

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 324/MP/2025

and

Petition No. 279/MP/2025 along with IA No. 75/2025 and IA No. 256/2025

Coram:

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

Date of Order: 31.08.2025

Petition No.324/MP/2025

In the Matter Of:

Petition under Section 79 (1)(c) and 79(1)(f) of the Electricity Act, 2003 read with Clause 5(xiii) of Detailed Procedure issued under Central Electricity Regulatory Commission (Connectivity and General Network Access) Regulations, 2022 seeking direction to CTUIL/Respondent to approve AEPL's request for renewable energy source change with respect to Connectivity dated 01.02.2024.

AND

In the Matter Of:

Avaada Energy Private Limited,
910, Surya Kiran Building, Kasturba Gandhi Marg,
New Delhi-110001

..... Petitioner

Versus

Central Transmission Utility of India Limited
Floors No. 5-10, Tower 1, Plot No. 16, IRCON
International Tower, Institutional Area, Sector 32,
Gurugram, Haryana – 122001

.....Respondent

Parties Present:

Shri Abhishek Kumar, Advocate, AEPL
Ms. Shubham Mudgil, Advocate, AEPL
Shri Abhinav Kapoor, AEPL



Shri P. D. Chakma, AEPL
Shri Akash Chaturvedi, AEPL
Ms. Poorva Saigal, Advocate, CTUIL
Ms. Pallavi Saigal, Advocate, CTUIL
Ms. Kavya Bhardwaj, CTUIL
Shri Ranjeet Rajput, CTUIL

Petition No.279/MP/2025

In the Matter Of:

Petition 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) Regulations, 2022 seeking invocation of this Commission's "Power to Relax" and "Power to Remove Difficulty" for relaxation of fulfilment of conditions subsequent and directions to CTUIL/Respondent to accept the 'condition subsequent' documents in the name of AGPL/Petitioner No. 2 for utilisation of Connectivity dated 01.02.2024.

AND

In the Matter Of:

- 1) Avaada Energy Private Limited,**
910, Surya Kiran Building, Kasturba Gandhi Marg,
New Delhi-110001

..... Petitioner(s)

Versus

- 1)Central Transmission Utility of India Limited**
Floors No. 5-10, Tower 1, Plot No. 16, IRCON
International Tower, Institutional Area, Sector 32,
Gurugram, Haryana – 122001

.....Respondent

- 2) Avaada GJClean Private Limited,**
C-11, Sector-65, Gautam Buddha Nagar,
Noida, Uttar Pradesh – 201301

.....Proforma Respondent

Parties Present:

Shri Abhishek Kumar, Advocate, AEPL
Ms. Shubham Mudgil, Advocate, AEPL
Shri Abhinav Kapoor, AEPL



Shri Shubham Arya, Advocate, CTUIL
Ms. Reeha Singh, Advocate,
CTUIL Shri Rishabh Saxena, Advocate, CTUIL
Shri Harshvardhan, Advocate, CTUIL
Ms. Muskan Agarwal, CTUIL
Shri Lashit Sharma, CTUIL
Ms. Priyansi Jadiya, CTUIL
Ms. Kavya Bhardwaj, CTUIL

ORDER

The present Petitions have been filed by the Petitioners Avaada Energy Private Limited (AEPL) in Petition No. 324/MP/2025, and Avaada Energy Private Limited along with Avaada GJClean Private Limited in Petition No. 279/MP/2025 under Sections 79(1)(c) and 79(1)(f) of the Electricity Act, 2003, and Clause 5(xiii) of the Detailed Procedure under the GNA Regulations, 2022. The Petitioners seek directions to CTUIL to approve AEPL's RE source change and to invoke the Commission's powers to relax conditions subsequent by allowing submission of related documents in AGPL's name.

2.The Petitioner vide Petition No.324/MP/2025 is seeking the following reliefs:

- (a) direct CTUIL to approve AEPL's RE source change request dated 22.01.2025 on urgent basis; and*
- (b) pass such other order or orders which are deemed fit and proper in the facts and circumstances of the case.*

3.The Petitioners vide Petition No.279/MP/2025 are seeking the following reliefs:

- (a) Exercise its power under Regulation 41 and Regulation 42 of the GNA Regulations 2022 and thereby direct CTUIL to accept the documents towards fulfilment of conditions subsequent under Regulations 11 A (1) & (2) in the name of Petitioner No. 2 / AGPL for utilisation of Connectivity dated 01.04.2024 granted to Petitioner No. 1 / AEPL under Regulation 5.8(xi)(c) of GNA Regulations 2022 and take consequential action of returning the bank guarantee within 7 days to Petitioner No. 1; and*
- (b) In the interim, restrain CTUIL from revoking the connectivity dated 01.02.2024 granted to the Petitioner No.1 and taking any coercive steps including encashment of bank guarantee furnished by AEPL/Petitioner No.1, during the pendency of the present Petition;*



(c) Pass such other order or orders which are deemed fit and proper in the facts and circumstances of the case.

4. The Petitioners vide IA No. 75/2025 in Petition No. 279/MP/2025 have made following prayers:

(a) allow the present application,

(b) list the present petition and the instant application for hearing on urgent basis;

(c) restrain CTUIL from taking coercive steps against the Applicants including revocation of the connectivity dated 01.02.2024 granted to the Applicant No.1 and encashment of bank guarantee furnished by Applicant No.1, during the pendency of the present Petition, and/or

(d) pass such other order(s) which are deemed fit and proper in the facts and circumstances of the case.

5. The Petitioners vide IA No. 256/2025 in Petition No. 279/MP/2025 have made the following prayers:

(a) allow the present application,

(b) allow deletion of AGPL as Petitioner No. 2;

(c) allow addition of AGPL as Proforma Respondent No. 2; and

(d) pass such other order(s) which are deemed fit and proper in the facts and circumstances of the case.

6. Petitioner No. 1, AEPL, under Petition 279/MP/2025, is the same as Petitioner under Petition 324/MP/2025. The generation project of 50 MW covered under both Petitions is the same, and accordingly, similar submissions under both Petitions are not repeated separately under each Petition. Petitioners vide IA No. 256/2025 in Petition No 279/MP/2025 prayed to allow deletion of AGPL as Petitioner No. 2 and allow addition of AGPL as Proforma Respondent No. 2. The said prayer to consider AGPL as Proforma Respondent No.2 in place of Petitioner No. 2 is accepted. The pleadings for the Order have accordingly been considered.

Submissions of Petitioner vide Petition 324/MP/2025

7. The Petitioner has made the following submissions:

(a) AEPL applied for connectivity for 50 MW at 400/220 kV Jam Khambhaliya pooling SS with a hybrid (25 MW solar and 25 MW wind) source of RE on 29.06.2023 under Land BG route (Regulation 5.8(xi)(c) of the GNA Regulations). CTUIL granted in-



principal connectivity to AEPL on 17.11.2023. CTUIL granted final connectivity to AEPL for 50 MW on 01.02.2024, with a hybrid source.

- (b)** The Petitioner participated in the tender process conducted by REC Power Development and Consultancy Limited (RECPDCL) and was issued the Letter of Award dated 06.02.2024 (LoA) by RECPDCL for the implementation of a 50 MW wind power project in Dev Bhoomi Dwarka, Gujarat (Project).
- (c)** Given that (i) there was no provision for change of RE source at the stage of grant of in-principle connectivity, (ii) LoA came to be issued to AEPL only on 06.02.2024, and (iii) as such, no timeline has been stipulated under the GNA Regulations for making request for RE source change under the GNA Regulations, AEPL requested CTUIL to approve RE source change for connectivity dated 01.02.2024 on 22.01.2025 as per Clause 5(xiii) of the Detailed Procedure under GNA Regulations.
- (d)** Avaada GJClean Private Limited (AGPL), a wholly owned subsidiary of AEPL, has been incorporated as a Special Purpose Vehicle (SPV) for executing the Project and accordingly, AGPL has entered into a Power Purchase Agreement dated 30.08.2024 (PPA) with Damodar Valley Corporation (DVC) for the supply of 50 MW of wind power from its Project.
- (e)** In line with the provisions of the Detailed Procedure formulated by CTUIL and approved by this Commission, AEPL, by way of its email dated 22.01.2025, requested CTUIL to amend the source of RE generation from 50 MW solar-wind hybrid (solar 25 MW + wind 25 MW) to a total wind capacity of 50 MW. However, to date, CTUIL has neither rejected nor approved the request for RE source change submitted by AEPL. Such inaction on the part of CTUIL has led to cascading delay in registration of the Project with GEDA, which has refused to register the Project unless the RE source is changed in the connectivity. Aggrieved by inaction on the part of CTUIL, AEPL has filed the present petition before this Commission seeking the issuance of directions to CTUIL to urgently approve the request for a change of RE source submitted by AEPL for final connectivity dated 01.02.2024.
- (f)** Regulation 9.3 of the GNA Regulations under Draft Third Amendment, whereunder this Commission, whilst acknowledging the need to insert a provision for RE source

change under the GNA Regulations 2022, has also indicated the timeline for processing of such requests by CTUIL. Although the said amendment has yet to be notified by this Commission, AEPL seeks to draw reference to the proposed timeline and submits that despite the passage of more than 30 days, CTUIL has not processed AEPL's request for RE source change, which is causing prejudice to the implementation of the Project.

AEPL and AGPL are committed to utilisation of the connectivity and have taken substantial steps towards implementation of the Project as (i) EPC Contract for Supply have been signed with AEPL and Works Contract (Supply and Service) was signed with Avaada Clean Power Private Limited in April 2024, (ii) Orders for supply of Switchyard Equipment, WTGs have been placed with the vendors, (iii) 100% land has been acquired for installation of WTGs and construction of pooling switchyard, (iv) Project site has been mobilised, (v) Financial Closure is pending approval with the lenders and AEPL is itself investing required equity for execution of the project. Pertinently, the Project is expected to achieve Financial Closure within the stipulated timeline under the PPA.

Submissions of Petitioners in Petition No. 279/MP/2025

8. The Petitioners have made the following submissions:

- (a) By way of the present Petition, the Petitioners are seeking issuance of directions to the Respondent, Central Transmission Utility of India Ltd. (CTUIL), to accept the land documents towards fulfilment of conditions subsequent under Regulation 11A (1) of the GNA Regulations in the name of Petitioner No. 2 (i.e., the SPV) for utilisation of Connectivity originally granted to Petitioner No. 1, under Regulation 5.8(xi)(c) of GNA Regulations 2022. Additionally, the Petitioners are also seeking dispensation from this Commission to direct CTUIL to accept the financial closure documents in the name of Petitioner No. 2, as and when required, as per the timeline stipulated under the GNA Regulations 2022 in compliance with Regulation 11A (2) of the GNA Regulations.
- (b) This Commission in the past vide Order dated 12.07.2024 in Petition No. 192/MP/2024 titled ACME Solar Holdings Pvt. Ltd. & Anr. v. CTUIL (Para 26, 28, 29) had allowed the Petitioners therein to fulfil all conditions under the GNA Regulations with respect to submission of land documents in the name of the SPV

whereas the connectivity had been obtained by the Holding Company/ Parent Company. Being factually similarly placed, such dispensation ought to be extended to the Petitioners herein also.

- (c) This Commission in the past vide Order dated 16.01.2025 in Petition No. 503/MP/2024 titled Tata Power Renewable Energy Limited v. CTUIL (Para 17, 18, 19 and 22) had allowed the Petitioners therein to fulfil all conditions under the GNA Regulations with respect to submission of financial closure documents in the name of the SPV whereas the connectivity had been obtained by the Holding Company/ Parent Company. Being factually similarly placed, such dispensation ought to be extended to the Petitioners herein also.

Submissions of Petitioner vide IA 75/2025 in Petition 279/MP/2025

9. The Petitioners vide IA dated 30.01.2025 prayed for early hearing and directions from this Commission to restrain CTUIL from taking coercive steps against the Applicants, including revocation of the connectivity dated 01.02.2024 and encashment of the bank guarantee furnished during the pendency of the present Petition.

Hearing dated 30.04.2025

10. Petitioners submitted that the Petitioners were constrained to file Writ Petition (C) No. 1368 of 2025 before the Hon'ble High Court of Delhi and the Hon'ble High Court by its order dated 3.2.2025 restrained CTUIL from taking any coercive steps in form of revoking the connectivity and encashing the Bank Guarantee till the first hearing of the present matter and thereafter, it was left open to this Commission to continue or vacate or vary or modify the said interim order in accordance with law.
11. In response to the specific observation of the Commission regarding the locus standi of the subsidiary company in seeking the relaxation of the Regulations as Petitioner No.2, it was submitted that Petitioner No.1, AEPL, is a connectivity grantee and the Parent Company of Petitioner No. 2, AGJCPL, and since Petitioner No.1 seeks to furnish the requisite 'conditions subsequent' documents in the name of Petitioner No.2, i.e. its subsidiary company, the subsidiary company has also been joined as Petitioner No.2. Further it was submitted that in other similar cases also, the subsidiary company has been joined as co-Petitioner.



However, in view of the specific observations of the Commission in this regard, the Petitioners may be permitted to move an appropriate application to make the subsidiary company a Proforma Respondent instead of a co-Petitioner. Considering the submissions made by the Petitioners, the Commission permitted the Petitioners to move an appropriate application as above. In the meantime, the interim protection granted by the Hon'ble High Court of Delhi vide order dated 3.2.2025 was continued till the next date of hearing.

Submissions of Petitioner vide IA 256/2025 in Petition 279/MP/2025

12.The Petitioners vide IA dated 19.05.2025 prayed to allow deletion of AGPL as Petitioner No. 2 and subsequently allow addition of AGPL as Proforma Respondent No. 2.

Hearing dated 22.05.2025 in Petition No. 324/MP/2025

13.Petitioner submitted that by Record of Proceedings for the hearing dated 13.5.2025 in Petition No. 453/MP/2025 and Anr., the Commission has already issued the directions to CTUIL to process the land documents in the name of subsidiary where the Connectivity has been granted to the Parent company or vice versa till the issuance of the third amendment to the GNA Regulations, the Petitioner will be approaching the CTUIL for the above purpose. The Respondent, CTUIL, also fairly submitted that the grievance raised by the Petitioner in the present case is consequential to the grievance raised in the Petition No. 279/MP/2025 and the grievance in the latter has already been addressed by the Commission vide its Record of Proceedings dated 13.5.2025 in Petition No. 453/MP/2025 and Anr. Considering the submissions made by the parties, this Commission reserved the matter for order.

Hearing dated 22.05.2025 on Petition No.279/MP/2025

14.The Petitioners submitted that the present Petition has been filed seeking invocation of the Commission's "Power to Relax" and "Power to Remove Difficulties" for relaxation of the fulfilment of conditions subsequent and the consequent directions to the Respondent, CTUIL, to accept the 'condition subsequent' documents in the name of AGPL for utilisation of Connectivity dated 1.2.2024 granted to the Petitioner No.1. It was further submitted that the issue



raised in the present Petition has been substantially resolved by the Commission's Record of the Proceedings ('RoP') for the hearing dated 13.5.2025 issued in Petition No. 453/MP/2025 & Ors. (i.e, Oyster Renewable Energy Private Limited vs CTUIL & Ors). However, the Petitioners may be permitted to approach the Commission in the event that any grievance remains unresolved. The Respondent, CTUIL, submitted that in the present case as well, CTUIL will comply with the directions issued by the Commission in the aforementioned Record of Proceedings, and the matter may, accordingly, be reserved for the order.

15.Considering the submissions made by the counsels for the parties, the Commission observed that the issue raised in the present petition has been dealt with vide the aforementioned RoP. In view of the above, the Petitioners were directed to file an affidavit indicating the survival of their grievance(s), as raised in the instant case, within two weeks.

Submissions of Petitioner in Petition 279/MP/2025

16.The Petitioners vide affidavit dated 02.07.2025 have submitted that the Respondent, Central Transmission Utility of India Limited, has processed the land documents submitted by the Petitioner No. 1, Avaada Energy Private Limited (AEPL), in the name of its subsidiary company, Avaada GJClean Private Limited, executing the project which aims at utilising the connectivity dated 01.02.2024 granted to AEPL. Therefore, no issue survives that needs to be addressed by this Commission.

Analysis and Decision

17.Petitioners under Petition No. 279/MP/2025 vide IA 256/2025 have prayed to modify Petitioner No. 2 as Proforma Respondent in place of co-Petitioner. The Commission allowed the said prayer of Petitioners under Petition No. 279/MP/2025. Accordingly, Petitioner under both Petitions 324/MP/2025 and 279/MP/2025 shall be AEPL only.

18.Petitioner, AEPL, has submitted that it applied for 50 MW connectivity under the Land BG route with a hybrid (solar-wind) RE source, but later could not procure suitable land for the solar component. The 50 MW Hybrid Power Project comprises 25 MW of solar capacity and 25 MW of wind capacity. The said connectivity had

a start date of 30.09.2025. Subsequently, AEPL secured a 50 MW wind project under a LoA dated 06.02.2024 and sought approval from CTUIL on 22.01.2025 to change the RE source from hybrid to wind-only, as permitted under Clause 5(xiii) of the Detailed Procedure. AGPL is a wholly owned subsidiary of AEPL, is executing the project and has signed a PPA with DVC.

19. Petitioners now seek directions from the Commission to allow submission of land and financial closure documents in the name of AGPL for utilisation of the connectivity granted to AEPL. Considering the submissions of parties, the issues that arise out of these Petitions are as below:

Issue 1: Whether Petitioner's request for RE source change can be processed in terms of Clause 5(xiii) of the Detailed Procedure?

Issue 2: Whether the submission of land documents and Financial Closure towards fulfilment of the condition subsequent under Regulation 11A of the GNA Regulations, 2022, can be permitted in the name of the Special Purpose Vehicle (SPV)/ subsidiary where the connectivity has been granted in the name of the parent company?

Both issues are dealt with in subsequent paragraphs.

20. Clause 5(xiii) of the Detailed Procedure under GNA Regulations 2022 is reproduced herein below:

"5. Application for Grant of Connectivity

xiii. The Applicants who have been granted Connectivity to ISTS for the generation projects based on particular renewable energy source(s) (with or without ESS) may, for the same granted connectivity, change to another renewable energy source(s) (with or without ESS) in part or full, subject to approval by CTU, keeping in view of outcome of system studies. The entity shall submit the Technical Data for changed renewable energy source(s) and CTU shall incorporate the necessary change in connectivity agreement in line with GNA Regulations."

As per the above, an applicant can seek a RE source change subject to approval from CTUIL. Accordingly, the Commission directs Respondent, CTUIL, to process the application of Petitioner within 30 days of issuance of this Order, as per the relevant provisions of GNA Regulation, 2022, in case not processed already.

21. With regard to Petition No. 279/MP/2025, the Petitioners vide affidavit dated 02.07.2025 have submitted that the Respondent, Central Transmission Utility of India Limited, has processed the land documents submitted by the Petitioner No.



1, Avaada Energy Private Limited (AEPL), in the name of its subsidiary company, Avaada GJClean Private Limited, executing the project which aims at utilising the connectivity dated 01.02.2024 granted to AEPL. Therefore, no issue survives that needs to be addressed by this Commission.

22.We also observe that the issue of submission of Financial closure in the name of the subsidiary where Connectivity has been granted to the Parent Company, has also been allowed vide the RoP of hearing dated 29.01.2025 in Petition No. 147/MP/2025, and vide Order dated 24.06.2025 in Petition No. 453/MP/2025 & 455/MP/2025. Accordingly, the petitioner's prayer of to permit it to furnish the documents in the name of AGPL is allowed. We direct CTUIL that it shall ensure that documents related to Financial Closure and land are in the name of the company that is implementing the project. For instance, Connectivity Grantee is a parent company that is getting a generation project implemented through its subsidiary company, the documents of land and financial closure may be in the name of such subsidiary company implementing the project.

23.The Petitioner filed IA No. 75/2025 and 256/2025 in Petition No. 279/MP/2025 for early listing of the Petition and other reliefs. The mentioned IAs have already served their purpose.

24.Considering the above, we observe that the prayers under the instant Petitions are addressed, and accordingly, Petition No. 324/MP/2025 and Petition No. 279/MP/2025, along with IA No. 75/2025 and 256/2025, are 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

