not granting connectivity to the



Solar Power Plant of Petitioner for powering its Green Hydrogen Plant are in direct contravention of the scheme of the EA, 2003. Furthermore, Clauses 5.2.20 and 5.12.1 of the National Electricity Policy provide that generation of electricity through renewable sources should be encouraged and their potential should be fully exploited.

- n. The non-grant of connectivity by Respondent No. 1 will make the entire process of bidding carried out by Respondent No. 2 redundant, and even future bids under the SIGHT scheme will face unwarranted hurdles despite the issuance of LoAs in complete compliance with the extant regulatory and policy framework.
- o. In view thereof, the Impugned Letter as well as the actions of Respondent No. 1 to reject the application of the Petitioner for connectivity of its Solar Plant are wholly illegal, perverse and liable to be set aside.
- p. As elaborated above, should the Commission find that the LoA submitted by the Petitioner to the Respondent No. 1 is not within the meaning and ambit of LoA under Regulation 5.8 (xi) (a) of the GNA Regulations, then without prejudice to the above submissions, and in the alternative, this Commission may be pleased to exercise its power to relax and/or remove difficulties under Regulation 41 and 42 of the GNA Regulations and relax/remove the difficulties in the requirements of Regulation 5.8 (xi) (a) of the GNA Regulations and direct Respondent No. 1 to consider the LoA submitted by Petitioner to Respondent No. 1 as an LoA in terms of Regulation 5.8 (xi) (a) of the GNA Regulations.

Submission of Petitioner in IA No. 59/2024:

- 4. The Petitioner vide IA No. 59/2024 by reiterating its submission under main Petition, has submitted that the Petitioner is preferring the present Application *inter-alia* for the purpose of seeking stay on the operation of the Impugned Letter issued by CTUIL as well as direction against CTUIL to reserve the capacity of 2182 MW at Sanchore S/s with the same priority as on date on which Petitioner has applied for connectivity, being subject to the outcome of the present Petition and to keep the connectivity application of Applicant live till the time Commission dispose of the present Petition.

Hearing dated 22.07.2024

- 5. The Commission admitted the Petition and directed the following:



“(c) The Petitioner to furnish the following information details/ clarification, on affidavit, within two weeks:

- (i) As per the LoA dated 2.2.2024, issued by SECI to the Petitioner for Green Hydrogen Production Facilities, the Scheduled Commissioning Date (SCD) for the commissioning of full Production Capacity shall be 2.2.2027, whereas the Petitioner in its Connectivity application for 2182 MW Solar Plant has mentioned the date from which connectivity is required as 25.6.2027. Clarify how the Green Hydrogen production will be done based on the proposed Solar Plant when the Solar Plant is proposed with a delay of approximately five months. Further, in light of such a mismatch, clarify how the proposed Solar Plant is covered under the LoA issued by SECI for Green Hydrogen Production Facilities.*
- (ii) Detailed calculations to work out the capacity of 2182 MW for production of Green hydrogen covered under instant LOA for production of green hydrogen*
- (iii) Whether the Petitioner is planning to take power from other renewable generation projects or only one 2182 MW project?*
- (iv) The Petitioner to indicate whether the transmission system at Sanchore would be ready in 2027 for evacuation of power?*

(d) SECI to furnish the following details/clarifications, on an affidavit, within two weeks:

- (i) Is the LoA dated 2.2.2024 issued by SECI for Green Hydrogen Production Facilities to the Petitioner is similar to the LoAs being issued by SECI for implementing Solar Power Plants for procurement of power based on the tariff discovered through competitive bidding?*
- (ii) In respect of the Addendum to the LoA issued by SECI, wherein SECI has acknowledged the Solar Energy Capacity, whether any Bank Guarantee (BG) has been taken for such RE capacity and has considered any SCOD for this RE Plant as well as intermediary milestones being monitored by SECI for its implementation within the stipulated timeframe. The relevant documents may be submitted in this regard.*

(e) CTUIL is directed to submit on an affidavit within two weeks indicating the status (awarded/ under-construction/ implemented) of the Sanchore sub-station and its total evacuation capacity as well as the available evacuation capacity and implementation timeframe of the Sanchore sub-station.

4. Insofar as the Petitioner’s prayer for grant of interim relief(s) is concerned, the Commission declined to issue any direction at this stage prior to considering the views of the Respondents on the above-noted aspects.”

Submission of Petitioner

- 6. The Petitioner vide affidavit 20.08.2024 has mainly submitted as under:
 - a. The connectivity application made by the Petitioner to CTUIL on 29.05.2024, and at that time, no date was given, indicating when the Sanchore Sub-Station would be ready for the evacuation of power. It was only later that CTUIL updated on its



website that the Sanchore Sub-Station will be ready for evacuation by 25.06.2027.

- b. The Petitioner was under a *bona fide* belief and had a legitimate expectation that the Sanchore substation would be ready by 25.06.2027 for evacuation of power, but CTUIL has now updated the status on their website, which reflects that the Sanchore substation will be ready to evacuate power only by March 2030.
- c. In the meantime, without prejudice to the above submissions, ACSPL shall undertake to make all reasonable endeavours to pursue its options of procuring renewable energy during interregnum period from alternative renewable energy sources, to power its Green Hydrogen Plant (“GHP”) i.e. from sources such as power exchanges, third party generators, its own merchant solar projects etc. till such time the Sanchore substation is completed to evacuate power. Once the Sanchore substation is ready to evacuate power, the Petitioner intends to procure power from its own Solar Power Plant, which the Petitioner is developing in District Jalore, in the State of Rajasthan, for a total capacity of 2182 MW, only to power its GHP.
- d. Under the LOA, the Petitioner has to produce 90,000 MT of green hydrogen, which needs to be backed by Solar Power. The calculations to work out the capacity of 2182 MW for the production of green hydrogen covered under the LOA awarded by SECI to the Petitioner are tabulated below:

Particulars	Details
Energy required to produce 01 MT of green ammonia	12 MWhr
Green ammonia production from 90,000 MT of green hydrogen (using conversion factor of 0.1765)	509,915 MT
Energy required to produce 509,915 MT of green Ammonia	6118980 MW hr or 698MW
Solar capacity required to set up (@32% CUF)	2182 MW

- e. The GHP, which ACSPL is setting up, has a useful life of 30-40 years, and the bid submitted by ACSPL to qualify in the RfS for setting up GHP was on the basis that ACSPL shall set up its own Solar Power Plant in Rajasthan, and the calculations and quotes made in the bid submitted by ACSPL were on such calculation.
- f. It is pertinent to note that 50-60% of the inputs cost for manufacturing Green Hydrogen/ Green Ammonia is the cost of electricity, which is required to produce the same. Therefore, the cost and location of the renewable energy power plant



that powers the GHP are major factors in determining the production cost of Green Hydrogen/ Green Ammonia.

- g. Without prejudice to the submissions placed by ACSPL, if this Commission is not inclined to entertain/ grant the reliefs as prayed for, then in that case, ACSPL is ready and willing to provide a bank guarantee under Regulation 5.8 (xi) (c) of the GNA Regulations for the grant of connectivity in terms of the direction passed by this Commission.
- h. However, in view of the fact that ACSPL is setting up a 2182 MW Solar Plant, it will have to acquire 11,000 acres of land, which means that it would need to acquire 5500 acres of land towards 50% land requirement within 12 months from the final grant of connectivity. Acquisition of such a large land parcel would require more time, and it would not be practically feasible to be undertaken by ACSPL in terms of Regulation 11A of the GNA Regulations.
- i. In view of the above, ACSPL prays that the land requirements under Regulation 5.8 (xi) (c) of the GNA Regulations be relaxed by this Commission and ACSPL be permitted to satisfy land requirements in terms of Regulation 5.8 (xi) (a), i.e., as per the timelines of LOA.

Hearing dated 22.08.2024

7. The relevant extract of RoP of hearing dated 22.08.2025 is as under:

“4. In response to the specific query of the Commission regarding the Sanchore S/s to be ready only in March 2030, learned counsel for CTUIL pointed out that as per the Addendum to the LoA dated 27.5.2024, the inter-connection point of the Petitioner’s proposed solar capacity has been modified from Nagaur, Rajasthan to anywhere in Rajasthan/ Andhra Pradesh / Karnataka and it was, thus, the decision of the Petitioner itself to set up the solar project in Sanchore and apply for the connectivity to upcoming Sanchore sub-station. Ideally, the Petitioner ought to have opted for connectivity with the start date in line with the Scheduled Commercial Operation Date of its Green Hydrogen Plant. Learned counsel also submitted that the Petitioner’s connectivity application based on the LoA dated 2.2.2024, along with addendums thereto, has already been closed and presently, there is no pending application of the Petitioner. Learned counsel also pointed out that the Petitioner is yet to apply for connectivity for its drawl point, i.e., Green Hydrogen Plant.

5. Considering the submissions made by the learned counsels for the parties, the Commission directed as under:

(a) The Petitioner to furnish the following details/clarification, on an affidavit within two weeks:

(i) The Petitioner has submitted that the requirement of power for its 90,000 MT of green hydrogen plant is 698 MW on a 24-hour basis, whereas it is seeking connectivity for 2182 MW solar. The Petitioner to clarify how it will utilize the 2182 MW solar plant to provide the 698 MW power on a 24-hour basis? Whether the



Petitioner would use extra power to charge storage for use in non -solar hours? Where is such storage planned to be installed, at the generation project location, or at the green hydrogen plant location, or somewhere else?

(ii) The Petitioner has submitted that for its proposed solar plant of 2182 MW, it needs 11000 acres of land, i.e., approximately 5.04 acre/MW, whereas generally, a solar project requires land to the quantum of ~3 acre/MW which works out as 6546 acres. The Petitioner to clarify the requirement of the 5.04 acre/MW of land for its proposed solar plant?

(iii) The Petitioner to submit the quantum of the GNA that it has applied or would be applying for drawl of power for its Green Hydrogen plant in Orissa. The Petitioner to clarify the reasons for the non-application of the GNA for drawl, whereas it had made an application for the connectivity for the renewable project planned to supply power to such drawal.

(b) The Commission also directed Respondents, SECI and CTUIL to comply with the directions issued vide RoP for the hearing dated 22.7.2024.”

Submission of Respondent

8. The Respondent, CTUIL vide affidavit dated 05.09.2024, has mainly submitted as under:
 - a. The 400/220 kV Sanchore Pooling station is being planned to facilitate the transfer of power (2 GW) from the Sanchore RE potential complex. The transmission system for evacuation of power from Sanchore PS through Sirohi (HVDC) PS is presently under planning, with an expected implementation timeframe of Jun'30. As agreed in the 33rd CMETS-NR meeting, intimation for in-principle grant of connectivity (300 MW) is already issued to M/s HR Saraswati energy at Sanchore PS on 30.08.2024.
9. The Respondent, SECI vide affidavit dated 17.09.2024 has mainly submitted as under:
 - a. LoA issued under the RfS for selection of Green Hydrogen Producers, enables the successful bidders selected under the tender to claim PLI from SECI upon meeting the necessary production criteria under the RfS. SECI is not obligated to procure any Green Hydrogen under the LoA issued to the Green Hydrogen Producers.
 - b. On the other hand, the LoAs issued under the tenders issued for setting up Solar Power Plants under the Standard Bidding Guidelines are essentially for procurement of power by SECI from the successful bidder, and back-to-back sale of such power to the Buying Entities. Thus, the premises of the two LoAs under consideration are different.



- c. SECI has not sought any additional Bank Guarantee from any Green Hydrogen Producer, with respect to the RE capacity being set up by the Producer for such Green Hydrogen Production. However, SECI is cognizant of the RE capacity requirements for setting up such Green Hydrogen plants. Accordingly, the addendum to the LoA in this matter was issued at the request of M/S ACME to facilitate the Producer in setting up the RE Projects.
- d. Further, no intermediary milestones and SCOD are being monitored by SECI with respect to the RE projects corresponding to the awarded Green Hydrogen capacity.

Submission of Petitioner

- 10. The Petitioner vide affidavit 21.09.2024 has mainly submitted as under:
 - a. The facility being set up by Petitioner comprises two components, i.e., (i) Hydrogen Electrolyser (ii) Ammonia Loop.
 - b. The Petitioner will be requiring entire 2182 MW of Solar Power on a daily basis as the 90,000 MT/annum Green Hydrogen is required to be manufactured entirely from solar power and solar power is available only for 07-08 hours in a day, thus Petitioner would be installing Electrolyser of 1953 MW capacity (by using various Electrolyser modules of 5 MW) to manufacture Green Hydrogen for the entire day to meet its daily Green Hydrogen requirements, which will consume 1953 MW.
 - c. The balance solar power, i.e., 229 MW, would be used to run the Ammonia Loop to convert the Green Hydrogen to Green Ammonia. Thus, one part (around 1/3rd) of Green Hydrogen produced during the day would be utilised to manufacture Green Ammonia, and the remaining surplus Green Hydrogen would be stored in a storage tank so that the same can be used to manufacture Green Ammonia during non-solar hours when solar power is not available.
 - d. Thus, out of the 2182 MW, Petitioner shall utilise (i) 1953 MW for its Hydrogen Electrolyser (ii) 229 MW for the Ammonia Loop during the solar hours.
 - e. During the daytime, Hydrogen Electrolyser shall be operational to produce the Petitioner's Green Hydrogen requirements only during solar hours and in non-solar hours, the Hydrogen Electrolyser will be non-operational. However, the Ammonia Loop will remain operational throughout the day, i.e., 24x7. The



Petitioner for the Ammonia Loop shall utilise 229 MW from the solar power of its proposed solar plant and shall use grid power for running the ammonia loop during non-solar hours, i.e., night time.

Parameters	Unit of Measurement	Value
Electricity required to produce 1 kg of Green Hydrogen	kWh	60
Electricity required to produce 90,000 MT of Green Hydrogen	Mus	5400
Daily RTC Power requirement	MW	625
Capacity of Electrolyser Modules (for producing the entire required daily Green Hydrogen during Solar hours)	MW	1953
Power required for Ammonia loop	MW	229
Total Power Required	MW	2182

- f. The entire daily Green Hydrogen production is envisaged to be produced using solar power during the solar hours. Therefore, the Petitioner, as of now, has not planned any Battery Storage Energy System ("BESS") for its GHP, and the same will be taken into consideration as and when, if it is required in the future, and the Petitioner shall, at such time, consider the location of such storage as well.
- g. The Petitioner is going to utilise tracker technology in its solar panels, which enhances production capabilities of the Solar Plant by ensuring greater exposure to the available solar irradiance; however, it also requires more quantum of land to set up per MW of solar capacity. On a price-performance basis, the solar tracker has an advantage compared to the fixed tilt plant. Therefore, the Petitioner is opting for tracker technology to set up its solar plant, which requires 1-2 acres more land per MW of Solar Capacity, as compared to fixed tilt modules.
- h. There is no bar under Tender Documents or Letter of Award for the use of any specific technology in setting up a solar power plant. It is the prerogative of the developer to design its plant as per its business efficacy; the same is evident from the MNRE clarification/advisory dated 05.11.2019.
- i. In view of the above, the Petitioner had submitted the requirement of around 5.04 Acres of land per MW of solar capacity for its proposed Solar Plant.
- j. The Petitioner has not applied for GNA at the drawal point due to the fact that the generation source is not finalised yet, owing to the non-grant of connectivity by CTUIL for its captive solar project. Petitioner undertakes to apply for GNA of 2182 MW at the drawal point as soon as it gets the connectivity of 2182 MW at the proposed injection point, i.e., Sanchore S/s and its generation source is finalised.



- k. As of now, the injection point is uncertain, and thus, the point of drawal cannot be applied by the Petitioner without having a connectivity for power injection. Further, substantial transmission charges are likely to be imposed on the Petitioner for the connectivity at the drawal point without even having utilised the same in terms of the GNA Regulations read with Regulation 13(3) and the CERC Sharing Regulations 2020. If, in the future, connectivity is not granted at the desired injection point to the Petitioner and the GNA is granted at the drawdown point, the same shall prejudicially affect the Petitioner.

Hearing dated 28.01.2025

11. Relevant extract of the RoP of hearing dated 28.01.2025 is as under:

“Learned counsel for the Petitioner submitted that the Petitioner, ACME, has filed its compliance affidavit dated 21.9.2024 furnishing the additional information/clarification as sought by the Commission vide Record of Proceedings for the hearing dated 22.8.2024. Learned counsel referred to the said affidavit and mainly submitted as follows:

(a) The Petitioner has already carried out various activities in relation to the setting up of its Green Hydrogen Plant (GHP) and solar project and has spent over approximately 150 crores towards such activities.

(b) Without prejudice to its averment that LoA issued by the SECI to ACME for setting up the GHP fulfils all the requirements under Regulation 5.8(xi) (a) of the GNA Regulations, the Petitioner has already indicated its willingness to provide the bank guarantee under Regulation 5.8(xi)(c) of the GNA Regulations for the grant of connectivity, albeit for a ‘reasonable amount,’ i.e., up to Rs. 2 lakh/MW.

(c) Also, as per Regulation 11A of the GNA Regulations, an applicant seeking connectivity under Regulation 5.8 (xi) (c) of the GNA Regulations, i.e., the BG Route, is required to submit documents for the 50% of land required to set-up the Solar Power Plant in terms of Regulation 5.8 (xi) (c) of the GNA Regulations within 18 months from the issuance of an in-principle grant of Connectivity or within 12 months of issuance of a final grant of connectivity, whichever is earlier.

.....

(g) In terms of the 33rd CMETS-NR meeting, HR Saraswati Energy Private Limited has already been issued an intimation for the in-principle grant of connectivity for 300 MW at Sanchores S/s and any further allocation of capacity at Sanchores S/s to the others will severely prejudice the Petitioner. The Petitioner has, therefore, also prayed for an interim direction to CTUIL to reserve the capacity for the Petitioner at Sanchores S/s subject to the outcome of the present Petition. Also, in case of any further allocation, CTUIL may be directed that such allocation shall be subject to the outcome of the present Petition.

2. In response, the learned counsel for the Respondent, CTUIL, mainly submitted that as per the LoA dated 2.2.2024, the Scheduled Commissioning Date of its GHP is 2.2.2027 and keeping in view that Sanchores S/s is likely to be ready only in 2030, the Petitioner has itself indicated that it will be procuring the renewable energy for its GHP from the other avenues. He further submitted that as per the LoA read with subsequent amendments, the Petitioner was at liberty to establish its Solar Project anywhere in Rajasthan, Andhra Pradesh, or Karnataka, and the impression being given that only Sanchores S/s in Rajasthan is available for the connectivity of its solar project may not



be correct. He also submitted that in the Petitioner's case, the RfS for the Selection of Green Hydrogen Producers was issued on the Mode I basis, i.e., demand of least incentive demand over the years, and SECI, in its affidavit, has also clarified that the premise of the LoA issued for setting up the GHP is different from the LoA being issued under the tenders for setting up of solar projects. He also added that even under extant GNA Regulations, the Petitioner is eligible to get the connectivity for its solar project via either the Land route or the BG route. He further submitted that insofar as the status of Sanchore S/s is concerned, 400/220kV Sanchore B Pooling station is being planned to facilitate the transfer of power (2GW) from Sanchore RE potential complex and the transmission system for evacuation of power from Sanchore PS through Sirohi (HVDC) PS is presently under planning with expected implementation timeframe as June 2030 and as on date, in-principle grant of connectivity for the 300 MW has been issued to HR Saraswati energy at Sanchore PS on 30.8.2024 as agreed in the 33rd CMETS-NR meeting and no other application for the grant of connectivity at the said PS is pending with CTUIL.

3. Learned counsel for the Petitioner pointed out that in terms of the bid document, the Petitioner had a right to choose the location(s) of its RE Projects, and the location of Sanchore, Rajasthan, has been selected in order to ensure that its GHP is globally price competitive. He also added that even under the Mode-I of implementation modes, the selection of the developer is on the basis of the competitive bidding process. He again urged to pass an interim direction against any further allocation of capacity at Sanchore S/s.

.....

5. After hearing the learned counsel for the parties, the Commission directed the Petitioner to furnish the following information/clarification, on affidavit, within three weeks:

(a) As per the Petitioner's affidavit dated 20.8.2024, it is willing to provide the bank guarantee under Regulation 5.8(xi)(c) of the GNA Regulations and also requested that the Petitioner may be permitted to satisfy the land requirements in terms of requirements in terms of Regulation 5.8 (xi) (a) of the GNA Regulations, i.e., as per the timelines of the LOA. However, there are no such timelines to submit land documents under Regulation 5.8 (xi) (a) of the GNA Regulations. Submit the specific timelines which it intends by referring to Regulation 5.8 (xi) (a) of the GNA Regulations.

(b) As per the Petitioner's affidavit dated 20.08.2024, it will have to acquire 11,000 acres of land for its 2182 MW Solar Plant. Submit the schedule/ timelines for the acquisition of the required land for its proposed RE Plant.

(c) Submit the details of the GNA/GNARE that has been granted / it intends to apply along with the timelines."

Submission of the Petitioner

12. The Petitioner vide affidavit dated 20.02.2025 has mainly submitted as under:
 - a. The Petitioner will complete the acquisition of 50% land required for the 2182 MW solar project within 30 months from the date of the in-principle grant of connectivity by CTUIL, and balance 50% land will be acquired 06 months prior to the start date of the effectiveness of its connectivity. Therefore, it is prayed that this Commission relax the requirement of submission of 50% land documents under Regulation 5.8(xi)(c) read with Regulation 11 (A) and allow



Petitioner to submit 50% land documents within 30 months from the date of in-principle grant of connectivity by CTUIL.

- b. In order to arrive at a practical solution and showing its seriousness, Petitioner is ready to furnish Rs. 2 lakh/MW towards Land BG and hence the requirement of submission of Rs. 10 lakhs/MW BG for quantum upto 1000 MW and Rs. 5 lakh/MW for quantum beyond 1000 MW be relaxed for Petitioner and it be allowed to submit a BG of Rs. 2 lakh/MW given that the Petitioner has been granted LOA from SECI for setting of Green Hydrogen Production Facilities under SIGHT Guidelines as the objective of SIGHT is to maximise production in India, enhance cost-competitiveness vis-a-vis fossil-based alternatives and encourage large scale production of Green Hydrogen.
- c. The Petitioner, through its SPV, i.e. ACME Clean Energy Private Limited, had applied for GNA/GNARE by filing an application dated 30.01.2025 under Regulation 20.1, 20.3 and 20.4 for the drawal of power of 2182 MW at the Gopalpur 765/400 kV ISTS substation having a start date of GNA specified as 31.12.2028.
- d. Pursuant to the hearing dated 28.01.2025, two more applications dated 13.02.2025 and 14.02.2025 of 300 MW each aggregating to 600 MW have been submitted by Green Infra Renewable Energy Farms Private Limited for the grant of connectivity at Sanchore S/s.
- e. As the present petition is pending for consideration before this Commission and as requested by Petitioner in earlier hearings, this Commission is prayed to direct CTUIL to not proceed with any applications filed after Petitioner's application including Application dated 13.02.2025 and 14.02.2025 filed by Green Infra Renewable Energy Farms Private Limited for connectivity at Sanchore S/s till the time this Commission passes final order in present petition and upon compliance of the final order of this Commission by Petitioner. The Petitioner application, which was filed on 29.05.2024, should be considered and processed first, and only thereafter should the applications filed by other developers.

Hearing dated 22.05.2025

13. Relevant extract of the RoP of hearing dated 22.05.2025 is as under:

“At the outset, the counsel for the Petitioner submitted that the Petitioner has already applied for the connectivity for its 2182 MW of Solar Plant on Land + Bank Guarantee route [i.e., Regulation 5.8(xi)(c)] and is now only urging the Commission to relax (i) the



timeline for the submission of 50% land documents under Regulation 5.8(xi)(c) read with Regulation 11A of the GNA Regulations to 30 months from the date of in-principle grant of connectivity by CTUIL, and (ii) the requirement of submission of Bank Guarantee under Regulation 5.8(xi)(c) of the GNA Regulations to 2 lakhs/MW. The counsel submitted that the Petitioner has already filed its affidavit to the above effect, which may be considered by the Commission, and the matter may, accordingly, be reserved for the order.

.....

4. Subject to the above, the matter was reserved for order.”

Submission of Petitioner

14. The Petitioner vide affidavit dated 22.05.2025 has mainly submitted as under:

a. A chart depicting the number of connectivity application post the Petitioner’s application received for Sanchore S/s is reproduced herein:

S/s Capacity 2000 MW				
Name of the Applicant	Application No.	Application Date	MW	Status
HR Saraswati Energy Private Limited	2200000946	22-06-2024	300	Granted
Total Granted -A			300	
Green Infra Renewable Energy Farms Private Ltd	2200001762	13-02-2025	300	Pending for Discussion
Green Infra Renewable Energy Farms Private Ltd	2200001771	14-02-2025	300	Pending for Discussion
Godavari green energy private limited	2200001810	10-03-2025	250	Pending for Discussion
Waaree forever energies private limited	2200001901	31-03-2025	300	Pending for Discussion
Waaree forever energies private limited	2200001955	17-04-2025	600	Pending for Discussion
Ampin energy utility private limited	2200001964	18-04-2025	150	Pending for Discussion
Total Pending for discussion -B			1900	
Total Granted + Pending (C=A+B)			2200	

b. The SPV of Petitioner, namely ACME Greentech Urja Pvt Ltd, on 20.05.2025, has applied for connectivity under Regulation 4.1, 4.2, 5.6, and 5.7 for the grant of connectivity to ISTS from the Petitioner Solar Project to Ramgarh S/s in



Rajasthan under the BG route and has submitted a Bank Guarantee of INR 159,10,00,000.

Analysis and Decision:

15. The Petitioner has submitted that it is developing a Green Hydrogen production capacity having a capacity of 90,000 MT/Annum via the technology Agonistic Pathways (Bucket 1) in the State of Odisha pursuant to the award of LoA dated 02.02.2024 from SECI. The Scheduled Commissioning Date of this Green Hydrogen Plant is February 2027.
16. Petitioner has submitted that it applied for Connectivity for 2182 MW at Sanchore S/s on 29.05.2024s under the GNA Regulations based on the LoA dated 02.02.2024. However, the Connectivity application was rejected by the CTUIL, citing the reason that the LoA submitted by the Petitioner pertains to the Green Hydrogen Plant, not the Solar Power Plant.
17. The Petitioner has submitted that if this Commission is not inclined to entertain/ grant the reliefs as prayed for, then in that case, Petitioner is ready and willing to provide Bank Guarantee under Regulation 5.8(xi)(c) of the GNA Regulations for Rs 2 lac/MW with submission of land documents for 50% land by 30 months from in-principle grant of Connectivity.
18. SECI has submitted that the premises of both LoAs, i.e. LoA for Green Hydrogen Production Facilities issued to the Petitioner and the LoAs being issued by SECI for implementing Solar Power Plants for procurement of power based on the tariff discovered through competitive bidding, are different. SECI does not monitor the commissioning of the RE project under the instant LOA of green hydrogen.
19. We have considered the submission of Petitioners, Respondent and facts on record. The following issues arise for our consideration:

Issue No. 1 – Whether the LoA for setting up the Green Hydrogen facility is covered within the ambit of the LoA required under Regulation 5.8 (xi) (a) of the GNA Regulations. Whether the power to relax and/or Removal of difficulties can be invoked to consider the LoA submitted by Petitioner as an eligible LoA under Regulation 5.8 (xi) (a) of the GNA Regulations?

Issue No. 2 – Whether the relaxation in the amount of submission of BG under Regulation 5.8(xi)(c) and the timeline for submission of Land



Document under Regulations 11A(1) of the GNA Regulation can be granted?

The above issues are being dealt with in the succeeding paragraphs.

Issue No. 1 – Whether the LoA for setting up the Green Hydrogen facility is covered within the ambit of the LoA required under Regulation 5.8 (xi) (a) of the GNA Regulations. Whether the power to relax and/or Removal of difficulties can be invoked to consider the LoA submitted by Petitioner as an eligible LoA under Regulation 5.8 (xi) (a) of the GNA Regulations?

20. Petitioner applied for Connectivity for 2182 MW at the Sanchores S/s in May 2024 based on the LOA for Green Hydrogen, which was rejected by CTUIL stating that LoA submitted by the Petitioner pertains to the Green Hydrogen Plant and not the Solar Power Plant, whereas Regulation 5.8(xi)(a) of the GNA Regulations requires an LoA issued by or the PPA entered into with REIA/ Distribution licensee/ authorised agency on behalf of the Distribution licensee consequent to tariff based competitive bidding for Solar Project and that no tariff based competitive bidding has been carried out for the 2182 MW Solar Projects of the Petitioner.
21. Petitioner has submitted that while rejecting the connectivity application, CTUIL has failed to consider that the Petitioner is setting up the Solar Plant of capacity 2182 MW for the purpose of supplying solar energy to its Green Hydrogen Plant, and the same has also been verified and certified by SECI (a REIA) in the LoA issued by it to the Petitioner. CTUIL has also failed to consider that the LoA to the Petitioner was issued pursuant to a transparent and competitive bid process based on a lease incentive requisition.
22. The Petitioner has also filed an IA inter alia seeking an ad-interim ex-parte stay on the operation of CTUIL's letter dated 10.7.2024 rejecting the Petitioner's connectivity application and also seeking direction to the CTUIL to reserve the capacity of 2182 MW at the Sanchores S/s with the same priority as on date on which the Petitioner applied for connectivity subject to the outcome of the present Petition and to keep the connectivity application of the Petitioner alive during the pendency of the present Petition.



23. SECI has submitted that the premises of both LoAs, i.e., LoA for Green Hydrogen Production Facilities issued to the Petitioner and the LoAs being issued by SECI for implementing Solar Power Plants for procurement of power based on the tariff discovered through competitive bidding, are different. Further, SECI has neither sought any additional Bank Guarantee from any Green Hydrogen Producer nor is it monitoring any intermediary milestones and SCOD, with respect to the RE capacity being set up by the Producer for such Green Hydrogen Production.
24. Petitioner has submitted that the SPV of Petitioner, namely ACME Greentech Urja Pvt Ltd, on 20.05.2025, has applied for connectivity to ISTS from Petitioner Solar Project to Ramgarh S/s in Rajasthan under the Land BG route and submitted the Land BG.
25. We have considered the submission of the Petitioner and the Respondents.
26. Relevant extract of Clause (ag-i) of Regulation 2.1 and Regulation 5.8(xi) of the GNA Regulations provides as under:

“2.1(ag-i) “Renewable Energy Implementing Agency” or ‘REIA’ includes:

- (i) an entity designated by the Central Government or the State Government to act as Intermediary Procurer to select and buy power from Renewable energy generating station(s) for selling the same to one or more distribution licensees or any other entity;*
- (ii) the Central Government or the State Government which intends to select and procure power from the REGS for their own consumption;*
- (iii) the procurement of power under sub-clause (i) and (ii) of this Clause shall be in accordance with the Guidelines issued from time to time by the Central Government under Section 63 of the Act;*

.....

5.8. The application for grant of Connectivity shall contain, inter alia, the following details, as applicable, duly supported with relevant affidavit, as stipulated in the Detailed Procedure for Connectivity and GNA issued in accordance with Regulation 39.1:

.....

(xi) In case of Applicants which are REGS (other than Hydro generating station or ESS (excluding Pumped Storage Plant (PSP)) the documents shall be submitted as per sub-clause (a) or sub-clause (b) or sub-clause (c) as specified hereunder:

(a) Letter of Award (LOA) by, or Power Purchase Agreement (PPA) entered into with, (i) a Renewable Energy Implementing Agency or (ii) a distribution licensee or (iii) an authorized agency on behalf of distribution licensee, or (iv) the Central Government approved third party which is acting as an authorized representative of a generating station (other than REGS replacing its scheduled generation by power supplied from REGS), consequent to tariff based competitive bidding, as the case may be:

.....”



As per above, an Applicant may seek Connectivity based on the LoA issued by or PPA entered into with a REIA or a distribution licensee, or an authorised agency of a distribution licensee, or the central government-approved third party acting as authorised representative of the generating station, consequent to the tariff-based competitive bidding to buy power from the generating station.

Thus, it is very clear that only those LoA or PPA which are being issued or entered consequent to the competitive bidding for the purpose of buying power from the generating stations qualify as documents under 5.8(xi)(a).

27. We have also perused the RfS dated 10.07.2023, subsequent to which Petitioner was issued LoA dated 02.02.2024, quoted as under:

Extract of the RfS dated 10.07.2023

“3. Scope of Work

3.1 Under this RfS, the GHP shall be required to set up production facilities in Thousand Metric Ton (TMT) scale for production Green Hydrogen and/or its derivatives, with the primary objective to promote and maximize production of Green Hydrogen and/or its derivatives in India to enable rapid scale-up, technology development and cost reduction, as per the provisions of the RfS.

3.2 With the objective to maximize production of Green Hydrogen and its derivatives, enhance cost-competitiveness and encourage large scale utilization, the Bidder can opt for bidding for any one/both of the following buckets:

.....

5.1 The total capacity to be allocated under this tender is 450,000 MT per annum of GH2. A Bidder, including its Parent, Affiliate or Ultimate Parent or any Group Company shall submit a single bid undertaking to setup a GH2 production facility. The Projects shall be quoted in multiples of 500 MT only. The capacities of the production facilities to be setup under each of the buckets is brought down as follows:

.....

15 Performance Bank Guarantee (PBG)/ Payment on Order Instrument (POI)

15.1 Bidders selected by SECI based on this RfS shall submit Performance Guarantee for a value @ Rs. 5000 per MT as per the Production Capacity allocated to them, within 15 days of issuance of Notification of Award (NoA) by SECI. It may be noted that successful Bidders shall submit the PBG according to the Format 7.3C with a validity period up to (& including) 7 years from date of LoA.

.....”

Extract of the LoA dated 02.02.2024

“In reference to above and subject to the provisions of RfS, this Letter of Award is hereby issued to Mis ACME Cleantech Solutions Private Limited (hereinafter referred to as the Green Hydrogen Producer (GHP)), as per the following details:

Year	Allotted Project ID	Bucket	Annual Production Capacity (MT)	Incentive Allocated (Rs./kg)	Maximum Annual Incentive



					Allocated (Rs. Crore)
1	GHP-SIGHT-M1T1- B1-ACSPL- 90000MT	Bucket-I	90000	50	450
2				40	360
3				00	0
Total					810

.....

1.5 Scheduled Commissioning Date (SCD) for commissioning of full Production Capacity shall be 02/02/2027. In case of delay in commissioning of the Project beyond the SCD, the penalty shall be levied on the GHP as per Clause 9.5 of the RfS.

1.6 An inspection team comprising members from SECI and/or any agency authorized by SECI will visit the Production Facility at the time of commissioning or immediately after its commissioning to verify the pathway of production, and production capacity, as promised at the time of bid submission. If required, MNRE/SECI may also designate National Accreditation Board for Testing and Calibration Laboratories (NABL) accredited labs, etc. for such verification. The GHP will be required to provide information/documents to the satisfaction of SECI/MNRE or any of their authorized representative to the extent of their satisfaction, as necessary for verification of claims of the GHP.

1.7 To verify the production commitments that have been fulfilled by the GHP, first visit to the GH2 Production Facility shall be conducted in the first month after commissioning. Thereafter, the visits may be carried out by SECI as per its own discretion.

.....”

From the above, it is clear that the RfS and the LoA issued under the RfS are for setting up Green Hydrogen production facilities, not for setting up generation plants and buying power from such plants. Further, the PBG submitted by the LoA grantee is in terms of the production capacity of Green hydrogen.

28. We note that SECI has not taken any additional Bank Guarantee from any Green Hydrogen Producer, with respect to the RE capacity being set up by the Producer for such Green Hydrogen Production. Therefore, there is neither any security towards the implementation of REGS for supplying power to Green Hydrogen Production Facilities, nor any monitoring to ensure the timely implementation of such REGS under the LoA submitted by the Petitioner for the grant of the application.
29. Considering the above, we are of the view that CTUIL has rightly rejected the Petitioner’s application based on the LoA issued for setting up Green Hydrogen Production facilities. Such LoA is not an eligible document for seeking connectivity under Regulation 5.8(xi)(a) of the GNA Regulations.
30. Further, we also note that the GNA Regulations also provides options other the LoA route (under clause (a) of Regulation 5.8(xi)) for seeking Connectivity; either by submitting Land document for 50% of the land against the sought Connectivity

quantum (under clause (b) of Regulation 5.8(xi)) or by furnishing BG in lieu of the Land document for 50% of the land.

31. As the GNA Regulations provide options other than the LoA route for applying Connectivity, the Applicant has always had the opportunity to apply Connectivity based on the other routes. Therefore, we do not find any need to invoke the Commission's Power under the GNA Regulations for "Power to Relax" or 'Removal of Difficulty'. Accordingly, we reject the prayer of the Petitioner to exercise the power to relax and/or remove difficulties under Regulations 41 and 42 of the GNA Regulations to relax Regulation 5.8(xi)(a) to include the LoA as submitted by the Petitioner as an eligible document under Regulation 5.8(xi)(a).
32. We also note that the SPV of Petitioner, namely ACME Greentech Urja Pvt Ltd, on 20.05.2025, has already applied for the grant of connectivity to ISTS from Petitioner Solar Project to Ramgarh S/s in Rajasthan under the BG route.
33. Considering the above and as we have already concluded that the Petitioner's application for Connectivity has been rightly rejected by the CTUIL, therefore, there is no question to reserve the capacity of 2182 MW at the Sanchore S/s.
34. Issue No. 1 is answered accordingly.

Issue No. 2 – Whether the relaxation in the amount of submission of BG under Regulation 5.8(xi)(c) and the timeline for submission of Land Document under Regulations 11A(1) of the GNA Regulation can be granted.

35. Petitioner has submitted that if the Commission is not inclined to entertain/ grant the reliefs as prayed for, then in that case, Petitioner is ready and willing to provide a bank guarantee under Regulation 5.8 (xi) (c) of the GNA Regulations. Petitioner has submitted that, upon setting up a 2182 MW Solar Plant, it will need to acquire 11,000 acres of land, which means it will need to acquire 5500 acres of land towards the 50% land requirement. Petitioner has submitted that the acquisition of such a large land parcel would require more time and accordingly prayed for the following relaxation:
 - a. Bank Guarantee (BG) of Rs. 2 lakh/MW in place of BG of Rs. 100 Crore plus Rs. 5 lakh/ MW for capacity over and above 1000 MW.
 - b. The acquisition of 50% land required for 2182 MW of the Petitioner's solar project be relaxed to 30 months from the date of in-principle grant of



connectivity by CTUIL, while the balance 50% land would be acquired 06 months prior to the start date of the effectiveness of its connectivity.

36. We have considered the submission of the Petitioner.

37. Clause (c) of Regulation 5.8(xi) of the GNA Regulations provides as under:

“5.8. The application for grant of Connectivity shall contain, inter alia, the following details, as applicable, duly supported with relevant affidavit, as stipulated in the Detailed Procedure for Connectivity and GNA issued in accordance with Regulation 39.1:

.....

(xi) In case of Applicants which are REGS (other than Hydro generating station or ESS (excluding Pumped Storage Plant (PSP)) the documents shall be submitted as per sub-clause (a) or sub-clause (b) or sub-clause (c) as specified hereunder:

.....

(c) For a capacity up to 1000MW - Bank Guarantee of Rs. 10 lakh/ MW and for a capacity more than 1000MW - Bank Guarantee of Rs. 100 Crore plus Rs. 5 lakh/MW for capacity over and above 1000MW, in lieu of ownership or lease rights or land use rights of land for 50% of the land required for the capacity for which Connectivity is sought subject to provisions of Regulations 11A and 11B of these regulations.”

As per the above, an entity seeking Connectivity under clause (c) of Regulation 5.8(xi) shall have to furnish a Bank Guarantee for Rs. 10 lakh/MW up to a capacity of 1000 MW and Rs. 5 lakh/MW for capacity more than 1000 MW.

Thus, Regulations have already provided a graded structure for furnishing BG for the connectivity application for a capacity of more than 1000 MW.

38. Further, the provision of furnishing of BG in clause (c) of Regulation 5.8(xi) has been made under the Regulations towards the security that the applicant shall arrange the required land and ensure the timely implementation of the project and subsequently to ensure the utilisation of the transmission system, for which charges are ultimately being paid by the drawee entities.

39. Considering the above, we are not inclined to consider the request for reducing the quantum of BG for the Petitioner. We note that the arrangement of land is the first and prime requirement for the implementation of the generating station, and accordingly, Regulation 11A(1) requires the submission of the land documents.

40. We have also perused Clause (1) of Regulation 11A of the GNA Regulations, which has been amended vide the Third Amendment to the GNA Regulations. Clause (1) of Regulation 11A provides as under:

“(1) An applicant which is REGS (other than Hydro generating station) or ESS (excluding PSP) covered under sub-clause (c) of Clause (xi) of Regulation 5.8 or Renewable power park developer covered under sub-clause (c) of Clause (vii) Regulation 5.8, shall submit documents for land in terms of sub-clause (b) of Clause



(xi) or sub-clause (b) of Clause (vii) of Regulation 5.8 of these regulations, as the case may be, within 18 months of issuance of an in-principle grant of Connectivity or within 12 months of issuance of a final grant of Connectivity, whichever is earlier. The Bank Guarantee submitted under subclause (c) of Clause (vii) or under sub-clause (c) of Clause (xi) of Regulation 5.8 of these regulations shall be returned within 7 days of acceptance of the submitted land documents by the Nodal Agency.

Provided that, in case final grant of Connectivity has been intimated at an ISTS substation where neither the final coordinates nor the tentative coordinates are communicated along with final grant of Connectivity by the Nodal Agency, the applicant shall furnish the required land documents by later date of subclause (a) or (b) specified below:

- (a) within 18 months of issuance of an in-principle grant of Connectivity or within 12 months of issuance of a final grant of Connectivity, whichever is earlier, or*
- (b) within nine months from date of communication of tentative coordinate of the substation at which Connectivity has been granted in terms of clause (b) of Regulation 10.5 of these regulations.”*

As per the above, the applicant which has been granted connectivity under clause (c) of Regulation 5.8(xi) of the GNA Regulations, shall have to submit the required land document later date of (i) within 18 months of issuance of an in-principle grant of Connectivity or within 12 months of issuance of a final grant of Connectivity, whichever is earlier, or (ii) within nine months from date of communication of tentative coordinate of the substation in terms of clause (b) of Regulation 10.5.

41. Relevant extract of Regulation 9.1 and Regulation 10.5 of the GNA Regulations (as amended vide third amendment to the GNA Regulations) provides as under:

“9.1. Within 15 days of receipt of Conn-BG1, Conn-BG2 and Conn-BG3, as applicable, the Nodal Agency shall intimate the final grant of Connectivity to the entity that has been intimated the in-principle grant of Connectivity. The intimation shall contain, inter alia, the following:

.....

- (d) Start date of Connectivity, tentative or firm, as available. In case tentative Start date of Connectivity is furnished in Final Grant of Connectivity, the firm Start date of Connectivity shall be intimated as per Regulation 10.5 of these regulations.*

.....

10.5 *Confirmation of firm Start Date of Connectivity, coordinate of the ISTS substation, terminal bay location, and Single Line Diagram to the Applicant:*

.....

- (b) The Nodal Agency shall furnish the tentative coordinates of the ISTS substation at which Connectivity has been granted within one week of issuance of the Letter of Award for construction of such ISTS substation, not later than 6 (six) months of final grant of Connectivity. The Nodal Agency shall furnish the final coordinates of such ISTS substation, along with the terminal bay location and Single Line*



Diagram, within 6 months of the issuance of the Letter of Award for the construction of such ISTS substation.”

As per the above, if an applicant has been granted Connectivity with augmentation and the coordinates of the substation, where Connectivity has been granted, are not known to the CTUIL at the stage of intimation of final grant of Connectivity, CTUIL shall intimate such coordinates of the substation within 6 months of final grant of Connectivity.

A blanket approval to furnish land documents as late as 30 months from the in principle grant of connectivity, even when the substation coordinates are known, may lead to a situation where no milestones are achieved by the Connectivity grantee for such a period. Considering the above discussion, we are of the considered view that the Petitioner's request for relaxation in the timeline for submission of land documents under Regulation 11A(1) of the GNA Regulations is not acceptable.

42. Issue No. 2 is answered accordingly. All the Prayers of the Petitioner are rejected accordingly.

43. Accordingly, the Petition No. 259/MP/2024, along with IA No. 59//2024 is disposed of in terms of the above.

Sd/
(Ravinder Singh Dhillon)
Member

Sd/
(Harish Dudani)
Member

Sd/
(Ramesh Babu V)
Member

Sd/
(Jishnu Barua)
Chairperson

