

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 273/MP/2024
alongwith IA No.120/IA/2025**

Coram:

**Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member**

Date of Order: 28.11.2025

In the Matter Of:

Petition under Section 79 of the Electricity Act, 2003 read with applicable provisions of the Central Electricity Regulatory Commission (Connectivity and General Network Access To The Inter-State Transmission System) Regulations, 2022 along with Regulation 65 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations 2023, seeking relief(s) against Central Transmission Utility of India Limited in connection with the in-principle grant of connectivity for 140 MW to the Petitioner herein at Davangere district in State of Karnataka.

And in the matter of:

Layer Hybren Private Limited

Mahindra Towers, Pandurang Budhkar Marg
Near Doordarshan Kendra,
Worli, Mumbai – 400018.

...Petitioner

Versus

1. Central Transmission Utility of India Limited

Saudamini, 1st Floor, Plot No. 2,
Sector-29, Gurugram,
Haryana-122001.

2. Solar Energy Corporation of India Limited,

1st Floor, A-Wing, D-3, District Centre, Saket,
New Delhi-110017.

...Respondents

Parties Present : Shri Basava Prabhu Patil, Sr. Advocate, LHPL
Shri Nitish Gupta, Advocate, LHPL
Ms. Nipun Sharma, Advocate, LHPL
Shri Manav Saluja, Advocate, LHPL
Shri Arijeet Shukla, Advocate, LHPL
Shri Hemant Sahai, Advocate, LHPL
Shri Shubham Arya, Advocate, CTUIL
Ms. Reeha Singh, Advocate, CTUIL



Shri Siddharth Sharma, CTUIL
Shri Lashit Sharma, CTUIL
Ms. Priyanshi Jadiya, CTUIL

ORDER

Layer Hybren Private Limited has filed the instant petition under Section 79 of the Electricity Act, 2003 (“Act”) read with the Central Electricity Regulatory Commission (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 (“2022 GNA Regulations”) along with Regulation 65 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations 2023 (“2023 Conduct of Business Regulations”) seeking relief(s) against Central Transmission Utility of India Limited (“CTUIL”) in connection with the in-principle grant of connectivity for 140 MW to the Petitioner at Davangere district in the State of Karnataka.

2. The Petitioner has made the following prayers:

“(a) Allow the present Petition;

(b) Hold and declare that the re-classification of Davangere region as a “No WTG Zone” by NIWE is an event of ‘force majeure’ and beyond the reasonable control of the Petitioner;

(c) Hold and declare that the Petitioner shall not be liable for payment of transmission charges / any other charges under the GNA Regulations read along with CERC (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 and its amendments thereof, in case of delay in commissioning of the Project, in case the Project is delayed beyond connectivity start date due to delay in arranging alternate land for the Project.

(d) Hold and declare that the Petitioner shall not be liable for any penalty, damages, etc. under the GNA Regulations read along with CERC (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 and its amendments thereof or otherwise in case the Project is delayed beyond connectivity start date due to delay in arranging alternate land for the Project.

(e) Issue appropriate order(s) / direction(s) allowing the Petitioner herein to continue to retain the 140 MW Connectivity at Davangere sub-station under the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022;

(f) Pass such other and further order(s) / direction(s) that this Hon’ble Commission may deem fit, considering the facts and circumstances of the present case and in the interest of justice and equity.”



3. The Petitioner has also filed an Interlocutory Application bearing IA No.120/IA/2025 on 18.11.2025 seeking ex parte, ad interim direction(s) restraining CTUIL from taking any coercive action, including the invocation of the connectivity bank guarantee ("Conn-BG") submitted by the Petitioner and revoking the 140 MW connectivity granted to the Petitioner by the CTUIL. The prayers made by the Petitioner in the said petition are as follows:

4. The Petitioner has prayed, in the petition, to declare the reclassification of the Davangere region as a "No WTG Zone" by the National Institute of Wind Energy (NIWE) as a *force majeure* event beyond the control of the Petitioner. Consequently, declare that the Petitioner is not liable to pay any transmission charges and any penalty under the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission charges and Losses) Regulations, 2020 ("2020 Sharing Regulations") in case of delay in arranging for alternate land for the Project. The Petitioner has also prayed for issuance of directions allowing the Petitioner to continue to retain the 140 MW connectivity at Davangere Sub-station granted under the 2022 GNA Regulations. Subsequently, in additional affidavit dated 15.7.2025 (in paragraph 13), additional affidavit dated 6.11.2025 (in paragraph 20) and Written Submissions (in paragraph 42), the Petitioner has prayed for grant of three months' more time to submit the land documents to the CTUIL and to direct CTUIL not to take any coercive/ precipitative action against the Petitioner, including revocation of 140 MW connectivity and invocation/ encashment of land and Conn-BGs, in the interest of equity and fairness.

5. Thus, the basic plea of the Petitioner is for extension of time by three months to submit the documents in support of possession of ownership or lease rights or land use rights of 50% of the land required for the capacity for which connectivity is sought, as the Petitioner's Project was affected by the reclassification of the



Davangere area as a “No WTG Zone” by NIWE, which is a *force majeure* event, leading to delay in acquiring the required land.

Brief facts

6. The brief facts in the matter are as follows:

- a. The Petitioner is developing a 140 MW hybrid project (100 MW solar plus 40 MW wind) (“Project”) in Davangere district in the State of Karnataka. The Petitioner applied for a grant of connectivity for 140 MW at Davangere Sub-station on 7.3.2024 & 15.3.2024 under the BG route and for this purpose submitted ₹ 14 crore BG to CTUIL in lieu of land details on 26.3.2024.
- b. The in-principle grant of connectivity was approved by CTUIL on 30.5.2024, and accordingly, the last date for submission of the documents in support of possession of land is 30.11.2025. The start date of connectivity is on 31.8.2026. The Petitioner submitted Conn-BGs I, II and III on 17.6.2024.
- c. The Petitioner approached Karnataka Renewable Energy Development Limited (KREDL) on 22.4.2024 for approval of a 140 MW hybrid Project in Karnataka. Because of the reclassification of the Davangere area as “No WTG Zone” by NIWE, the Petitioner identified suitable alternative land for the wind component of its Project and accordingly submitted the revised coordinates for installation of WTGS, on 14.8.2024, to KREDL for issuance of Government Order. KREDL issued a G.O. to the Petitioner on 19.10.2024 for the revised coordinates for the Petitioner’s Project.
- d. The final grant of connectivity was granted to the Petitioner by CTUIL on 18.7.2025, with the start date of connectivity on 22.3.2027.

7. The Petitioner has made additional submissions vide additional affidavits dated 18.7.2025, 15.7.2025 and 6.11.2025 and has filed Written Submissions on 18.11.2025. The Petitioner, as stated earlier, has also filed IA No. 120/IA/2025 on 18.11.2025 seeking directions to CTUIL not to take any precipitative action against the Petitioner till the issue of the final order in the instant petition.

8. The gist of the submissions made by the Petitioner in the petition is as follows:

- a. The Petitioner was granted connectivity under Regulation 5.8(xi)(c) of the 2022 GNA Regulations under the land BG route and as per Regulation 11A(1)



of the 2022 GNA Regulations, the Petitioner is required to submit the documents in support of possession of land within 18 months of issuance of in-principle grant of connectivity or within 12 months of issuance of final grant of connectivity, whichever is earlier. As per Regulation 5.8(xi)(b) of the 2022 GNA Regulations, the Petitioner is required to submit proof of ownership of 50% of the land required for the capacity for which connectivity is sought, and for this purpose, the advance possession letter of the land issued by the concerned authority to the project developer is considered a valid document. Failing to submit the said document within the specified time would lead to revocation of the granted connectivity, and the BGs submitted in this regard shall be encashed by the CTUIL as per Regulation 11B(1) of the 2022 Connectivity Regulations.

b. On account of the uncertainty of the land on which the Project is to be constructed, the Petitioner seeks protection from any coercive/ precipitative action by CTUIL, penalty or payment of transmission charges in terms of the 2020 Sharing Regulations, along with retention of in-principle connectivity granted by CTUIL to the Petitioner for 140 MW at Davangere Sub-station.

c. The Petitioner's Project is affected by the re-classification of the majority portion of the Davangere region as "No Wind Turbine Generator Zone" (No WTG Zone) by NIWE. The Davangere location was chosen by the Petitioner due to its high RE potential, supported by a planned transmission system development for a 17 GW REZ (9 GW Solar, 8 GW Wind) in the State of Karnataka as per the CEA Report on 'Transmission System for integration of over 500 GW RE capacity by 2030 dated December, 2022 as well as the other material(s) available in the public domain.

d. When the Petitioner applied for connectivity at the Davangere Sub-station, there were no restrictions on developing the hybrid projects, and the Davangere region was not classified as a "No WTG Zone" by the NIWE as per the maps uploaded by NIWE on its portal. The Petitioner was taking active steps towards the Project, and on 19.7.2024, the Petitioner got to know that the Davangere region has been re-classified as a "No WTG Zone" and the maps on the NIWE portal had been revised, imposing restrictions on the installation of WTGs. As per the updated KML file, the majority portion of the Davangere region has been re-classified as "No WTG Zone" on account of which the Petitioner will not be able to install its wind turbines on the said land,



making the said land unsuitable for construction and development of the Project. This reclassification affected 70% of the wind turbine locations identified by the Petitioner in the Davangere region for the Project's development.

e. The new maps reclassifying the Davangere region as a “No WTG Zone” uploaded on the NIWE website erroneously show that the maps were uploaded on 8.2.2024. However, it is factually incorrect, and it appears that the same has been done retrospectively. Nobody was aware of the reclassification of the Davangere region as a “No WTG Zone” by the NIWE. Insofar as CTUIL, at its 30th Consultation Meeting for Evolving Transmission Schemes in Southern Region held on 30.4.2024, has decided to grant connectivity at Davangere Sub-station to Hybrid projects/wind projects. Further, CTUIL, in the 31st and 32nd Consultation Meetings for Evolving Transmission Schemes in Southern Region held on 30.5.2024 and 28.6.2024 respectively, again decided to grant connectivity to applicants at the Davangere Sub-station for Hybrid projects/wind projects.

f. The Petitioner made a representation to CTUIL regarding the issues faced by the Petitioner in the development of the Project. However, the Petitioner is yet to receive any response from CTUIL. Therefore, the Petitioner has filed the instant petition.

g. Before making an application to CTUIL for connectivity at Davangere Sub-station, the Petitioner checked and verified from the CEA Report issued in December 2022, that the Project can be developed in the Davangere region and wind turbines can be installed. To ensure that the land identified for the Project had no restriction(s) and the same was under a WTG Zone, the Petitioner, on 21.2.2024, verified the status of the land parcels from the Wayback Machin Portal (a website which tracks changes in various websites on periodic basis in line with NIWE website), whereby Davangere region was under a green zone and there were no restrictions. As on 21.2.2024, the Davangere region was under a “WTG Zone” as per the map uploaded on the website of the NIWE.

h. On 22.4.2024, the Petitioner applied to KREDL for approval of a 140 MW hybrid power project for development in Karnataka State and the issuance of a Government Order.



- i. The minutes, dated 17.5.2024, of the 30th Consultation Meeting for Evolving Transmission Schemes in Southern Region held on 30.4.2024 show that even CTUIL was not aware till the 30th Consultation Meeting regarding the updation of maps of Davangere region on the NIWE portal and re-classification of the Davangere region as a “No WTG Zone”.
- j. CTUIL granted in-principle connectivity of 140 MW (Hybrid) at Davangere Sub-station (nearest village/town – Ramaghatta/ Jagalur) on 30.5.2024 to the Petitioner in terms of the 2022 GNA Regulations, with the start date of connectivity on 31.8.2026 and requested to submit Conn-BGs by 29.6.2024. The Petitioner submitted the same on 17.6.2024.
- k. Despite the maps being revised by NIWE, whereby the Davangere region was re-classified as a “No WTG Zone”, CTUIL, until its 30th, 31st and 32nd Consultation Meeting, was not aware of the re-classification of the Davangere region as a “No WTG Zone”, which is why CTUIL agreed to grant connectivity to the Petitioner at the Davangere Sub-station, and the Petitioner also acted upon the same. It is the responsibility of the CTUIL to ascertain that the sub-station on which the connectivity is being allowed by it is a restriction-free zone. This substantiates that the Petitioner is not at fault, as it acted upon CTUIL’s observation at the 30th, 31st, and 32nd Consultation Meetings that connectivity is available at the Davangere Sub-station.
- l. The Petitioner acted on the representation(s) given by CTUIL by way of its consultation meetings, along with the material documents and studies, such as the CEA Report available in the public domain, with respect to connectivity being available at Davangere Sub-station. Hence, under these circumstances, the Petitioner is not at fault at all, and no liability or penalty can be imposed upon the Petitioner.
- m. The Petitioner, on 20.7.2024, issued an email to CTUIL requesting a meeting to discuss the aforesaid issue of the Davangere region. However, the Petitioner did not receive a response from CTUIL.
- n. On 24.7.2024, the Petitioner intimated KREDL regarding the issuance of revised map by NIWE in relation to MOD approval for WTG elevation certificates, whereby certain areas of Davangere region were re-classified as “No WTG Zone”, and also sought guidance and clarity from KREDL with respect to potential implications of the aforesaid declaration of NIWE on the



Petitioner's Project so as to enable the Petitioner to take decision regarding development of its planned renewable energy projects in Davangere region.

o. On 26.7.2024, the Petitioner also sought urgent intervention of the Ministry of New and Renewable Energy (MNRE), seeking a resolution of NIWE re-classification impacting wind project development in Davangere district, Karnataka.

p. On 29.7.2024, the Petitioner also submitted a representation to CTUIL outlining the difficulty faced by the Petitioner towards the development of the Project on account of the declaration of the Davangere region as a "No WTG Zone" by NIWE, for the consideration of CTUIL.

q. The Petitioner is yet to receive any communication from CTUIL on the subject issue. Therefore, there is a strong apprehension that CTUIL may not consider the representation made by the Petitioner and/ or take any step(s) against the Petitioner, which are coercive/ precipitative and prejudicial in nature and would be legally and commercially detrimental to its interest.

r. The re-classification of the Davangere region by the NIWE as a "No WTG Zone" is an event of *force majeure* since the same is beyond the reasonable control of the Petitioner. The present situation squarely falls within the definition of the term '*force majeure*'. The Hon'ble Supreme Court in the case of Dhanrajamal Gobindram v. Shamji Kalidas & Co., reported at [(1961) 3 SCR 1020], has held that where any reference has been made to the term "*force majeure*", the intention is to save the performing party from the consequences of anything over which he has no control.

s. It is a settled principle of law that no one can be penalised for no fault of their own. It is the responsibility of the CTUIL to ascertain that the sub-station on which the connectivity is being allowed by it is a restriction-free zone. Hence, this substantiates that the Petitioner is not at fault since it acted upon CTUIL's observation in the 30th, 31st and 32nd Consultation Meeting that connectivity is available at Davangere Sub-station.

t. On account of the declaration of 'WTG Zone' as a 'No WTG Zone' by NIWE, the Petitioner cannot be made liable to suffer any penalty or liability, in case of any mismatch between the scheduled commissioning date of the Project and the start date of the connectivity. The Petitioner will endeavour to complete the Project by the scheduled commissioning date of the Project; however, for the reasons which are beyond its control and are not the



Petitioner's fault, the Petitioner cannot be made liable to pay any penalty or transmission charges under the 2020 Sharing Regulations or any other Regulations.

u. Therefore, the Commission may exercise its discretionary power of 'power to relax' and 'power to remove difficulty' as provided under Regulations 41 and 42 of the 2022 GNA Regulations, as the situation in hand is neither deliberate nor wilful and beyond the reasonable control of the Petitioner.

v. The Commission has exercised its inherent powers to relax provided under Regulation 41 of the 2022 GNA Regulations on account of reasons beyond the control of the affected party in order dated 21.1.2024 in Petition (Diary) No. 20 of 2024, order dated 31.1.2024 in Petition No. 18/MP/2024 and in order dated 31.1.2024 in Petition No. 19/MP/2024 under Regulation 8.2 (c) of the 2022 GNA Regulations on account of the reasons beyond their control. The Commission should grant a similar relief to the Petitioner in the present case since it is a fit case of *force majeure* and is on account of the factors which are beyond the reasonable control of the Petitioner.

w. The 2022 GNA Regulations are silent on the aspect of the *force majeure* events, and the absence of the same is causing injustice and hardship to the Petitioner. The exercise of the 'power to relax' and 'power to remove difficulty' by the Commission will cause no prejudice to CTUIL.

9. The gist of the additional information submitted by the Petitioner vide affidavit dated 15.7.2025 is as follows:

a. On account of uncertainty in the land identified by the Petitioner at Davangere for the development of the Project due to re-classification of the majority portion of the Davangere region as No WTG Zone, there is an apprehension that the Petitioner may not be able to submit 50% of the land documents to CTUIL as per the timelines stipulated under the 2022 GNA Regulations.

b. The timeline to demonstrate 50% of documents for land compliance as per Regulation 11 A (1) of the 2022 GNA Regulations has started on 30.5.2024 and will expire on 30.11.2025 (i.e., 18 months from the date of in principle approval for connectivity). If the Petitioner is unable to submit 50% of the land documents by the deadline of 30.11.2025, CTUIL may proceed to

invoke and encash the Conn-BGs, thereby causing significant financial hardship to the Petitioner despite the delay being due to a *force majeure* event. Accordingly, in the interest of justice and to ensure that the Petitioner is not unfairly prejudiced by events beyond its control, the present affidavit is filed to seek an extension of time for submission of the said land documents.

c. The new maps uploaded on the NIWE website erroneously show that the maps were uploaded on 8.2.2024. However, the same is factually incorrect. The fact that Block 7 (Davangere) region was classified as a 'No WTG Zone' after June 2024 is further substantiated by the MNRE's letter dated 14.1.2025, which is filed by SECI vide its affidavit dated 24.1.2024. The said MNRE's letter dated 14.1.2025 categorically records that MoD has re-examined the issue of reclassification of the land parcels in the Davangere region from "WTG Zone" to "No WTG Zone" and has decided that the applications seeking NOC for WTGs proposed to be installed in Block-7 (Davangere region), Karnataka beyond 20 km from ARP of ATR Davangere may be processed on a case- to-case basis.

d. Though the 70% of the Davangere region and the majority of the land for which the Petitioner had earlier applied to KREDL for the issuance of G.O. was notified as a "No WTG Zone" by NIWE/MoD, the Petitioner with its proactiveness has been able to arrange alternate parcels/ coordinates of land for installation of its WTGs, and the revised application for the said coordinates of land was submitted to KREDL on 16.8.2024 and the G.O. was finally issued to the Petitioner on 19.10.2024. However, in the said process, the Petitioner has suffered a total time loss of approximately 3 months due to a *force majeure* event, which was beyond its control.

e. MNRE in its letter dated 14.1.2025 recorded that the MoD has re-examined the issue of reclassification of the land parcels in the Davangere region from "WTG Zone" to "No WTG Zone" and has decided that the applications seeking NOC for WTGs proposed to be installed in Block-7 (Davangere region), Karnataka beyond 20 km from ARP of ATR Davangere may be processed on case- to-case basis.

f. Due to the delay resulting from the re-classification of the Davangere region as a "No-WTG Zone", the Petitioner is left with only six months approximately to comply with the requirement of submitting land documents. As the delay was beyond the Petitioner's control, an extension of



approximately three months be granted for the submission of the requisite land documents to CTUIL, in the interest of equity and fairness.

10. The Petitioner has made further submissions in compliance with the directions in Record of Proceedings of the hearing dated 16.9.2025, vide additional affidavit dated 6.11.2025, and the gist of the submissions made by the Petitioner is as follows:

a. The Petitioner is presently constrained in submitting 50% of the requisite land documents to CTUIL within the timeline stipulated under the 2022 GNA Regulations. Accordingly, the Petitioner is seeking an extension of three months' time for submission of 50% of the land documents to CTUIL.

b. No prejudice will be caused to CTUIL if the Petitioner is granted an extension of time for submission of the land-related documents. The connectivity start date for the Project is 22.3.2027, and the Petitioner remains fully committed to commissioning the Project within the said timeframe. If such an extension is not granted, the Petitioner would face serious and disproportionate consequences, including the revocation of the granted connectivity, a scarce and valuable resource, under the applicable provisions of the 2022 GNA Regulations. Such revocation would not only jeopardise the Petitioner's substantial investments already made towards land acquisition, WTGs, solar modules, and transmission infrastructure but would also render futile the extensive efforts undertaken by the Petitioner towards the timely implementation of the Project.

c. The total land requirement for establishing a 140 MW Hybrid RE Project (comprising 100 MW Solar + 40 MW Wind) is 310 acres (@ 3 acres/MW for solar + 0.25/MW for wind). However, under the 2022 GNA Regulations, for the purpose of obtaining Connectivity through Land Route, the requirement is "Registered Title Deed as proof of ownership or lease rights or land use rights for 50% of the land required for the capacity", i.e., approximately 155 acres (comprising 150 acres for solar component + 5 acres for wind component). The Petitioner is installing WTGs of 5 MW each, so for a 40 MW wind component, the Petitioner is required to install 8 WTGs at the Project site.

d. Out of the total 150 acres required for the solar portion of the Project, the Petitioner has already completed execution of Registered Agreements to



Lease and General Powers of Attorney (GPAs) for 78.86 acres of land. The remaining 71.14 acres are in advanced stages of finalisation. However, the execution of the registered Agreements to Lease and corresponding GPAs for this portion has been delayed due to the re-classification of the Davangere region as a “No WTG Zone” by NIWE, as elaborated in earlier paragraphs. The said re-classification created uncertainty regarding the project's coordinates and delayed the completion of the land finalisation process, which was beyond the Petitioner's control.

e. Out of the 5 acres required for the wind portion of the Project, the Petitioner has already executed Registered Agreements to Sale and General Powers of Attorney for 5.75 acres covering 4 WTG locations (of 5 MW each), thereby fulfilling the requirement of 50% of the land required for the wind capacity. The Petitioner has incurred costs of approximately ₹4.55 crore towards these acquisitions.

f. As far as the execution of the registered lease deeds for the solar component and registered sale deeds for the wind component is concerned, the Petitioner is in the process of completing the registered lease deeds for the 150 acres pertaining to the solar component and the registered sale deed for the 5 acres pertaining to the wind component. The delay in execution is due to a *force majeure* event. The Petitioner undertakes that upon grant of the three months' extension, the Petitioner shall complete execution of all registered lease rights and sale deeds for the required 155 acres (including NA conversion) and shall submit all requisite documents evidencing the same to CTUIL within the extended timeline.

g. Had it not been for the *force majeure* events, the Petitioner would have been in a position to comply with the timelines provided in Regulation 11A. Hence, to comply with the requirement to submit 50% of the land documents to CTUIL, the Petitioner is seeking an extension of a three-month period.

h. That the Hon'ble Supreme Court of India in the case of Power Grid Corporation of India Ltd. v. MPPTCL 2025 INSC 697, observed that the functions of the Commission under Section 79 of the Act are independent of, and not contingent upon, the existence of regulations framed under Section 178 of the Act. The regulatory power under Section 79(1) of the Act is of an ad hoc nature and is meant to operate in specific circumstances where the regulations are silent or where unforeseen contingencies arise, thereby filling



any regulatory lacuna in order to strike a judicious balance between the parties, consistent with commercial prudence and consumer interest. Consequently, in absence of Regulations, Section 79(1) of the Act mandates the Commission to strike a judicious balance between the parties, keeping in mind commercial principles and consumers' interests, in exercise of its general regulatory powers. Thus, even in the absence of specific recognition of *force majeure* within the 2022 GNA Regulations, the Commission retains its inherent authority under Section 79(1) of the Act to regulate the consequences of events beyond the control of the regulated entities.

11. The Petitioner has filed its Written submissions dated 17.11.2025, and the gist of the submissions made by the Petitioner is as follows:

a. The Petitioner has sought the following reliefs:

- i. Declaration that the re-classification of the majority portion (70%) of the Davangere region as a No WTG Zone by the NIWE is a *force majeure* event;
- ii. No liability on the Petitioner for payment of transmission charges / any other charges or penalty, damages, etc., in case of delay in commissioning of the Project, in case the Project is delayed beyond the connectivity start date due to delay in arranging alternate land for the Project;
- iii. Retention of 140 MW connectivity by the Petitioner/ Applicant, granted by CTUIL at Davangere Sub-station;
- iv. Extension of time for submission of 50% of land documents to CTUIL, as required under the GNA Regulations, on account of *force majeure* events beyond its reasonable control. The extension of three months is sought by the Petitioner for the significant time period lost in identifying an alternate parcel of land for the installation of WTGs, i.e., from 19.7.2024 to 19.10.2024

b. MNRE letter dated 14.1.2025 states that the Davangere area was classified as a "No WTG Zone". However, the same is now reclassified, where NOCs will be granted on a case-by-case basis. In this letter, the names and Block nos. of Davangere and Chitradurga are wrongly interchanged. For the



purposes of the present petition, the Petitioner is referring to its area as Davangere (Block - 6). This MNRE letter clearly indicates that the MoD has acknowledged that the said re-classification was an unforeseen and external event beyond the control of the generators, thereby constituting a *force majeure* event that could not have been reasonably anticipated.

c. Despite being severely affected by the *force majeure* event, the Petitioner remains committed to commissioning the Project on time and has taken reasonable steps towards the implementation of the Project. Substantial progress has been made towards implementing the Project, and significant financial commitments have already been undertaken in furtherance thereof.

d. The Project requires 310 acres of land, 300 acres for solar and 10 acres for wind. As per Regulation 11A(1) of the 2022 GNA Regulations, the Petitioner should be in possession of land rights for 50% capacity as on 30.11.2025, 150 acres for solar and 5 acres for wind. Of the 150 acres required for solar projects, the Petitioner has already completed execution of Registered Agreements to Lease and General Powers of Attorney (GPAs) for 78.86 acres of land. The remaining 71.14 acres are in advanced stages of finalisation. Out of the 5 acres for wind projects, the Petitioner has already executed Registered Agreements to Sale and General Powers of Attorney for 5.75 acres, covering 4 WTG locations (each of 5 MW), thereby fulfilling the 50% land requirement for the wind capacity. The Petitioner has already invested ₹ 50.56 crore in the Project.

e. CTUIL has neither filed any reply on merits nor opposed the Petitioner's plea regarding the delay in the implementation of the Project on account of the *force majeure* event. The absence of any rebuttal or contest from CTUIL on this material aspect is significant. It can reasonably be inferred that CTUIL itself is uncertain about the implications of the said re-classification and, by necessary implication, acknowledges that the Petitioner has indeed been adversely impacted by this unforeseen and uncontrollable event. CTUIL's silence strengthens the Petitioner's contention that the delay is attributable solely to circumstances beyond its control and that the Petitioner cannot be penalised for the same.

f. KREDL, while issuing the G.O. on 19.10.2024, has also acknowledged the fact that the land initially identified by the Petitioner for the Project falls within the zone restricted by MoD, which is why the Petitioner identified land



outside the zone restricted by MoD. MNRE vide its letter dated 14.1.2025 has also recorded that the MoD has re-examined the issue of re-classification of the land parcels in the Davangere region from "WTG Zone" to "No WTG Zone" and has decided that the applications seeking NOC for WTGs proposed to be installed in Block-7 of Davangere region, beyond 20 km from ARP of ATR Davangere, may be processed on case to case basis.

g. As per Regulation 9.1 of the 2022 GNA Regulations, CTUIL is mandated to issue the final grant of connectivity within 15 days of submission of the Conn-BGs. In the present case, the Petitioner submitted its Conn-BGs on 17.6.2024, and CTUIL was required to issue the final grant of connectivity to the Petitioner by 2.7.2024. However, the same was issued after a substantial and unexplained delay of approximately 13 months, i.e., only on 18.7.2025, without any adverse consequence. In these circumstances, a reasonable extension of three months sought by the Petitioner for submission of documents depicting land use rights for 50% of the project land, particularly in view of the acknowledged *force majeure* events not attributable to the Petitioner, deserves to be considered in the spirit of parity and fairness.

h. The Commission has exercised its inherent power in the past under Regulations 41 and 42 of the 2022 GNA Regulations and granted extension of time to the project developers for submission of 50% of land documents to CTUIL on account of reasons beyond the control of the Petitioners in orders dated 21.4.2024 and 4.5.2024 in Petition No. 291/MP/2023 and 292/MP/2023 (SolarOne Energy Private Limited v. CTUIL & Anr.) and order dated 25.11.2024 in Petition No. 326/MP/2024 (ACME Solar Holdings & Anr. v. CTUIL).

i. It is a settled law that all the rules of procedure are the handmaids of justice and procedural law is not an obstruction but an aid to justice. The 2022 GNA Regulations is a mere procedure and is capable of being relaxed by the Commission to protect the interests of the Petitioner herein. [Ref: Kailash v. Nanhku, (2005) 4 SCC 480 (Para 28); Jai Jai Ram Manohar Lal v National Building Material Supply, Gurgaon (1969) 1 SCC 869 (Para 5); Rani Kusum (Smt) v Kanchan Devi (Smt) & Ors. (2005) 6 SCC 705 (Para 14, 15)].

j. It is a settled principle of law that no one can be penalised for fault, not of their own. The Petitioner herein had undertaken all the reasonable/possible due diligence of the land parcels intended for the purpose of developing the



Project, and it is only after relying on the reports and the MoM issued by CEA and CTUIL (Nodal Agency for grant of connectivity) that the Petitioner decided to develop its Project in Davangere.

k. Therefore, the Commission may allow the present petition and declare that the re-classification of Davangere region as a “No-WTG Zone” is a *force majeure* event and grant extension of three months to the Petitioner for submission of 50% of land documents to CTUIL, as required under the 2022 GNA Regulations, and issue appropriate order(s) directing CTUIL not to take any coercive and/or precipitative step(s) against the Petitioner, including revocation of 140 MW connectivity and invocation and/or encashment of Land BG and Conn-BGs submitted by the Petitioner in favour of CTUIL.

12. CTUIL, Respondent No.1, has submitted the information sought by the Commission in RoP of the hearing dated 13.8.2024, vide affidavit dated 30.9.2024.

The submissions made by CTUIL are as follows:

a. The CTU undertakes planning of transmission system including sub-stations based on inputs regarding plans made by CEA (short term & perspective plans for next ten years), applications for Connectivity and GNA made by respective entities, data submitted by STUs (as coordinated by RPCs), operational feedback by system operators, and renewable energy resource based on inputs and information as provided by the Ministry of New & Renewable Energy (MNRE).

b. It is understood that the NIWE is an autonomous research & development institution of the MNRE. However, as the inputs regarding renewable energy potential are provided directly by the MNRE, no direct consultation is undertaken by CTU with NIWE.

c. The transmission scheme for integration of Davanagere/ Chitradurga REZ in Karnataka was discussed in the 25th Consultation Meeting for Evolving Transmission Schemes (CMETS) in Southern Region, held on 28.11.2023 wherein it was informed that MNRE had identified addition of 181.5 GW RE Potential in the States of Andhra Pradesh, Telangana, Karnataka, Rajasthan, Madhya Pradesh and Tamil Nadu (Offshore). The transmission system for integration of 181.5 GW RE Potential had been identified by CEA, and a report on the Transmission System for



Integration of over 500 GW RE Capacity had been published by CEA on 7.12.2022. Out of the identified (86 GW) RE Potential in the Southern Region, 17 GW had been identified in the State of Karnataka. MNRE had indicated that out of the 17 GW REZ potential in Karnataka, the transmission system for evacuation capacity of about 11 GW may be identified, considering Energy Storage System. The details of district-wise potential are as below:

District	Potential (GW)		Total (GW)	Dispatch (90% S + 55% W)	BES S	Evacuation capacity to be planned (GW)
	Wind	Solar				
Koppal	2	2	4	2.9	1	2
Gadag	2	2	4	2.9	1	2
Davangere /Chitradurga	2	2	4	2.9	1	2
Bijapur	2		2	1.1		2
Bellary		1.5	1.5	1.35		1.5
Tumkur		1.5	1.5	1.35		1.5
Total	8	9	17	12.5	3	11

d. Further, in the 18th NCT Meeting held on 5.3.2024, NCT recommended the implementation of the Transmission Scheme for the integration of Davangere/ Chitradurga REZ and Bellary REZ in Karnataka through TBCB mode.

e. A meeting was convened by CEA on 31.5.2024 to finalise the tentative location of proposed sub-stations for 765/400 kV Davangere/ Chitradurga, 400/220 kV Bellary Pooling Sub-station & 400/220 kV Pooling Station near Bijapur (Vijayapura), wherein the location of Davangere PS was finalised after detailed deliberations.

13. Solar Energy Corporation of India Limited (SECI), Respondent No.2, in response to the Commission's direction to SECI in the RoP of the hearing dated 8.10.2024, to furnish its views on the impact on wind power developers pursuant to the re-classification of the portion of Davangere region as 'No WTG Zone' by NIWE, made the following submissions:

a. The 140 MW hybrid Project proposed by the Petitioner in Davangere District, Karnataka, is not implemented under any of the SECI's ISTS Renewable

Energy schemes. Therefore, SECI does not possess any information pertaining to these projects.

b. Notwithstanding the above, the tenders issued by SECI for setting up of ISTS-connected Wind Power Plants under the Standard Bidding Guidelines are essentially for procurement of power by SECI as Intermediary Procurer from the successful bidder, and back-to-back sale of such power to the Buying Entities. In terms of the bidding documents and Power Purchase Agreements, projects are developed under the B-O-O modality. The responsibility of selection, identification, procurement or leasing of land, getting clear possession of 100% of the land requirements, arrangement of connectivity through a dedicated transmission line to the transmission system owned by the State Transmission Utility /Central Transmission Utility is entirely of the WPD and the same is at the cost and risk of the WPD. Further, the WPD is responsible for obtaining the necessary consents, clearances and permits required for setting up the WPDs at its own cost and risk.

c. SECI does not undertake direct consultation with NIWE regarding RE potential zones. However, MNRE serves as the nodal ministry for addressing implementation issues related to renewable energy projects within the MoD's purview, including facilitating NOCs for land parcels applied for by Wind Project Developers.

d. SECI has solicited MNRE's expert input in the matter, and the same will be submitted on receipt.

14. Later, SECI vide affidavit dated 24.1.2025 has forwarded the comments received from MNRE.

15. We have considered the submissions of the Petitioner, CTUIL and SECI. On the basis of the parties' submissions, the following issues arise for our consideration.

Issue No.1: Whether reclassification of the Davangere region by NIWE as a “No WTG Zone”, as claimed by the Petitioner, affected the wind capacity of the Petitioner and if so, whether the same is a *force majeure* event as claimed by the Petitioner?



Issue No.2: Whether the Petitioner can be exempted from the liability of payment of transmission charges/ penalty/ any other charges under the 2022 GNA Regulations, read with the 2020 Sharing Regulations, in case of any delay in the Project beyond the start date of connectivity due to delay in arranging for alternate land for the Project?

Issue No.3: Whether the Petitioner is in possession of the ownership or lease rights or land use rights of land of 50% of the land required for the wind capacity of the Project as required under Regulation 11A(1) of 2022 GNA Regulations?

16. We consider Issue No.3 first, before we take up Issue No.1 and Issue No.2.

Issue No.3: Whether the Petitioner is in possession of the ownership or lease rights or land use rights of land of 50% of the land required for the wind capacity of the Project as required under Regulation 11A(1) of 2022 GNA Regulations?

17. The Petitioner was granted in-principle connectivity for 140 MW of a hybrid Project (100 MW solar plus 40 MW wind) at the Davangere Sub-station in Karnataka on 30.5.2024, with the start date of connectivity on 31.8.2026. Accordingly, the Petitioner is required to submit documents in support of its possession of land or lease rights or land use rights of 50% of the land required for the Project within 18 months from the grant of in-principle connectivity or 12 months of the grant of final connectivity, whichever is earlier, under Regulation 11A(1) of 2022 GNA Regulations. Accordingly, in the instant case, the Petitioner is required to submit the land documents to CTUIL before 30.11.2025. The Petitioner has submitted that the Davangere region was declared a “No WTG Zone” by NIWE in June 2024, after the Petitioner applied for connectivity, and the Petitioner came to know of the same only



in July 2024. The Petitioner has contended that 70% of the Petitioner's WTGs fall under the "No WTG Zone" classified by NIWE, on account of which the Petitioner has to look for alternate lands for its WTGs, and it has delayed the execution of the Project. Therefore, the Petitioner has sought three months' time to submit the land documents as specified in Regulation 11A(1) of the 2022 GNA Regulations.

18. The Project is of 140 MW, comprising 100 MW of solar and 40 MW of wind. Accordingly, the Petitioner requires 300 acres for solar (@ of 3 acres per MW) and 10 acres for wind (@ of 0.25 acres per MW). Thus, the Petitioner requires 310 acres (300 for solar and 10 for wind) of land for the Project, and is required to submit land documents for 150 acres for solar capacity, and 5 acres for wind capacity as per Regulation 11(A)1 of the 2022 GNA Regulations, before 30.11.2025. The Petitioner, in his Written Submissions dated 17.11.2025, has submitted that out of the 150 acres of land required for solar capacity, the Petitioner has already completed execution of Registered Agreements to Lease and General Powers of Attorney (GPAs) for 78.86 acres of land, and the remaining 71.14 acres are in advanced stages of finalisation. Out of the 5 acres for wind capacity, the Petitioner has already executed Registered Agreements to Sale and General Powers of Attorney for 5.75 acres covering 4 WTG locations (of 5 MW each). This shows that the Petitioner is in possession of more than 50% of the land required for wind capacity and would meet the requirement of Regulation 11A(1) of the 2022 GNA Regulations. Issue No.3 is answered accordingly.

Issue No.1: Whether reclassification of the Davangere region by NIWE as a "No WTG Zone", as claimed by the Petitioner, affected the wind capacity of the Petitioner and if so, whether the same is a *force majeure* event as claimed by the Petitioner?

19. The Petitioner has submitted that the Petitioner decided to set up the Project in the Davangere region, taking into consideration the RE potential in the area and the proposed transmission system development for 17 GW REZ as per the CEA Report on “Transmission System for integration of over 500 GW RE capacity by 2030” and other material in the public domain. The Petitioner applied for connectivity for 140 MW for the instant Project, besides other projects, in March 2024. The Petitioner has submitted that, thereafter, in June 2024, NIWE reclassified the Davangere area as “No WTG Zone”, which the Petitioner came to know only in July 2024. The Petitioner has further submitted that the maps reclassifying the Davangere region as “No WTG Zone” uploaded on the NIWE website erroneously indicate that the maps were uploaded on 8.2.2024. However, the maps were uploaded in June 2024. The Petitioner has further submitted that no one was aware of the reclassification of the Davangere region, including the CTUIL, and therefore the CTUIL continued to grant connectivity even after the reclassification of the Davangere region as a “No WTG Zone”. The Petitioner has also submitted that the reclassification impacted 70% of the wind turbine locations, requiring the Petitioner to look for alternative land, which led to a delay in the execution of the Project. The Petitioner has claimed that the reclassification of the Davangere region as a “No WTG Zone” is beyond its control and constitutes a *force majeure* event.

20. We have considered the submissions of the Petitioner. The Petitioner has submitted that there was no restriction on setting up WTGs in the Davangere region earlier, and in support of the same, has submitted a map along with the petition (on page 115). There is no mention of the date on the said map; it simply says “Earlier NIWE map”. The Petitioner claims that thereafter, NIWE in June 2024 reclassified the Davangere region as a “No WTG Zone”. The Petitioner’s claim for declaring the reclassification of the Davangere region as a “No WTG Zone” as a *force majeure*



event is premised on the map loaded on the NIWE website, which, according to the Petitioner was uploaded in June 2024. However, the website shows that they were uploaded in February 2024. During the hearing on 8.10.2024, CTUIL submitted that the wind developers are continuously coming up in this region and furnishing the Conn-BGs even after the Petitioner's claim of reclassification of a portion of the Davangere region as "No WTG Zone". We have perused the webpage of the NIWE website, submitted by the Petitioner. The relevant portion of the webpage appears on 20.11.2025 as follows:

"General conditions of NOC for construction of Wind Power Projects (Para (i) updated w.e.f 05.06.2024) NEW

- *JPG Map NEW*
- *Andhra Pradesh*
- *Gujarat [Updated Block 4 w.e.f 05.06.2024]*
- *Karnataka [Updated Block 7 w.e.f 08.02.2024]*
- *Madhya Pradesh*
- *Maharashtra*
- *Rajasthan*
- *Tamil Nadu*

21. A bare perusal of the above extract of the webpage of NIWE shows that Gujarat Block 4 was updated w.e.f. 5.6.2024, and Karnataka Block 7 was updated w.e.f. 8.2.2024. It is clear from the webpage that the Karnataka Block 7 was updated w.e.f. 8.2.2024. However, the Petitioner claims that the NIWE website erroneously shows that the Karnataka map was uploaded on 8.2.2024, whereas it was actually uploaded in June 2024. The above extract from the webpage shows that the Gujarat map was updated on 5.6.2024 and not the Karnataka map. If there is any error on the part of NIWE as claimed by the Petitioner, then the Petitioner should have approached NIWE for clarification to support its claim. The Petitioner has not produced any document to show that the Petitioner has approached NIWE in this regard. Further, the Petitioner has not produced any other document apart from the Petitioner's claim to show that the NIWE's website erroneously shows that the



Karnataka map was not uploaded on 8.2.2024, and it was only uploaded on 5.6.2024. In the absence of any documentary evidence to show that the NIWE webpage is wrong, other than the Petitioner's claim, we have to go by the record placed before us, which shows that the map was updated on 8.2.2024, i.e. before the Petitioner's application for connectivity in March 2024. Thus, the Petitioner's claim that the Davangere region was reclassified as a "No WTG Zone" after the Petitioner had applied for connectivity in March 2024 does not have any merit and it is accordingly rejected.

22. SECI has submitted the comments furnished by MNRE, vide letter dated 14.1.2025, regarding reclassification of the portion of the Davangere region as a "No WTG Zone" by NIWE. The relevant portion of MNRE's letter dated 14.1.2025 and the attached map are as follows.

"Subject: Request for information in terms of CERC ROP dated 08.10.2024 under petition no.272/MP/2024 and 273/MP/2024 -reg.

Sir,

I am directed to refer SECI's letter dated 18.11.2024 on the above subjected matter and to inform that the Block 6 (Devangere) and Block 7 (Chitradurga) of MoD NoC map published by NIWE are located in and around Devangere district (copy enclosed).

1. In this regard, it is to convey that Block 6 (Devangere) has been earmarked as 'NOC not required zone'.

2. Earlier, the majority portion of the Block 7 (Chitradurga) was earmarked as 'No WTG zone'. However, the same has been re-examined by Ministry of Defence (MoD) and followings, inter alia have been decided by MoD during the meeting dated 06.09.2024:

- i. Developers to seek NOC from MoD for WTGs installed in Block-7 Karnataka along with indemnification certificate for WTGs already installed within 20 km from Aerodrome Reference Point (ARR) of ATR Chitradurga.*
- ii. Applications seeking NOC for WTGs proposed to be installed in Block-7 Karnataka beyond 20 kms from ARP of ATR Chitradurga, may be processed on case-to-case basis.*

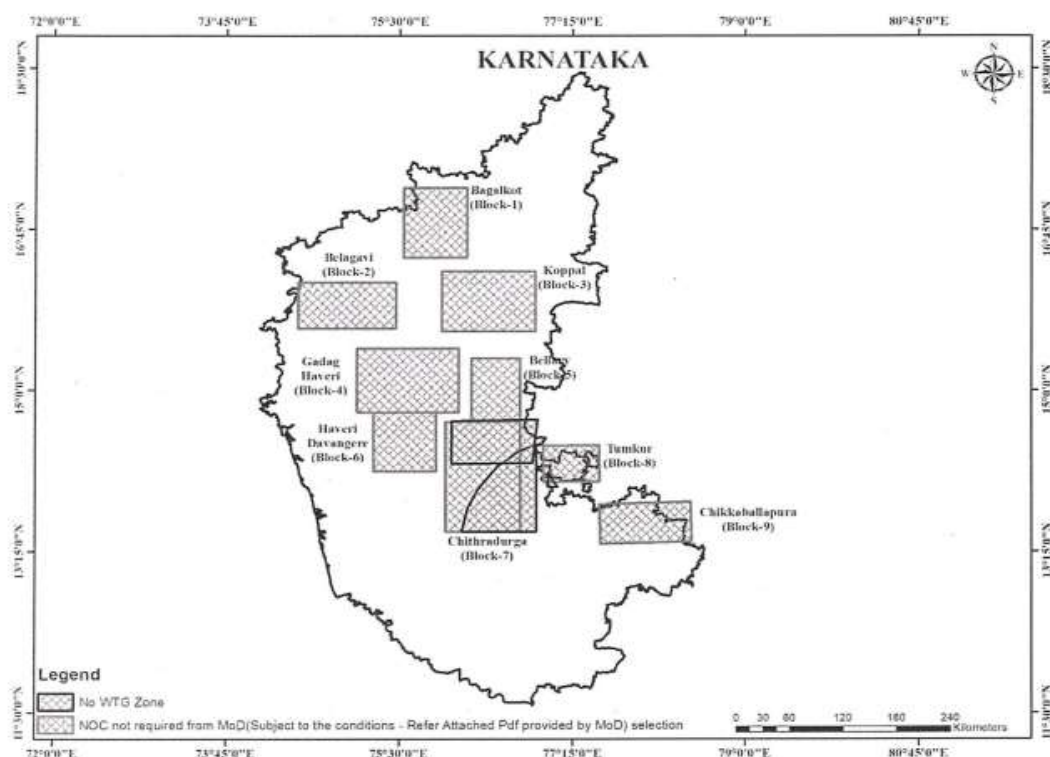
3. It may also be noted that although, the NOC from MoD has been a pre-requisite condition for installation of wind power projects and maps published by NIWE (as per directions of MoD) is to ease out the process, the developers generally start investment in pre-development activities, such as wind resource assessment,



micrositing, identification of land, registration at State Nodal Agencies, etc. before obtaining NoC from MoD.

4. *This issue with approval of the Competent Authority.”*

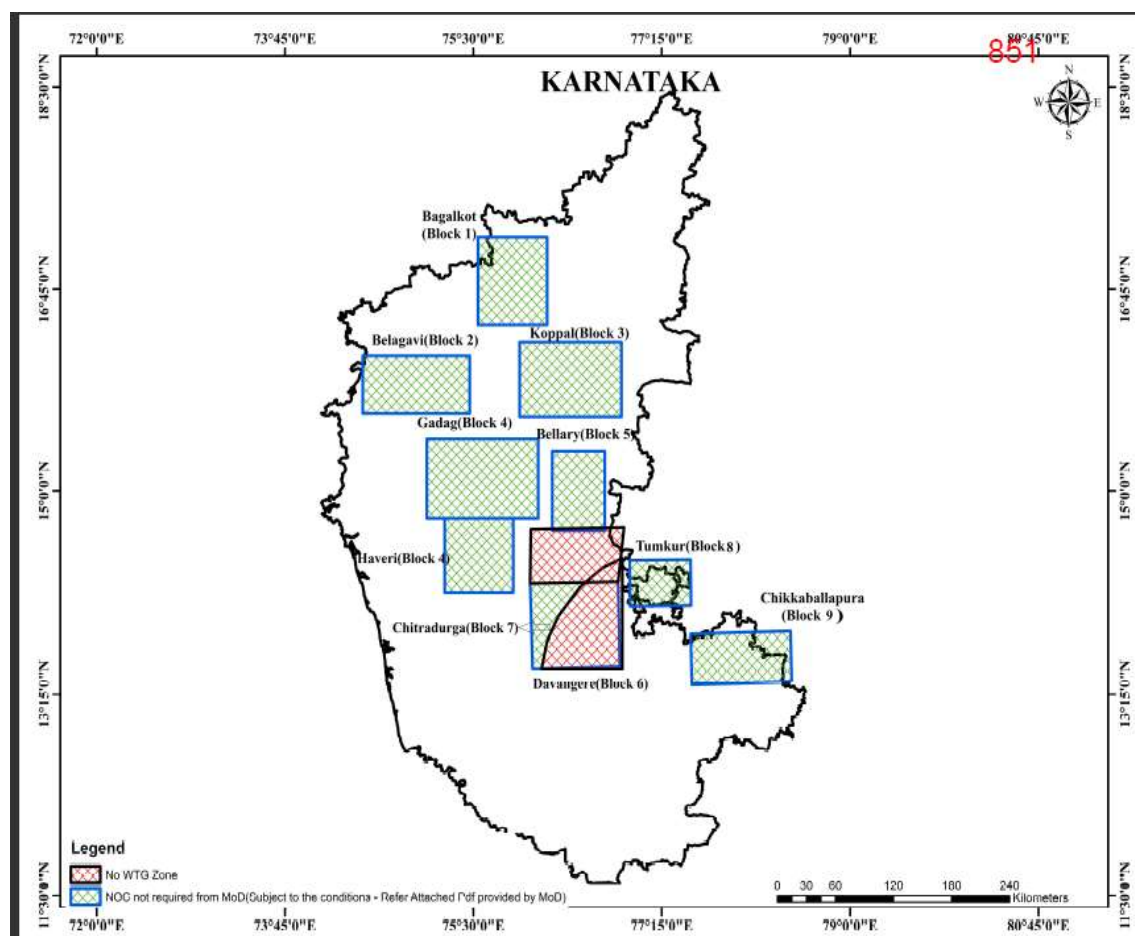




23. As per the MNRE's letter dated 14.1.2025, Block 6 (Davangere) has been earmarked as 'NOC not required zone'. The letter further states that earlier, the majority portion of the Block 7 (Chitradurga) was earmarked as 'No WTG zone'. However, the same was re-examined by MoD and it was decided by MoD, in the meeting held on 6.9.2024, that (a) in case of the WTGs already installed in Block-7 of Karnataka, which are within the 20 km of Aerodrome Reference Point (ARR) of ATR Chitradurga, the developers should seek NOC from MoD along with indemnification certificate and (b) applications seeking NOC for WTGs proposed to be installed in Block-7 Karnataka beyond 20 km from ARP of ATR Chitradurga, may be processed on case-to-case basis. The letter also states that although, the NOC from MoD has been a pre-requisite for installation of wind power projects and maps published by NIWE (as per directions of MoD) is to ease out the process, the

developers generally start investment in pre-development activities, such as wind resource assessment, micro-siting, identification of land, registration at State Nodal Agencies, etc. before obtaining NOC from MoD.

24. The Petitioner has contended that, as per the MNRE letter dated 14.1.2025, the Davangere region has been classified as a “No WTG Zone” and, as per the reclassification, the NOCs will be granted on a case-by-case basis. However, a plain reading of the letter shows that the Davangere region, Block 6, has been earmarked as a “NOC not required zone”. The Petitioner has further contended that in the MNRE’s letter, the name and Block numbers of Davangere and Chitradurga are wrongly interchanged, and for the purposes of the present petition, the Petitioner refers to its area as Davangere (Block-6). The map submitted by the Petitioner, along with the petition (page 847), is as follows.



25. A perusal of the maps submitted by MNRE and the Petitioner shows that there is a difference between them with respect Davangere and Chitradurga regions. However, no submissions have been made by the parties regarding the difference between the maps. The difference appears to be a result of the recategorisation of the Davangere and Chitradurga regions by NIWE/MNRE.

26. The Petitioner has submitted that 70% of the Davangere region and the majority of the land for which the Petitioner had earlier applied for KREDL approval on 22.4.2024 was notified as “No WTG Zone”. However, the Petitioner proactively arranged for alternate land and applied for KREDL approval on 16.8.2024, and KREDL granted the final approval on 19.10.2024. The Petitioner has submitted that in this process, it has lost three months, i.e. when the Petitioner came to know of the reclassification of the Davangere region on 19.7.2024 to the final approval of the Project by KREDL on 19.10.2024, which is beyond the Petitioner’s control and therefore seeks extension of three months in furnishing the land documents. As we have already concluded (in paragraph 21 above) that the map pertaining to Karnataka was updated on 8.2.2024, the Petitioner’s claim that it came to know of the reclassification of the Davangere region only on 19.7.2024 has become infructuous. Accordingly, the Petitioner’s prayer for a three-month extension does not have any merit and is hereby rejected.

27. It is further observed from the Petitioner’s letter to KREDL dated 14.8.2024, seeking approval of the revised coordinates for WTG locations, that the land for the solar capacity was not affected by the reclassification of the Davangere region. The relevant portion of the letter dated 14.8.2024 is as follows:

“Dear Sir,

We, M/s Layer Hybren Pvt. Ltd. (“Layer”) have submitted GO applications along with required documents to KREDL for the allotment of Government Order for 140 MW



(40 MW wind and 100 MW solar) and 160 MW (60 MW wind and 100 MW solar) hybrid RE capacity (As per above reference no. 1 & 2).

Subsequently, vide our letter (abovementioned reference no. 5) we updated the unforeseen event of issuance of revised map by National Institute of Wind Energy (NIWE) in relation to Ministry of Defence ("MOD") approval for WTG elevation certificates, where NIWE depicted certain areas of Davangere region as "No WTG Zone" in relation to MOD approval for elevation certificates to KREDL and sought your guidance for the same.

Also, as per meeting held in KREDL office dated 29th July 2024, and suggestions received, we have identified some new WTG coordinates outside the MoD boundary, and shifted our projects away from the restricted area. Although, the new coordinates are having lessor potential for wind energy generation but considering our commitment to sustainable development and timelines for development of the projects, we are proceeding ahead with revised new coordinates outside the restricted area.

*Revised coordinates for 40 MW wind capacity (13 nos WTGs) and 100 MW solar capacity of 140 MW Hybrid power project are attached herewith as Annexure-1 and revised coordinates for 60 MW wind capacity (19 nos WTGs) and 100 MW solar capacity of 160 MW Hybrid power project are attached herewith as Annexure-2. **We are also re-submitting coordinates of solar capacities, although there are no changes in the boundaries of solar plants, as the solar plants are already outside the restricted boundary of MoD.***

Further, we request your good office to consider these revised coordinates of WTG locations for granting GO.

Looking for you kind and prompt support for processing our GO applications."

28. The Petitioner in the above letter to KREDL has clearly stated that there are no changes in the boundaries of solar plants, as the solar plants are outside the restricted boundary of MoD. As per the Petitioner's own submission, the solar capacity of the Petitioner was not affected by the reclassification of the Davangere region and only the wind capacity of the Petitioner was affected by the reclassification of the Davangere region by MNRE/NIWE. As regards wind capacity, we have already come to the conclusion (in paragraph 18 above) that the Petitioner is in possession of 50% of the land or lease rights or land use rights as required under Regulation 11A(1) of the 2022 GNA Regulations. Therefore, the Petitioner's wind capacity is also not affected by the reclassification of the Davangere region, as the Petitioner is in possession of the 50% land required under Regulation 11A(1) of the 2022 GNA Regulations. Moreover, an event may be declared as a *force majeure*



event if it is beyond one's control and prevents them from fulfilling their contractual duties. In the instant case, the Petitioner is able to fulfil the requirement in respect of wind capacity under Regulation 11A(1) of the 2022 GNA Regulations. Therefore, the reclassification of the Davangere region as a "No WTG Zone" cannot be considered as a *force majeure* event in the instant case.

29. In view of the above discussion, the Petitioner's prayer for declaring the reclassification of the Davangere region as a *force majeure* event and beyond the reasonable control of the Petitioner is rejected. Issue No. 1 is answered accordingly.

Issue No.2: Whether the Petitioner is liable to be exempted from the liability of payment of transmission charges/ penalty/ any other charges under the 2022 GNA Regulations, read with the 2020 Sharing Regulations in case of any delay in the Project beyond the start date of connectivity due to delay in arranging for alternate land for the Project?

30. The Petitioner has prayed to declare that the Petitioner is not liable for payment of transmission charges/ any other charges, or any penalty, damages, etc, under the 2022 GNA Regulations read with the 2020 Sharing Regulations if its Project is commissioned beyond the start date of connectivity due to delay in arranging land for the Project. The start date of connectivity is 22.3.2027 as per the final grant of connectivity to the Petitioner by CTUIL on 18.7.2025. The start day of connectivity is more than 15 months from now, and accordingly, the Petitioner's prayer for exemption from any liability that may arise in future if its Project is not commissioned on 22.3.2027 is premature. Accordingly, the Petitioner's prayer for exemption from any liability that may arise in future is rejected. Issue No.2 is answered accordingly.

31. The Petitioner has further requested the Commission to exercise its discretionary power of “Power to Relax” and “Power to Remove Difficulty” as provided under Regulation 41 and Regulation 42 of the 2022 GNA Regulations and grant a three-month extension as the delay is beyond the reasonable control of the Petitioner. The basic plea of the Petitioner is that the reclassification of the Davangere region as “No WTG Zone”, affected the Petitioner’s wind capacity by three months and hence seeks relaxation of the timelines specified in the 2022 GNA Regulations for submission of the land documents. We have already concluded that the reclassification of the Davangere region claimed by the Petitioner has not affected the Petitioner’s wind capacity. However, the Petitioner is already in possession of 50% the land documents required for wind capacity and to meet the timeline of 30.11.2025 specified in Regulation 11A(1) of the 2022 GNA Regulations. Therefore, there is no occasion to exercise the power of “Power to Relax” and “Power to Remove Difficulty” under Regulation 41 and Regulation 42, respectively, of the 2022 GNA Regulations.

32. The Petitioner has also prayed for issuing appropriate orders/ directions allowing the Petitioner to continue to retain the 140 MW connectivity at the Davangere Substation under the 2022 GNA Regulations. As we have already come to the conclusion that the reclassification of the Davangere region has not affected the Petitioner’s wind capacity and the Petitioner meets the norms specified in Regulation 11A(1) of the 2022 GNA Regulations, we do not find any reason to give such orders/ directions.

33. The Petitioner has also filed IA No.120/IA/2025 seeking ex parte, ad interim direction(s) restraining CTUIL from taking any coercive action, including the invocation of the Conn-BG submitted by the Petitioner and revoking the 140 MW connectivity granted to the Petitioner by the CTUIL, before the issue of the order in

this matter. As the order in the matter is issued before the 30.11.2026, i.e. the cut-off date for submission of land documents, the IA has become infructuous.

34. The Petition No. 273/MP/2024, along with IA No.102/IA/2025, 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

CERC Website S. No. 644/2025

