

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 350/MP/2024 along with
IA No. 101/2024 and 103/2024**

Coram:

**Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V, Member
Shri Harish Dudani, Member**

Date of Order: 26.12.2025

In the matter of:

Petition under section 79(1)(c), 79(1)(f), of the Electricity Act, 2003 read with Regulation 41, 42, 44 of the Central Electricity Regulatory Commission ("CERC") (Connectivity and General Network Access to the inter-state transmission system), Regulations, 2022 & amendments thereof read with Clause 65 of the CERC Conduct of Business Regulations, 2023 seeking deferment of effective date of General Network Access (GNA) of 100 MW; alternatively seeking additional 100 MW GNA through the Intra-State Transmission System of State Transmission Utility connected to the ISTS till the completion of the commissioning of the overhead line by the Petitioner.

And

In the matter of:

India Power Corporation Limited (IPCL)
Plat No.XI – 2 & 3, Block E.P., Sector V,
Salt Lake City, Kolkata -700091

.....Petitioner

Versus

1. Central Transmission Utility of India Limited
Saudamini First Floor, Plot No.2,
Sector-29, Gurugram- 122001, Haryana

..... Respondent No.1

2. Power Grid Corporation of India Ltd
Saudamini First Floor, Plot No.2,
Sector-29, Gurugram- 122001, Haryana

..... Respondent No. 2



Parties Present:

Shri Arijit Maitra, Advocate, IPCL
Shri Rakesh Pandey, Advocate, IPCL
Shri Kulamani Biswal, Advocate, IPCL
Ms. Suparna Srivastava, Advocate, CTUIL
Ms. Divya Jain, Advocate, CTUIL
Shri V C Sekhar, CTUIL
Shri Siddharth Sharma, CTUIL
Shri Lashit Sharma, CTUIL

ORDER

India Power Corporation Limited (IPCL) has filed the instant Petition under section 79(1)(c), 79(1)(f), of the Electricity Act, 2003 read with regulation 41, 42, 44 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-state transmission system), Regulations, 2022 (hereinafter “GNA Regulations”) thereof read with Clause 65 of the CERC Conduct of Business Regulations, 2023 with following prayers:

- (a) *Direct the Respondent No. 1 to defer the effective date of the GNA till the commissioning of the Maithon (PGCIL)-Chalbalpur (IPCL) 220 kV D/c Line (Overhead Line);*
- (b) *Direct the Respondent No. 1 to defer GNA billing till the commissioning of Maithon (PGCIL)-Chalbalpur (IPCL) 220 kV D/c Line (Overhead Line);*
- (c) *Alternatively, without prejudice to prayer clauses (a) and (b) above, allow the Petitioner to avail additional 100 MW GNA through the Intra-State Transmission System of State Transmission Utility connected to the ISTS;*
- (d) *That pending the hearing and final disposal of this Petition allow the Petitioner to avail additional 100 MW GNA through the Intra-State Transmission System of State Transmission Utility connected to the ISTS till the completion of the commissioning of the overhead line by the Petitioner;*
- (e) *Pass such other order(s) and grant relief(s) that this Hon’ble Commission deems fit in the interest of justice and equity.*

Prayer in IA No. 101/2024

- (a) *Issue ad-interim injunction upon the Respondent No. 1 from raising monthly GNA Bills on the Petitioner and direct the Respondent No. 1 to refrain from raising monthly GNA Bills.*
- (b) *Direct the Respondent No. 1 to refund to the Petitioner an amount of Rs. 1 Crore paid as one-time GNA charges.*



- (c) *Without prejudice to prayer clause (b) above and in the alternative, direct that carrying cost will be applicable on the amount of Rs. 1 Crore paid by the Petitioner as the one-time GNA charges.*
- (d) *Pass any other or further orders as this Hon'ble Commission may deem fit and in the interest of justice.*

Prayer in IA No. 103/2024

- (a) *Stay the Bill of Supply for first Bill for the billing month of December 2024 dated 2.12.2024*
- (b) *Issue ad-interim injunction upon the Respondent No. 1 from raising monthly GNA Bills on the Petitioner and direct the Respondent No. 1 to refrain from raising monthly GNA Bills.*
- (c) *Direct the Respondent No. 1 to refund to the Petitioner an amount of Rs. 1 Crore paid as one-time GNA charges.*
- (d) *Without prejudice to prayer clause (b) above and in the alternative, direct that carrying cost will be applicable on the amount of Rs. 1 Crore paid by the Petitioner as the one-time GNA charges;*
- (e) *Pass any other or further orders as this Hon'ble Commission may deem fit and in the interest of justice*

Submissions of Petitioner

2. Petitioner has made the following submissions:

- a) The Petitioner is a distribution utility supplying power in the Asansol-Raniganj area of West Bengal and also has a 12 MW embedded thermal generation. In addition to power sourcing through conventional sources, the Petitioner also sources power through a 2 MWp Solar PV from West Bengal Green Energy Development Corporation Limited (WBGEDCL) and a 100 MW RE (Wind-Solar hybrid) PPA on long term with Solar Energy Corporation of India Ltd (SECI), and full capacity is available for despatch from the said Hybrid RE project from 29.09.2022 onwards. The Petitioner also has a 100 MW RTC RE PPA on a long term with SECI, which is yet to be fully commissioned .
- b) Petitioner currently has access to the national power market through the STU grid of West Bengal at IPCL's J K Nagar 220/132/33 KV substation. Since the capacity at J K Nagar Substation was going to be fully utilised in a few years, IPCL planned for capacity enhancement at J K Nagar and/or connectivity at any other location. The existing arrangement has a deemed GNA of 100 MW capacity (outside the region) through the ISTS-WB STU system.
- c) Consequent to Order dated 29.01.2018 in Petition No.168/MP/2017, IPCL was granted connectivity under CERC (Grant of Connectivity, Long-Term Access and

Medium-Term Open Access in Inter-State Transmission and related matters) Regulations, 2009 (hereinafter referred to as “2009 Connectivity Regulations”) by CTU vide intimation letter dated 16.02.2018 for 200 MW capacity at Maithon (Rupnarayanpur) PGCIL substation to IPCL’s proposed Debipur Substation.

- d) Under Regulation 17.1(iii) of the GNA Regulations, the Petitioner, being a distribution licensee, is eligible for GNA to connect the Chalbalpur substation to the ISTS substation at Maithon of PGCIL/ CTUIL directly.
- e) Post issuance of GNA Regulations, 100 MW GNA was granted by CTUIL in line with Regulation 37.2 of the GNA Regulations and the balance 100 MW Connectivity was surrendered by IPCL. Initially, the GNA was granted for Maithon (Rupnarayanpur) PGCIL substation to IPCL’s proposed Debipur Substation. Subsequently, Debipur Substation was replaced with IPCL’s Chalbalpur substation at the request of IPCL’s letter dated 04.12.2023. The final grant of GNA was intimated to IPCL by CTUIL on 01.02.2024.
- f) The connectivity between Maithon (Rupnarayanpur) PGCIL substation to IPCL’s substation requires the construction of a 220 KV overhead line. Section 68 approval could be obtained only on 18.06.2024 after undertaking a long litigation process of almost 5 years between 27.05.2019 and 30.04.2024 in the Delhi High Court, resulting in a favourable Order dated 30.04.2024 in WP No. 6450 of 2019. Pending the section 68 clearance, the Petitioner could not proceed with the initiation of the process of getting the construction-related activities in place, and hence, there is a delay in the completion of the project and in the physical connectivity between the CTU grid and the IPCL grid. Now that the pre-requisite approvals are in place, the Petitioner has initiated the process of implementing construction-related activities in place, such as tendering for the selection of the EPC agency, investment approval petition, etc. As per Regulation 12.5 of the GNA Regulations, the Petitioner (a distribution licensee), in order to construct and maintain the Maithon (PGCIL)-Chalbalpur (IPCL) 220 kV D/c Line (Overhead Line), is progressing on various fronts related to the project. The Petitioner is in the process of filing a petition before the West Bengal Electricity Regulatory Commission for approval of the capital expenditure to construct the Maithon (PGCIL)- Chalbalpur (IPCL) 220 kV D/c Line.
- g) The effective date of GNA, as intimated by CTUIL, is 01.10.2024, and the Petitioner has to make payment of the one-time GNA charge within a few days as per the CTUIL notice dated 04.07.2024.

- h) It is impossible to commission the Maithon (PGCIL)-Chalbalpur (IPCL) 220 kV D/c Line (Overhead Line) before 01.10.2024. Further, such a delay has arisen from factors beyond the Petitioner's control.
- i) After receiving the CTUIL notice dated 04.07.2024, the Petitioner approached CTUIL vide its letter dated 08.08.2024 seeking deferment of the GNA granted to IPCL. On 22.08.2024, CTU vide its letter dated 22.08.2024 expressed its inability to grant a deferment of the effective date of GNA, stating that there is no such regulatory provision in the GNA Regulations.
- j) The expected time for completion of the project is December 2025, as noticed in the 40th Joint Co-ordination Committee (JCC) meeting of Eastern Region held on 21.06.2024. In the Minutes of this meeting, it has been acknowledged and recorded that the effective date of GNA is 01.10.2024, which is earlier than the completion date (expected completion date of December, 2025) for the construction of 220 KV D/c line from IPCL substation to Maithon (ISTS) substation.
- k) The Petitioner has availed T-GNA on day-ahead basis under the provisions of Regulation 26.1(a)(iii) of the GNA Regulations being a buying entity connected to Intra-State Transmission System for off-taking power from M/s ReNew Surya Roshni Pvt. Ltd. Out of the total contracted capacity of 100 MW from M/s ReNew Surya Roshni Pvt. Ltd., the Petitioner has utilized its T-GNA up to 90 MW for certain time blocks of the day on most of the days. The said power is being scheduled through the ISTS-WBSTU system, indicating that currently, there is technical capacity available in the existing system to carry such a quantum of power.
- l) Being aggrieved by the letter dated 22.08.2024 of the CTUIL, the Petitioner craves leave to file this present petition, inter alia, on the following grounds which are independent of each other:
- i. The Petitioner is faced with an impossibility of 1.10.2024 as the date of effectiveness of the GNA indicated by CTUIL, especially when CTUIL has, on 1.2.2024, approved the change in location of direct connectivity of the Overhead line to Chalbalpur sub-station of the Petitioner and when the Petitioner has received the Central Government's approval under Section 68 of the Electricity Act, 2003 on 18.06.2024. The time required to construct and install the Maithon (PGCIL)-Chalbalpur (IPCL) 220 kV D/c Line would be around 18 months from the date of start of construction works, as can be gathered from discussions with various EPC agencies, including PGCIL.

- ii. The GNA ought to be aligned with the Overhead completion milestone of the Petitioner, which is underway to have the said overhead dedicated 220 KV D/c transmission constructed by a licensee. The Petitioner is planning to have the said Overhead Line constructed by PGCIL, and is in discussion with PGCIL. The Petitioner envisages that it will be able to have the Overhead line fully commissioned by December 2026. Hence, the GNA's date of effectiveness ought to be deferred.
- iii. The Petitioner has been allocated 100 MW deemed GNA under the provisions of Clause 17.1(i) of the GNA Regulations through the State Transmission Utility. The load of the Petitioner being a total of around 200 MW, accordingly, subject to the availability of adequate transmission capacity on the intra-State transmission system, the Commission may kindly allow the Petitioner to avail an additional 100 MW GNA through the intra-State transmission system of the State Transmission Utility connected to the ISTS till the completion of the commissioning of the overhead line by the Petitioner.
- iv. Commission is empowered to exercise its inherent power under Clause 65 of the CERC (Conduct of Business) Regulations, 2023.
- v. Petitioner is currently using T-GNA in terms of Regulation 26.1(a)(iii) of the GNA Regulations over an alternate transmission segment comprising ISTS and the West Bengal STU network and is paying the charges for the same. The Petitioner is already paying the T-GNA charges. If the date of effectiveness of the GNA of 01.10.2024 is not aligned with the date of completion of commissioning of the said Overhead Line or is linked to the connectivity for the Maithon (ISTS)-Chalbalpur system, in the absence of commissioning and establishment of the Dedicated overhead 220 KV D/c Line of the Petitioner, the liability to pay the monthly GNA charges will be fastened upon the Petitioner in addition to the monthly T-GNA charges, which it is already paying. This will result in a double levy for the use of the ISTS of the CTUIL. Thus, T-GNA ought to be converted into GNA to save the Petitioner from a double levy.
- vi. There is no augmentation of the transmission system (ATS) at Maithon (PGCIL) substation for directly connecting the Overhead line of the Petitioner. Hence, there will be no loss of transmission charges for CTU in the interim period till actual connectivity is implemented by IPCL, nor would the question of stranded capacity arise.

Hearing on 30.09.2024

3. Petition was admitted on 30.09.2024. The relevant extract of the RoP of hearing dated 30.09.2024 is as under:

“ Learned counsel for the Petitioner submitted that the present Petition had been filed inter alia praying for deferral of the date of effectiveness of the GNA from 1.10.2024 till the completion of the overhead line by the Petitioner / Licensee in accordance with the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 (‘the GNA Regulations’). Learned counsel further referred to the ‘List of Dates’ and mainly submitted as under:

(a) The Petitioner is a deemed distribution licensee supplying power in the Asansol-Raniganj area of West Bengal.

(b) Back in 2017, the Petitioner had applied to CTUIL/PGCIL for the grant of connectivity to the ISTS system, which was denied by CTUIL/PGCIL. Accordingly, the Petitioner was constrained to approach this Commission in Petition No.168/MP/2017, and consequent to the Commission’s order dated 29.1.2018 therein, CTUIL/ PGCIL granted the connectivity for 200 MW at PGCIL’s Maithon S/s from the Petitioner’s proposed Debipur S/s.

(c) Thereafter, for the purpose of constructing the Maithon (ISTS)-Debipur 220 kV line, the Petitioner applied for prior approval of the Central Government under Section 68 of the Electricity Act, 2003 which was denied by the CEA on 14.12.2018 on the ground of jurisdiction. The Petitioner was, therefore, constrained to approach the Hon’ble High Court of Delhi in WP No. 6450/2019 on the issue of who shall be the “Appropriate Government” to issue Section 68 Approval in the case of the Petitioner.

(d) In the meantime, the Commission notified the GNA Regulations. Pursuant thereto, the Petitioner applied to CTUIL for the transition of the 100 MW connectivity and grant of the GNA under the provisions of the GNA Regulations, which was granted by CTUIL on 15.9.2023.

(e) On 4.12.2023, the Petitioner also requested a change in location from its proposed sub-station at Debipur to Chalbapur, and the said request was approved by the CTUIL vide intimation dated 1.2.2024.

(f) Pertinently, the WP No. 6450/2019 filed by the Petitioner before the Hon’ble High Court of Delhi was decided only on 30.4.2024, wherein the Hon’ble High Court directed the CEA/ Ministry of Power, Government of India, to consider the Petitioner’s application for Prior Approval under Section 68 of the Act.

(g) Consequently, the Petitioner was granted the Section 68 Approval by the Central Government for the construction of Maithon (ISTS)-Chalbapur 220 kV D/c line only on 18.6.2024. The Petitioner is already in the process of having the said dedicated line constructed by PGCIL as per the provision of Regulation 12.5 of the GNA Regulations and is in discussion with PGCIL and expects to have the said line completely commissioned only by December 2026. The delay in the construction of the said line is attributed to factors beyond the control of the Petitioner.

(h) Hence, the Petitioner is faced with an impossibility of 1.10.2024 as the date of effectiveness of GNA as indicated by CTUIL, especially when the approval of a change in location of direct connectivity of line to Chalbapur S/s was granted by

CTUIL only on 1.2.2024 and especially when the Petitioner has received the Central Government's
Prior Approval under Section 68 of the Act only on 18.6.2024.

(i) By its letter dated 8.8.2024, the Petitioner had requested CTUIL for deferment of the start date of GNA as the Petitioner is facing an impossibility to effectuate the GNA w.e.f. 1.10.2024. However, by letter dated 22.8.2024, CTUIL rejected the said request on the specious ground that there is no such regulatory provision in the GNA Regulations.

(j) According to the Petitioner, GNA Regulations permit the deferment of the start date of GNA for cases such as the instant one. Regulation 12.5 of the GNA Regulations provides that in case of an entity covered under Regulation 17.1(iii), which includes a distribution licensee seeking to connect to ISTS directly, the line to connect such an entity to ISTS and necessary augmentation for providing connection to ISTS shall be constructed and maintained by a licensee at the cost of such entity. Further, Regulation 22.4(B) specifically provides for a revision in the grant date of GNA for the entities covered under Regulation 17.1 in view of the COD of the augmentation identified at the time of grant of GNA.

(k) In the Minutes of the 40th Joint Co-ordination Committee meeting of Eastern Region held on 21.6.2024 also, it has been recorded and acknowledged that the Petitioner will require a minimum of 12 months to construct the said overhead line. As such, the Petitioner cannot be compelled to perform an impossible act, i.e., construction of the said line prior to 1.10.2024, and in this regard, the reliance was placed on Section 56 of the Indian Contract Act.

(l) In any case, physical connectivity to the grid is a pre-requisite to GNA, and since the Petitioner will be physically connected to ISTS at Maithon (ISTS) S/s only after the construction of Maithon (ISTS)-Chalbalpur line, its GNA cannot be made effective prior to that.

(m) In the above circumstance, the Petitioner is also pressing for urgent protection. The Commission may consider issuing directions to CTUIL to defer the GNA billing for the above 100 MW. Pertinently, PGCIL's Maithon (ISTS) S/s has not been constructed specifically for the Petitioner, and hence, there will not be any loss of transmission charges. Also, the Petitioner is currently using the temporary GNA over an alternate segment comprising ISTS and West Bengal STU's network and is also paying the T-GNA charges. Hence, if the protection is not granted to the Petitioner, the liability to pay monthly GNA charges for this 100 MW will also be fastened upon the Petitioner in addition to the monthly T-GNA charges, leading to the double levy.

2. Learned counsel for the Respondent, CTUIL, mainly submitted as under:

(a) The effective date of the GNA has been requisitioned by the Petitioner itself. In the 26th CMETS-ER meeting held on 27.12.2023 also, the Petitioner inter alia confirmed the effective date of GNA as 1.10.2023. Despite being completely aware of its pending WP before the Hon'ble High Court of Delhi since 2019, the Petitioner chose neither to bring out such details nor to defer the effective date of the GNA at that point in time.

(b) The GNA Regulations provide only limited flexibility insofar as the revision/change in the effective date of GNA is concerned. While Regulation 22.4(c) provides for the advancement of the effective date subject to the availability of the transmission system, Regulation 22.4(b) provides for revision in the effective date in view of the COD of the augmentation identified at the time of grant of the GNA. The Petitioner's case is not covered by the provision of Regulation 22.4(b) as contended by the Petitioner.

(c) *It is a well-settled principle of statutory construction that the express inclusion of one thing is the exclusion of all others. Hence, deferment of the effective date of GNA on the ground of non-readiness of its line, is excluded from the GNA Regulations. In this regard, the reliance was placed on the judgment of the Hon'ble Supreme Court in Mohd. Allauddin Khan v. Karam Thamarjit Singh, [(2010) 7 SCC 530].*

(d) *In the Petition, the Petitioner has also sought to invoke the inherent powers of this Commission for allowing its prayers. However, as already held by the Hon'ble Supreme Court, the inherent power of the Commission is available to it for exercise only in those areas where the Act or Rules are silent. In the present case, the GNA Regulations specifically exclude the deferment of the effective date of the GNA on the grounds alleged by the Petitioner. In this regard, the reliance was placed on the judgment of the Hon'ble Supreme Court in the case of Gujarat Urja Vikas Nigam Limited v. Solar Semiconductor Power Co. (India) Pvt. Ltd. and Anr., [(2017) 16 SCC 498].*

(e) *By seeking deferment of the effective date of the GNA till the commissioning of its Maithon (ISTS)- Chalbalpur line, the Petitioner cannot seek the reservation/blocking of 100 MW capacity without any consequential liability.*

(f) *CTUIL may be permitted three weeks' time to file a detailed reply in the matter.*

3. *In rebuttal, the learned counsel for the Petitioner submitted that in the alternative, the Petitioner, without prejudice, has also prayed to allow it to avail of an additional 100 MW GNA through the intra-State transmission system (InSTS) of STU connected with the ISTS. Learned counsel also opposed the interpretation of Regulation 22.4(b) as advanced by CTUIL and submitted that the expression "augmentation" employed therein would not only include the necessary augmentation for providing the connection to ISTS but also the line to connect the entity covered under Regulation 17.1(iii) to the ISTS, as envisaged in Regulation 12.5. Learned counsel submitted that insofar as blocking of 100 MW capacity is concerned, CTUIL has, as such, not produced any documentary evidence indicating the stranding of such capacity.*

4. *In response to the specific query of the Commission regarding the Petitioner had, so far, approached the concerned State Utility in regard to the availing additional 100 MW GNA through the intra-State transmission system, the learned counsel for the Petitioner replied in negative.*

5. *Considering the submissions made by the learned counsel for the Petitioner and the Respondent, CTUIL, the Commission ordered as under:*

(a) *Admit and issue notice, subject to just exceptions;*

(b) *The Respondents to file their respective replies within three weeks with a copy to the Petitioner, who may file its rejoinder within three weeks thereafter.*

(c) ***Insofar as the grant of any interim protection/relief(s) is concerned, the Commission declined to grant any such direction at this stage. The Commission observed that the Petitioner may approach the concerned State Utility for availing additional 100 MW GNA through InSTS as per its prayer (c).***

.....”

Submissions of Petitioner in 101/IA/2024:



4. Petitioner vide affidavit dated 4.11.2024 has filed an IA No. 101/2024 submitted as under:
- a) Regulation 22.4 (b) of the GNA Regulations contemplates revision of the effective date of GNA, keeping in view the COD of the augmentation identified at the time of grant of the GNA. At the time of grant of the GNA by CTUIL vide letter dated 15.09.2023, the following augmentation was identified at Maithon (ISTS) end, which is to be carried out at the expense of the Applicant: -

Terminal bay at ISTS end already available	:	Terminal bays at Maithon (ISTS) end (under the scope of applicant*)
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- b) In the absence of physical connection of the Maithon (PGCIL)-Chalbalpur (IPCL) 220 kV D/c Line, the start date of GNA with effect from 01.10.2024 and the consequent levy of one-time GNA charges as well as the monthly GNA billing will be contrary to the 2003 Act and the Regulations made by this Commission thereunder.
- i. Section 2(47) of the 2003 Act provides that “*Open Access*” means the non-discriminatory provision **for the use of transmission lines** or distribution system or **associated facilities with such lines or system by any licensee** or consumer or a person engaged in generation in accordance with the Regulations specified by the Appropriate Commission.”
- In the absence of commissioning of the Maithon (PGCIL)-Chalbalpur (IPCL) 220 kV D/c Line and physical connectivity with the ISTS on 01.10.2024, there is no “*use of transmission lines*” by the Petitioner herein, and hence there is no “*Open Access*” on 01.10.2024 so as to levy monthly GNA charges and one-time GNA charges with effect from 01.10.2024.
- ii. Regulation 2(e) of the 2009 Connectivity Regulations provides “*Connectivity*” for a generation, including a captive generating plant, a bulk consumer or an inter-state transmission licensee, **means the state of getting connected to the inter-state transmission system.**”
- In the absence of commissioning of the Maithon (PGCIL)-Chalbalpur (IPCL) 220 kV D/c Line (Overhead Line), there is no “*state of getting connected to the inter-state transmission system*” on 01.10.2024, so as to levy monthly GNA charges and one-time GNA charges with effect from 01.10.2024.
- iii. Regulation 2.1 (r) of the GNA Regulations defines “*General Network Access*” or “*GNA*” means Open Access to the ISTS granted under the GNA Regulations.

There is no **“use of transmission lines or associated facilities with such lines or system”** by the Petitioner on 01.10.2024 and hence, compelling the Petitioner to an effective date of 01.10.2024 as the start date of GNA is contrary to Section 2(47) of the 2003 Act read with Regulation 2.1(r) of the GNA Regulations read with Regulation 2(e) of the 2009 Connectivity Regulations.

- c) An amount of Rs. 1 Crore was paid by the Petitioner through RTGS mode to the CTUIL towards One Time GNA charge on 14.10.2024.
- d) It is an admitted position on record that in the 26th CMETS-ER meeting held on 27.12.2023, the Petitioner informed CTUIL that it will take 12 months' time to construct the subject transmission line for which GNA has been sought and fully and CTUIL having accepted it, chose not to grant a GNA effective date after 28.12.2024 and still chooses to enforce 1.10.2024 as the GNA effective date.
- e) The CTUIL has not established that by seeking deferment of the effective date of the GNA till the commissioning of its Maithon (ISTS)- Chalbalpur line, the Petitioner is reserving/blocking 100 MW capacity.

Submission of Petitioner in 103/IA/2024:

- 5. Petitioner vide affidavit dated 5.12.2024 filed an IA No. 103/2024, to stay the bill of supply for the first Bill for the billing month of December 2024 dated 2.12.2024.

Hearing on 09.12.2024

- 6. The Commission, during the hearing on 9.12.2024, asked the Petitioner regarding approaching the State Transmission Utility for availing additional 100 MW GNA through InSTS as per its prayer (c). In response to this query, the learned counsel of the Petitioner submitted that the said alternate prayer is not workable, and the Petitioner is no longer pressing such alternate prayer.

Submissions of Respondent CTUIL

- 7. Respondent CTUIL vide affidavit dated 06.12.2024 (added on e-filing portal on 10.12.2024) has mainly submitted as below:
 - a) The Petitioner, being a deemed distribution licensee in the State of West Bengal, was granted connectivity to the ISTS under the erstwhile 2009 Connectivity

Regulations at a specified sub-station for which a connectivity line was to be implemented by the grantee.

- b) With the coming into force of the GNA Regulations on 6.7.2022, making provision for the use of the ISTS through GNA, the 2009 Connectivity Regulations have ceased to be in force. Under the GNA Regulations, a distribution licensee seeking to connect to the ISTS is eligible to apply for GNA under Regulation 17.1(iii) of the GNA Regulations. A Connectivity grantee under the 2009 Connectivity Regulations (whose connectivity is yet to become effective) can opt for transitioning such Connectivity to a Connectivity under the GNA Regulations in the manner provided in Regulation 37.2 of the GNA Regulations.
- c) The provision with regard to the grant of GNA is made under Regulation 22.2 of the GNA Regulations, wherein GNA to entities such as the present Petitioner is granted with or without system augmentation from a specified start date. The GNA grantee is required to furnish a one-time GNA charge of Rs. One lakh per MW for the quantum of GNA one month prior to the start date of GNA. The use of the term “shall” in Regulation 22.2(d) of the GNA Regulations indicates that the provision is mandatory in its operation and is necessarily to be complied with. Further, the Regulation also provides for the consequences of failing to furnish the one-time GNA charges within the specified timeframe, wherein such charges are to be recovered through the encashment of Conn-BG1, Conn-BG2, and Conn-BG3 as required.
- d) The proviso of Regulation 22.2(d) of the GNA Regulations, applicable to the entities covered under Regulation 17.1(iii) of the GNA Regulations (such as the Petitioner). Monthly transmission charges for their GNA are also payable in addition to the one-time GNA charges in accordance with the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 (hereinafter referred to as “2020 Sharing Regulations”).
- e) Only two circumstances have been contemplated under the GNA Regulations under which the effective date of GNA may be revised for a connectivity/GNA grantee viz. (a) where the GNA is contingent upon system augmentation and the commissioning of such system is delayed and (b) entities covered under Regulation 17.1 seek to advance the effective date for all or a portion of the GNA granted. Except for these two circumstances, the Regulations do not permit any other circumstance under which the effective date of GNA may be revised by CTUIL.

- f) In the aforesaid context of the clear operation of the provisions in the GNA Regulations with respect to date of GNA effectiveness and payment of one-time GNA charges by a GNA grantee, the inherent power vested with this Commission under Regulation 65 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 (hereinafter referred as “Conduct of Business Regulations”) are liable to be viewed. The Commission’s inherent powers may be exercised only in areas where the Act or the Rules are silent. Consequently, the exercise of inherent powers by this Commission necessitates the existence of a lacuna in the Regulations. The Supreme Court in Gujarat Urja Vikas Nigam Limited Vs. Solar Semiconductor Power Co. (India) (P) Ltd. & Anr [(2017) 16 SCC 498] has dealt with the scope of inherent powers of the Gujarat Electricity Regulatory Commission in terms of Regulation 80 of Gujarat Electricity Regulatory Commission (Conduct of Business) Regulations, 2004, which are similar to Regulation 65 of the CERC Conduct of Business Regulations.
- g) After coming into effect of the GNA Regulations, the Petitioner, under the transition provision for transition of connectivity/LTA as per Regulation 37 of the GNA Regulations, exercised the option to convert 100MW, out of 200MW of its connectivity granted under the 2009 Connectivity Regulations, as GNA under the GNA Regulations. The remaining 100MW was surrendered during the transition process. CTUIL vide its letter dated 15.9.2023, granted GNA of 100 MW on the existing system with effect from 1.10.2024 at Maithon (POWERGRID) substation through Debipur-Maithon 220 kV D/c line to the Petitioner as a distribution licensee. The intimation regarding the grant of 100 MW GNA to the Petitioner also stipulated the requirement to furnish bank guarantees and one-time GNA charges as follows:

“9	BGs and Charges [only for the entity mentioned at Regulation 17.1 (iii)]	
A	Conn BG 1	Rs. 50 Lakh
B	Conn BG 2	Not Applicable
C	Conn BG3 at Rs. 2 Lakh/MW	Rs. 2 Crores
D	One time GNA charge at Rs. 1 Lakh/MW	Rs. 1 Crore

- h) In terms of the above grant of GNA, the Petitioner furnished Conn-BG1 and Conn BG3 to CTUIL; the requirement of furnishing the one-time GNA charges was yet to be fulfilled by the Petitioner. At the time of the above conversion, the Petitioner was fully aware that the matter as regards the grant of Section 68 approval was pending adjudication before the Delhi High Court and that, in the absence of such approval, the work on construction of the dedicated transmission line could not commence

and its status remained uncertain. Yet, in its commercial wisdom, the Petitioner chose to seek GNA with a start date of 1.10.2024, with full knowledge that upon its commencement, the liability to pay charges for the GNA granted was to ensue upon it.

- i) The Petitioner, vide letter dated 4.12.2023, requested CTUIL for modification of the location for the proposed sub-station from Debipur to Chalbapur in view of the difficulties being faced by the Petitioner in land acquisition in and around Debipur. Pursuant to the same, at the 26th CMETS-ER held on 27.12.2023, the issue of changing the terminal sub-station from Debipur to Chalbapur for the already granted GNA of 100 MW to the Petitioner was discussed and agreed. In the 26th CMETS-ER held on 27.12.2023, the Petitioner was also informed by CTUIL about the start date of GNA as per the original intimation; however, the Petitioner did not request any modification or inform CTUIL of any concerns regarding its inability to utilise the GNA from the stated date of operationalisation due to ongoing implementation issues related to its overhead line. Pursuant to the above Meeting, CTUIL vide letter dated 1.2.2024, issued a corrigendum to the intimation for the grant of 100 MW GNA to the Petitioner, wherein the details pertaining to the transmission system were amended.

The progress of the Petitioner's overhead line and the schedule for the effectiveness of GNA were recorded in the 41st Meeting of the Joint Co-ordination Committee (JCC) of Eastern Region held on 20.9.2024 and 24.9.2024. As per the Minutes of the said meetings, it was recorded that the GNA granted to the Petitioner was based on an existing system to be operationalised w.e.f. 1.10.2024, and with regard to the overhead line under the scope of the Petitioner, the approvals had been obtained, and its completion was expected by December, 2025.

- j) CTUIL vide its letter dated 4.7.2024 issued a notice to the Petitioner in compliance with Regulation 19(1) of the 2020 Sharing Regulations, and the GNA Regulations with respect to the 100 MW GNA granted to it, indicating the date of effectiveness of the GNA and requesting to furnish applicable one-time GNA charges. The Petitioner, vide letter dated 8.8.2024, requested Respondent No.1 for deferment of the GNA granted to it on account of force majeure declared by the RE generator from whom it was to receive supply and delayed approval of Section 68. In response to the above, CTUIL vide letter dated 22.8.2024, informed the Petitioner that there was no provision under the GNA Regulations for deferment of GNA upon issuance

of an intimation for grant of GNA and thus requested the Petitioner to furnish the applicable one-time GNA charges as per the GNA grant.

- k) Subject to the availability of adequate transmission capacity on the InSTS, the Petitioner had sought the direction from this Commission to obtain the additional quantum of GNA through InSTS. The direction so sought from this Commission did not fall within the purview of the answering CTUIL. However, if required, the Petitioner can coordinate with the STU of West Bengal, viz. WBSETCL for the use of GNA by other GNA grantee(s) under Regulation 23 of GNA Regulations. It is submitted that Petitioner has mentioned in its Petition that it has 100 MW GNA segregation in West Bengal STU's GNA, but the quantum is 99.95 MW (rounded to two decimal places), not 100 MW.
- l) The 100MW GNA granted on the existing system was made effective from 1.10.2024 by CTUIL vide its letter dated 19.9.2024. Pursuant to which the Petitioner has made the payment of Rs.90,00,000/- on 14.10.2024 towards their liability of one time GNA charges.
- m) As set out hereinabove, the Petitioner, in its commercial discretion, has sought the grant of GNA effective from 1.10.2024 even when it has been facing implementation challenges associated with the Section 68 approval and has been conscious of the uncertainty surrounding the status of the dedicated transmission line. In the JCC Meetings, the Petitioner has been duly apprised of the start date for the GNA and its obligation to pay the applicable transmission charges, wherein the Petitioner has not requested any deferment of the GNA start date despite being aware of the delayed Section 68 approval for which proceedings in the Delhi High Court have been pending. That being so, the Petitioner's plea of force majeure and seeking an extension of the GNA start date based thereon are inadmissible. The Petitioner, fully aware of the challenges involved in the construction of the overhead line and the imminent start date of its granted GNA, has only approached CTUIL just as the GNA start date has been approaching, and the Petitioner's liability to pay both one-time GNA charges and ongoing transmission charges under the GNA Regulations is about to commence.
- n) Under the above Regulation 26.2, a GNA grantee (such as the present Petitioner) may apply for T-GNA "in addition to" the GNA already granted to it. Thus, as per the Regulation, the Petitioner is eligible to apply for T-GNA over and above the already granted GNA quantum; however, there is no provision for converting an already granted GNA into T-GNA as the Petitioner has sought under the present Petition.

There is also no “double levy” of transmission charges as has wrongly been claimed by the Petitioner, as such charges are payable for the GNA as well as the T-GNA if availed. However, if the Petitioner desires to lower its ISTS transmission charges due to payment of both GNA and T-GNA charges, it may relinquish the granted GNA and then reapply with a revised start date of GNA.

- o) The Petitioner's assertion that the planning for the commissioning of the Maithon sub-station has not been specifically intended for the Petitioner and consequently, there is no loss of transmission charges for CTUIL during the interim period until the Petitioner implements the actual connectivity, and that no issue of stranded capacity arises, is flawed. This is so because the GNA granted to the Petitioner is in a meshed network of the ISTS, wherein, when access has been granted to the Petitioner for a specified quantum, that capacity has become blocked for the Petitioner, thereby precluding its availability for any other entity that may be next in line in seeking access. As such, the liability to pay charges for the same in accordance with the Regulations is necessarily ensured.

Submissions of Petitioner

8. Petitioner vide affidavit dated 12.12.2024 has filed Rejoinder to reply filed by Respondent CTUIL and has mainly submitted as under:
- a) Regulation 22.4(a) of the GNA Regulations allows the connectivity to be as per the COD of ATS even though the effective date of GNA is prior in point of time than the COD of ATS. For example, if the effective date of GNA is 01.10.2024 and the COD of the ATS is 01.12.2025, then the start date of connectivity shall be the later of these two dates, i.e. 01.12.2025. This provision proves that the stand taken by CTUIL in its letter dated 22.08.2024 is wrong, as there is a provision for the deferment of GNA upon issuance of intimation for the grant of GNA. Similarly, Regulation 22.4(b) in the GNA Regulations also proves that the stand taken by the CTUIL in its letter dated 22.08.2024 is patently wrong because there is a provision for deferment of GNA upon intimation for grant of GNA. Petitioner is a “Connectivity Grantee”, and there is no reason why the provision of Regulation 22.4(a) should be read purposively to make the effective date of GNA of such Connectivity grantee to be the COD of the ATS.
- b) The APTEL has held in its judgement in Appeal No. 450 of 2019 on 31.10.2022 that *“84. We could not find any fact which indicates that subject Line is a “dedicated transmission*

line” except that it is an “Associated Transmission System” which can either be a “dedicated transmission line” or a “transmission line” in accordance with the nature of the line and also on the basis of its purpose of evacuation”.

- c) The overhead line of the petitioner is within the meaning of “Transmission lines” u/s 2(72) which describes “Transmission lines” mean all high pressure cables and overhead lines (not being an essential part of the distribution system of a licensee) transmitting electricity.....” . The petitioner’s overhead line is a radial line and is out of the area of supply of the distribution license and is thus not a part of the distribution system of the petitioner. Therefore, in line with the APTEL’s judgement in Appeal No. 450 of 2019 Supra, the overhead line of the petitioner, which is a transmission line, is an “Associated Transmission System”.
- d) The Petitioner is therefore similarly placed as the “Connectivity grantees covered under Regulation 4.1”. It is settled law that similarly placed cannot be dissimilarly treated so as to make such a treatment violative of Article 14 of the Constitution of India.
- e) Therefore, either *“the effective date of GNA of such connectivity grantee”* in the case of the present Petitioner shall be the start date of connectivity or COD of ATS, whichever is later as per Regulation 22.4(a) or *“The effective date of GNA intimated in the grant of GNA is to be revised keeping in view COD of the augmentation identified at the time of grant of the GNA”* as per Regulation 22.4(b). Regulation 22.4(b) does not make “the augmentation identified” restricted to the Maithon sub-station of PGCIL and would also cover the Overhead Line and the sub-station of the Petitioner.
- f) The Petitioner has sought remedy and relief under the present petition since the CTUIL i.e. the “Nodal Agency” has failed to “review and take corrective action” under Regulation 11.3 of the GNA Regulations based on *the status of implementation of work under the scope of the connectivity grantee and status of implementation of the ATS and terminal bay(s) as updated.*
- g) The Petitioner in the present Petition has sought remedy and relief under the above provisions as well as Regulation 41 (Power to Relax) of the GNA Regulations.
- h) The CTUIL appears to allow the Petitioner to relinquish the granted GNA (with effect from 01.10.2024) and then re-apply with a revised start date of GNA (the actual commissioning date of the Overhead Line), effectively meaning that the effective date of GNA can be deferred. Thus, there is an admission on the part of CTUIL in its reply. However, there is no submission made by CTUIL as to whether the

relinquishment charges will be applicable or waived if the Petitioner accedes to these submissions/ suggestions of CTUIL.

- i) It is denied that capacity has become blocked due to the GNA granted to the petitioner, precluding the availability of GNA for any other entity, as will be clearly seen from “Status of margins available at existing ISTS substations (non RE) for proposed RE integration” (source: <https://ctuil.in/renewable-energy>).
- j) The following submissions are being made in the alternative and without prejudice to the foregoing submissions:

In view of the existing provisions of the 2020 Sharing Regulations, this Commission can provide financial relief to the present Petitioner by allowing it to pay transmission charges at the rate of Rs. 3,000/- per MW per month for the 100 MW capacity.

Regulation 13(7) of the 2020 Sharing Regulations is a standalone provision and is not connected with Regulation 13(6) of the 2020 Sharing Regulations, where the words “Generating Substation” are substituted with the words “Connectivity Grantee”. Even otherwise to allow only the generating companies to pay transmission charges Rs. 3000/- MW/ Month if their COD is delayed beyond start date of Connectivity but not a distribution licensee such as the Petitioner which is also Connectivity grantee and the COD of its Overhead Line is delay, would be to treat similarly placed dis-similarly and therefore violative of Article 14 of the Constitution of India.

Hearing on 06.01.2025

- 9. During the hearing on 06.01.2025, learned counsel for the Petitioner inter alia submitted that the Petitioner Company is willing to pay the transmission charges in terms of Regulation 13 (7) of the 2020 Sharing Regulations.
- 10. Considering their request, the Commission permitted both sides to file their respective written submissions, if any, within 4 days, with a copy to the other side.
- 11. CTUIL will not take coercive action till the disposal of the Petition.
- 12. The Commission reserved the matter for order.

Analysis and Decision



13. We have considered the submissions of the Petitioner, Respondent and perused the facts available on the record.
14. Petitioner has submitted that it is a distribution licensee supplying power in the Asansol-Raniganj area of West Bengal through IPCL's J K Nagar 220/132/33 KV substation. Since the capacity at J K Nagar Substation was going to be fully utilised in a few years, IPCL planned for capacity enhancement at J K Nagar and/or connectivity at any other location. The existing arrangement has a deemed GNA of 100 MW capacity (outside the region) through the ISTS-WB STU system.
15. Petitioner has submitted that CTU vide intimation letter dated 16.02.2018 granted Connectivity to ISTS under the 2009 Connectivity Regulations for 200 MW at Maithon substation to the Petitioner. After the coming into effect of the GNA Regulations, the Petitioner has opted for the conversion of 100 MW of Connectivity from the 2009 Connectivity Regulations to 100 MW GNA into the GNA Regulations and surrendered the remaining 100 MW of Connectivity in terms of Regulation 37.2 of the GNA Regulations. The final grant of GNA up to Chalbalpur substation was intimated to the Petitioner by CTUIL on 01.02.2024, with the GNA effective date as 01.10.2024.
16. Petitioner has submitted that there is a delay in completion of the Maithon (PGCIL) - Chalbalpur (IPCL) 220 kV D/c line on account of the delay in the grant of Section 68 approval, and the Maithon (PGCIL)-Chalbalpur (IPCL) 220 kV D/c Line may be commissioned by December 2025.
- f) Petitioner under the instant Petition is contending that the GNA should be aligned with the completion milestone of the Petitioner's Maithon (PGCIL)-Chalbalpur (IPCL) 220 kV D/c Line referring to Regulation 22.4 (b) of the GNA Regulations which provides effective date of GNA to be revised keeping in view COD of the augmentation identified at the time of grant of the GNA. In the absence of physical connection of the Maithon (PGCIL)-Chalbalpur (IPCL) 220 kV D/c Line, the start date of GNA with effect from 01.10.2024 and the consequent levy of one-time GNA charges, as well as the monthly GNA billing, will be contrary to the 2003 Act and the Regulations made by this Commission thereunder.
17. Petitioner has submitted that Petitioner be levied transmission charges at the rate of Rs. 3,000/- per MW per month for the 100 MW capacity, under Regulation 13 (7) of the 2020 Sharing Regulations.

18. CTUIL has submitted that at the time of the above conversion to GNA Regulations, the Petitioner was fully aware of the grant of Section 68 approval that was pending adjudication before the Delhi High Court and that in the absence of such approval, the work on construction of the dedicated transmission line could not commence, and its status remained uncertain. Yet, in its commercial wisdom, the Petitioner chose to seek GNA with a start date of 1.10.2024, with full knowledge that upon its commencement, the liability to pay the charges for the GNA granted would ensue upon it. CTUIL has submitted that the Petitioner's plea of force majeure and seeking extension of the GNA start date based thereon are inadmissible.
19. We note that the Petitioner, during the hearing on 09.12.2024, on a specific query of the Commission regarding the Petitioner having approached the State Transmission Utility for availing the additional 100 MW GNA through InSTS as per its prayer (c), replied that the said alternate prayer is not workable, and the Petitioner is no longer pressing such alternate prayer. Accordingly, prayers (c) and prayer (d) of the Petitioner are no longer surviving; accordingly, the same are not analysed in this Order.
20. We have considered the submission of the Petitioner and Respondent. The following issues arise for our consideration:

Issue No. 1 – Whether the effective date of the Petitioner's GNA and monthly billing for such GNA is required to be deferred till the commissioning of the Maithon (PGCIL)-Chalbalpur (IPCL) 220 kV D/c Line (Overhead Line)?

Issue No. 2 - Whether transmission charges at the rate of Rs. 3,000/- per MW per month under Regulation 13(7) of the Sharing Regulations applicable to the Petitioner for the period of delay?

Issue No. 3 Whether the Petitioner is entitled to refund of one-time GNA Charges along with the carrying cost ?

The above issues are discussed in the subsequent paragraphs.

Issue No. 1 – Whether the effective date of the Petitioner's GNA and monthly billing for such GNA is required to be deferred till the commissioning of the Maithon (PGCIL)-Chalbalpur (IPCL) 220 kV D/c Line (Overhead Line);

21. Petitioner is a distribution licensee in West Bengal who had been granted Connectivity under the 2009 Connectivity Regulations by CTUIL on 16.02.2018 for 200 MW, which was transitioned to the GNA Regulations as 100 MW GNA. Petitioner is an entity covered under Regulation 17.1(iii) of the GNA Regulations,

i.e. an entity eligible to get GNA to connect with ISTS directly. Petitioner was to construct the dedicated transmission line Maithon (PGCIL)-Chalbalpur (IPCL) 220 kV D/c Line to connect at the Maithon ISTS substation.

22. CTUIL has submitted that based on the option exercised by the Petitioner to convert 100MW out of 200MW of its connectivity granted under the 2009 Connectivity Regulations as GNA under the GNA Regulations, CTUIL vide letter dated 15.09.2023 granted GNA of 100 MW on existing system with effect from 1.10.2024 at Maithon (POWERGRID) substation through Debipur-Maithon 220 kV D/c line to the Petitioner as a distribution licensee.
23. Petitioner has submitted that he is a “Connectivity grantee” in terms of the CERC order dated 29.01.2018 in Petition No. 168/MP/2017 and Respondent No. 2 PGCIL letter dated 16.02.2018, and he should be similarly placed as the “Connectivity grantees covered under Regulation 4.1. Thus, the provision of Regulation 22.4(a) of the GNA Regulations should be applicable to the Petitioner, and thus the effective date of its GNA should be the COD of the ATS. Petitioner also submitted that Regulation 22.4(b) of the GNA Regulations does not make “the augmentation identified” restricted to the Maithon sub-station of PGCIL, and it should also cover the Overhead Line and the sub-station of the Petitioner.
24. We have considered the submission of Petitioner and Respondent CTUIL.
25. Relevant extracts of the Minutes of the 19th Consultation Meeting for Evolving Transmission Schemes in Eastern Region (CMETS-ER) held on 30.05.2023 and Minutes of the 20th CMETS-ER held on 28.06.2023 are as under:

Extract of the Minutes of the 19th CMETS-ER held on 30.05.2023

“

Sl. No.	Applicant	Installed Capacity (MW)	Location	Nature of entity	Connectivity already granted quantum	Start date of Connectivity as per existing grant under Connectivity Regulations	Quantum for transition under Reg. 37.2 (MW)	Start date of Connectivity under GNA Regulations (agreed for grant)	Transmission system for Connectivity under GNA Regulations, 2022

5	India Power Corporation Limited	-	West Bengal	Distribution licensee	200	30-09-2020	200	Start date of GNA: 01-06-2023 End date of GNA: 01-06-2053	-



- Applicant mentioned that they shall be providing updated response including new Start date of Connectivity.
- In view of revised response of M/s IPCL vide email dated 03-06-2023, the matter shall be discussed in the next meeting.

.....”

Extract of the Minutes of the 20th CMETS-ER held on 28.06.2023

“2.2. Transition under Regulation 37.2, viz. Connectivity granted, but LTA has not been granted for the corresponding quantum, and Connectivity is yet to become effective.

Sl. No.	Applicant	Nearest ISTS location	Nature of entity	Connectivity already granted quantum (MW)	Start date of Connectivity as per existing grant	Quantum for transition under Reg. 37.2 (MW)	Start and End date of GNA (requested)	Conn-BGs
1	India Power Corporation Limited	Maithon (POWERGRID) S/s	Distribution licensee seeking to connect to ISTS	200	30-09-2020	Convert: 100MW Surrender: 100MW	Start: 01-10-2024 End: 30-09-2025	Conn-BG1: 50 Lakh Conn-BG3: 2 Lakh/MW
• Connectivity of 200MW was granted to M/s IPCL in line with CERC order dated 29-01-2018 in petition no. 168/MP/2017, at Maithon (POWERGRID) S/s through Debipur – Maithon 220kV D/c line along with associated line bays at both ends to be implemented by M/s IPCL. • CTU informed that the applicant is yet to be connected to the grid, thus Connectivity is yet to become effective. Further, as per minutes of Project Review Meeting of ER held on 05-04-2023, M/s IPCL is yet to start implementation of dedicated line. • It was informed that M/s IPCL has requested that 100MW may be converted to GNA and balance 100MW may be surrendered. The 100MW GNA has been requested with Outside region: 100MW and Within region: 0MW. • As per Regulation 17.1 (iii), “a distribution licensee or a Bulk consumer, seeking to connect to ISTS, directly, with a load of 50MW and above” is eligible as applicant to apply for grant of GNA. Further, as per Regulation 12.5, “In case of an entity covered under Regulation 17.1(iii), the line to connect such an entity to the ISTS and necessary augmentation for providing connection to the ISTS, shall be constructed and maintained by a licensee at the cost of such entity.”. • CTU mentioned that, the connection to ISTS for transition to GNA for 100MW is proposed with the earlier planned/granted Debipur (IPCL) – Maithon (POWERGRID) 220kV D/c line along with associated line bays at both ends. GNA can be granted on the existing transmission system. All stakeholder agreed with the proposal. • In line with Regulation 12.5, the “Debipur (IPCL) – Maithon (POWERGRID) 220kV D/c line along with associated line bays at both ends” needs to be implemented by an ISTS licensee at cost of M/s IPCL. M/s IPCL to arrange implementation of the identified transmission system through ISTS transmission licensee on their own. Once the licensee is finalised, the same may be immediately informed to CTU. IPCL noted and agreed to the same. • It was informed that as per Regulation 22.2 (b-i), the applicant is liable to submit Conn-BG1 of ₹ 50 Lakh and Conn-BG3 at ₹ 2 Lakh/ MW. Further, as per Regulation 22.2 (d) applicant is also liable to furnish one-time GNA charge of ₹ 1 Lakh/MW for quantum of GNA one month prior to the start date of GNA. IPCL noted the same. • In view of the above, it was decided that 100MW GNA in ISTS may be granted to M/s IPCL under GNA Regulations at Maithon (POWERGRID) S/s with existing transmission system. The DTL to connect to ISTS i.e. Debipur (IPCL) – Maithon (POWERGRID) 220kV D/c line along with associated line bays at both ends needs to be implemented by an ISTS licensee at cost of M/s IPCL. M/s IPCL to arrange implementation of the identified transmission system through ISTS transmission licensee on their own. Once the licensee is finalised, the same may be immediately informed to CTU								



.....

Annexure-I

List of participants of 20th Consultation Meeting for Evolving Transmission Schemes in Eastern Region (CMETS-ER)

Sl. No.	Name	Designation	Organisation	Email id
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32	Sh. Amit Prakash	VP Commercial	IPCL	amit.prakash@indiapower.com
33	Sh. Vijay Prakash Singh	VP	IPCL	
34	Sh. Subir Das	VP Technical	IPCL	subir.das@indiapower.com
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.....”

As per the above, it is observed that the Petitioner gave the date of start of GNA as 1.6.2023 during the meeting held on 30.5.2023, which was modified as 1.10.2024 during the 20th CMETS-ER meeting held on 28.06.2023. Accordingly, CTUIL, vide letter dated 15.09.2023, intimated the grant of GNA to the Petitioner w.e.f 1.10.2024. Relevant extract of the CTUIL letter dated 15.09.2023 is as under:

“Subject: Intimation for final grant of 100MW GNA to M/s Indian Power Corporation Limited (IPCL) as distribution licensee in West Bengal

.....

As you are aware, M/s IPCL was granted connectivity of 200MW under CERC Connectivity Regulations, 2009 at Maithon (Powergrid) substation through Debipur-Maithon 220kV D/c line along with associated line bays at both ends to be implemented by M/s IPCL. Thereafter, M/s IPCL has opted for transition of 100MW out of 200MW earlier granted connectivity as distribution licensee under Connectivity Regulations, 2009, to GNA under Regulations 37.2 of GNA Regulations, 2022. The balance 100MW connectivity has been surrendered by M/s IPCL.

The transition matter was discussed in the 19th & 20th Consultation Meeting for Evolving Transmission Schemes in Eastern Region (CMETS-ER) held on 30-05-2023 & 28-06-2023 respectively, wherein it was agreed to grant 100MW GNA (Outside region: 100MW and Within region: 0MW) to M/s IPCL as distribution licensee on existing ISTS under GNA Regulations, 2022.

In view of the above and as per deliberation in the 19th & 20th CMETS-ER meetings, intimation for final grant of 100MW GNA to M/s IPCL is enclosed herewith.

**INTIMATION FOR FINAL GRANT OF GNA UNDER REGULATION 22.2 TO ENTITIES UNDER
REGULATION 17.1 (II), (III) AND (V)**

1	Intimation No.	: CTU/E/GNA-INT-2B/1200000617
	Date	: 15-09-2023
2	Ref. Application No.	: 1200000617 (as per Connectivity Regulations, 2009)
	Date	: 18-01-2017
3	Name of the Applicant	: India Power Corporation Limited
4	Address for Correspondence	: Plot X 1 2 & 3, Block EP, Sector V Salt, Lake City, Kolkata, West Bengal - 700091
5	Nature of the Applicant	: Distribution Licensee seeking to connect to ISTS directly
6	Details for General Network Access (GNA) requested	
a	Quantum (MW) of GNA	: 100MW (Outside region: 100MW and Within region: 0MW)
b	Start date of GNA	: 01-10-2024
c	End Date of GNA	: 30-09-2054
7	Details of General Network Access (GNA) granted	
a	Quantum (MW) of GNA	: 100MW (Outside region: 100MW and Within region: 0MW)
b	Start date of GNA	: 01-10-2024
c	End Date of GNA	: 30-09-2054
d	Through existing system or with network augmentation of system	: Existing ISTS (no augmentation)
e	Transmission System for GNA	: Debipur – Maithon (ISTS) 220kV D/c line along with associated line bays at both ends*

As per the above GNA, with a start date of 1.10.2024, was granted to the Petitioner as per his request.

26. We note that the issue of the grant of Section 68 approval was already being considered in the Delhi High Court since May, 2019. We also note that the matter at the Delhi High Court was in progress when Petitioner agreed on the start date of GNA as 1.10.2024 during the meeting held on 28.6.2023. We have perused the

Delhi High Court Order dated 30.04.2024, and the MoP Sec-68 approval vide letter dated 18.06.2024 is as under.

Delhi High Court Order dated 30.04.2024

"1.....By way of this Petition under Article 226 of the Constitution, it assails a communication dated 14.12.2028, by which the Central Electricity Authority (CEA) rejected its application for prior approval for laying a 400kV overhead line from Maithon (ISTS) to Debipur Sub-Station. The application was made under Section 68 of the Act, and was rejected on the ground that the "appropriate government would, in the circumstances of the case, be the Government of West Bengal, and not the Central Government.

.....

23. For the aforesaid reasons, I hold that the Petitioner's application under Section 68 of the Act was liable to be considered by the Central Government, as the "appropriate government" under Section 2(5)(a)(ii) of the Act.

E. Conclusion

24. In view of the above, the petition is allowed, The impugned order dated 14.12.2018 is set aside, and the petitioner's request for approval under Section 68 of the Act is remanded to CEA for expeditious consideration and disposal."

MoP Sec-68 approval dated 18.06.2024

"Subject: Prior approval of the Government of India under Section 68(1) of the Electricity Act, 2003, for installation of overhead line of India Power Corporation Limited (IPCL) – regarding.

.....

4. Based on the recommendation of Central Electricity Authority (CEA), Ministry of Power, Government of India conveys the prior approval under Section 68 (1) of the Electricity Act, 2003 to India Power Corporation Limited (IPCL) for implementation of following overhead lines:

- i. Maithon (PGCIL) – Chalbalpur (IPCL) 220 kV D/c line."*

C

As per the above, in terms of the Delhi High Court Order dated 30.04.2024, MoP vide letter dated 18.06.2024 has issued Section 68 approval to the Petitioner for the construction of its dedicated transmission line.

Petitioner has referred to Regulation 22.4(b) of the GNA Regulations seeking deferment of the start date of GNA. Regulation 22.4(b) of the GNA Regulations provides as under:

"22.4. Effective Date of GNA

(a) ...

.....

(b) For entities covered under Regulation 17.1, in case the effective date of GNA intimated in the grant of GNA is to be revised keeping in view COD of the augmentation identified at the time of grant of the GNA, the Nodal Agency shall, at least 3 (three) months prior



to the revised effective date of GNA, give a notice to such entities, indicating the revised date from which the GNA shall be effective.

.....”

As per the above, the effective date of GNA is revised in view of the COD of the augmentation identified at the time of grant of GNA. The grant of GNA as quoted above clearly provides under Clause 7(d) the augmentation as “existing ISTS (no augmentation)”. The contention of the Petitioner, referring to the dedicated line of Maithon-Chalbalpur as “augmentation”, is incorrect. The dedicated line from Maithon-Chalbalpur, which was within the scope of the Petitioner, is part of the Petitioner’s facility, and any delay in its dedicated line does not provide any relief to the Petitioner from GNA becoming effective, which is on the ISTS system. The “augmentation” referred to in Regulation 22.4(b) comprises elements being constructed under ISTS and not the dedicated transmission system.

27. Petitioner has also contended that the dedicated line of Petitioner is ATS for Petitioner and is praying to extend the start date of GNA under Regulation 22.4(a). We have perused Regulation 6 of the GNA Regulations as under:

“6. Interconnection Study by the Nodal Agency and ATS

6.1. On receipt of applications for grant of Connectivity, the Nodal Agency shall carry out interconnection study as specified in the CEA Technical Standards for Connectivity along with requirement of augmentation to the existing ISTS, if any, for enabling transfer of power over ISTS under General Network Access:

.....

6.2. Of the augmentation requirement as identified under Regulation 6.1 of these regulations, augmentation required for immediate evacuation of power of the Applicant (s), excluding terminal bay(s), shall be considered as the Associated Transmission System (ATS) for the Applicant(s).”

As per the above, the Associated Transmission System (ATS) is a part of the augmentation required under the ISTS for the immediate evacuation of power of the applicants. ATS does not comprise the dedicated transmission line covered under Regulation 12 of the GNA Regulations. Regulation 22.4(a) provides as under:

“22.4. Effective Date of GNA

(a) For Connectivity grantees covered under Regulation 4.1 of these regulations, the effective date of GNA of such Connectivity grantees shall be the start date of Connectivity or COD of ATS, whichever is later.

As per the above, the ATS identified and defined under Regulation 6.2 is referred to in Regulation 22.4. Further Regulation 22.4(a) applies to entities covered under Regulation 4.1 of the GNA Regulations, which are primarily generating stations. Petitioner is a drawee entity covered under Regulation 17.1(iii) of the GNA

Regulations. Hence, the contention of the Petitioner seeking deferment of the start date of GNA, citing a dedicated line as ATS under Regulation 22.4(a), is incorrect.

28. Further, Regulation 40.1 of the GNA Regulations provides as under:

“40.1. The transmission charges and losses for use of the inter-State transmission system shall be shared among drawee DICs of ISTS including entities covered under Regulation 17.1(iii) of these regulations, in accordance with the Sharing Regulations.”

As per the above, the drawee DICs of ISTS, including entities covered under Regulation 17.1(iii) of the GNA Regulations, are billed for the ISTS transmission charges and losses, in accordance with the Sharing Regulations.

29. As we have already decided in the above paragraphs that there shall not be any deferment of GNA effectiveness, the Petitioner shall be liable to be billed in terms of the 2020 Sharing Regulations, and thus, CTUIL has rightly raised the bill for transmission charges on the Petitioner. Accordingly, the prayer to defer billing for transmission charges for 100MW GNA is not acceptable.

30. Considering the above, we are of the view that CTUIL has rightly made the Petitioner's GNA effective from 01.10.2024 and rightly raised the bill for transmission charges, we decline the Petitioner's plea for deferment of the effective date of the GNA and the billing for transmission charges for the 100 MW GNA.

31. The issue No. 1 is answered accordingly.

Issue No. 2 - Whether transmission charges at the rate of Rs. 3,000/- per MW per month under regulation 13(7) of the Sharing Regulations applicable to the Petitioner for the period of delay?

32. The Petitioner has proposed that the Commission may provide financial relief to the present Petitioner by allowing it to pay transmission charges at the rate of Rs. 3,000/- per MW per month for the 100 MW capacity under regulation 13(7) of the GNA Regulations.

33. We have considered the submission of the Petitioner and perused the relevant provisions of the 2020 Sharing Regulations.

34. Regulation 13(6) and (7) of the 2020 Sharing Regulations read as under:

“(6) If any transmission element(s) of the Associated Transmission System is required by the Connectivity grantee prior to COD of the Associated Transmission System, the Yearly Transmission Charges for such transmission element(s) shall be payable by the

Connectivity grantee from the COD of the said transmission element(s) of the Associated Transmission System till the Connectivity grantee achieves COD.

(7) Where Connectivity is granted to a Connectivity grantee other than Renewable Power Park Developer, on margins of existing system or on augmented system with no ATS, and if the COD of such Grantee is delayed beyond start date of connectivity, the Connectivity grantee shall, corresponding to the capacity that is delayed, pay transmission charges from the start date of such Connectivity at the rate of Rs. 3000/ MW /month;”

The above clause is applicable to an entity that has been granted Connectivity and is a Connectivity Grantee. Petitioner, being a distribution licensee, a drawee entity is a GNA grantee under the GNA Regulations and not a Connectivity Grantee and hence Regulation 13(7) of the 2020 Sharing Regulations is not applicable to the Petitioner.

35. Regulation 3(2) of the 2020 Sharing Regulations provides as follows:

“3. Principles of sharing transmission charges

.....

(2) Yearly Transmission Charges for transmission system shall be shared on monthly basis by drawee DICs in accordance with Regulations 5 to 8 of these regulations subject to the exceptions provided in Clauses (3), (6), (9) and (12) of Regulation 13 of these regulations.”

As per the above, Yearly Transmission Charges (YTC) for the transmission system shall be shared on a monthly basis by all drawee DICs in accordance with Regulations 5 to 8 of the 2020 Sharing Regulations, subject to the exceptions provided in different Clauses of Regulation 13 of the 2020 Sharing Regulations.

36. In the present case, the Petitioner, being a distribution licensee, has GNA through the direct Connectivity to the ISTS, whose GNA has been made effective on 01.10.2024. Therefore, the Petitioner is liable to share the transmission charges in terms of the provisions under the 2020 Sharing Regulations.

37. The issue No. 2 is answered accordingly.

Issue No. 3 Whether the Petitioner is entitled to refund of one-time GNA Charges along with the carrying cost?

38. Petitioner has submitted that In the absence of commissioning of the Maithon (PGCIL)-Chalbalpur (IPCL) 220 kV D/c Line and physical connectivity with the ISTS on 01.10.2024 there is no “state of getting connected to the inter-state transmission system” and also there is no “use of transmission lines” by the Petitioner herein and

hence there is no “Open Access” on 01.10.2024 so as to levy monthly GNA charges and one-time GNA charges with effect from 01.10.2024.

39. CTUIL has submitted that the GNA grantee is mandatorily required to furnish a one-time GNA charge of Rs. One lakh per MW for the quantum of GNA one month prior to the start date of GNA. The Regulation also provides for the consequences of failing to furnish the one-time GNA charges within the specified timeframe, wherein such charges are to be recovered through the encashment of Conn-BG1, Conn-BG2, and Conn-BG3 as required.
40. We have considered the submission of the Petitioner and the Respondent.
41. Regulation 22.2(d) of the GNA Regulations provides as under:

“(d) Entities covered under Regulation 4.1 and clause (iii) of Regulation 17.1 of these regulations shall furnish one-time GNA charge for Rs. one lakh per MW for the quantum of GNA one month prior to the start date of GNA. In case, such charges are not furnished by the entity within the specified timeline, the same shall be recovered by encashment of Conn-BG1, Conn-BG2 and Conn-BG3 as required. The proceeds of such one-time GNA charge shall be used for reducing Monthly Transmission Charges under the Sharing Regulations;

Provided that the entities covered under Regulation 17.1(iii) shall pay monthly transmission charges for its GNA in addition to one time GNA charge in accordance with the Sharing Regulations.”

As per the above, the entities covered under Regulation 17.1(iii) of the GNA Regulations, like the Petitioner, has to submit one-time GNA charge for Rs. one lakh per MW for the quantum of GNA one month prior to the start date of GNA, and after effectiveness of the its GNA such entity has to pay the monthly transmission charges for its GNA in accordance with the 2020 Sharing Regulations.

42. We note that Petitioner has already paid the One-time GNA charges, and as the One-time GNA charges are the regulatory requirement under the GNA Regulations, which is equally applicable to all the GNA grantee covered under Regulation 17.1(iii) of the GNA Regulations. As the GNA of the Petitioner has also been made effective, there is no question of return of the One-time GNA charges. Accordingly, the Petitioner's prayer for a refund of the One-time GNA charges is declined.

43. The issue No. 3 is answered accordingly.
44. Petitioner had filed IAs seeking interim relief. Since the prayers have been addressed in the instant Order, the prayers of IAs stand addressed.
45. The Petition No. 350/MP/2024, along with IA No. 101/2024 and 103/2024, is disposed of in terms of the above.

**Sd/
(Harish Dudani)
Member**

**Sd/
(Ramesh Babu V.)
Member**

**Sd/
(Jishnu Barua)
Chairperson**