

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI
Petition No.434/MP/2024**

Coram:

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

Date of Order: 11.01.2025

In the Matter of:

Petition under Section 79 (1) (c) of the Electricity Act 2003, read with Regulations 41 and 42 of the CERC (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022, and the relevant provisions of the Conduct of Business Regulations, 2023.

AND

In the Matter of:

Gujarat Energy Transmission Corporation Limited
Sardar Patel Vidyut Bhavan,
Racecourse, Vadodara – 390007

..... Petitioner

Versus

- 1. Central Transmission Utility of India Limited**
Floor No.5-10, Tower 1, Plot No. 16,
IRCON International Tower, Institutional Area, Sector 32,
Gurugram, Haryana – 122001.
- 2. Gujarat Urja Vikas Nigam Limited**
Sardar Patel Vidyut Bhavan,
Racecourse, Vadodara – 390007
- 3. Indian Railways**
The Sr. Divisional Electrical Engineer,
Traction Distribution (W.R.)
Pratapnagar, Vadodara, Gujarat - 390004

Parties Present:

Ms. Swapna Seshadri, Advocate, GETCO
Shri Utkarsh Singh, Advocate, GETCO
Ms. Sneha, Advocate, GETCO
Shri Shubham Arya, Advocate, CTUIL
Ms. Pallavi Saigal, Advocate, CTUIL
Shri Rishabh Saxena, Advocate, CTUIL
Shri Swapnil Verma, CTUIL
Ms. Kavya Bhardwaj, CTUIL

ORDER

Gujarat Energy Transmission Corporation Limited (GETCO) has filed the instant Petition under Section 79 (1) (c) of the Electricity Act 2003 (hereinafter referred to as “the Act”), read with Regulations 41 and 42 of the CERC (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 (hereinafter referred to as “GNA Regulations”) and the relevant provisions of the Conduct of Business Regulations, 2023, seeking relaxation of the date of 30.09.2024 which is stipulated under Regulation 19.2 of the GNA Regulations for submission of the application for additional GNA quantum for the financial year 2025-26, 2026-27 and 2027-28.

2. The Petitioner has made the following prayers in the instant Petition:

- i. *Admit the present Petition.*
- ii. *Grant relaxation in the Date of 30.09.2024 which is stipulated under Regulation 19.2 of the CERC (Connectivity and General Network Access to the inter-state Transmission System) Regulations, 2022 for submission of the application for additional quantum for the financial year 2025-26, 2026-27 and 2027-28 under Regulations 41 and 42 of the (Connectivity and General Network Access to the inter-state Transmission System) Regulations, 2022.*
- iii. *Allow GETCO to file a fresh Application under Regulation 19.2 of the CERC (Connectivity and General Network Access to the inter-state Transmission System) Regulations, 2022 for additional GNA quantum;*
- iv. *Direct CTUIL to consider the aforesaid fresh Application to be made by GETCO for additional GNA requirements in terms of Regulation 19.2 of CERC*

(Connectivity and General Network Access to the inter-state Transmission System) Regulations, 2022;

- v. *Direct CTUIL to consider and allow the differing start dates for the additional GNA as sought by GETCO; and*
- vi. *Pass such orders as deemed fit and necessary in the facts and circumstances of the present case.*

Submission of Petitioner

3. Petitioner has made the following submissions:
 - a. In terms of Regulation 19.2 of the GNA Regulations, Respondent No. 2 - GUVNL and Respondent No. 3 - Indian Railway have submitted their additional GNA requirement for the financial year 2025-26 on 09.09.2024 and 29.08.2024 respectively to GETCO. In their respective submission, the additional GNA requirement is phased out with three different effective dates as 01.04.2025, 01.10.2025, and 01.03.2026 by the said two entities. Pursuant to the above, GETCO vide communication dated 10.09.2024 sought guidance from CTUIL regarding how to apply for additional GNA quantum with different dates through the NSWS portal. CTUIL, vide its email dated 19.09.2024, replied that only one effective date is available for the application of additional GNA for a particular financial year.
 - b. GETCO, again vide its emails dated 23.09.2024 and 27.09.2024, requested CTUIL to guide them in submitting an application through the portal with three different dates in a financial year, considering that the NSWS portal provides only one date selection in one year. On 27.09.2024, CTUIL replied that in terms of Regulation 19.2 of the GNA Regulations, an application for additional GNA quantum with only one specified start date for each of the three financial years can be submitted.
 - c. Since 30.09.2024 was the last date for GNA applications by STU, GETCO submitted its application for additional GNA quantum via hard copy on 27.09.2024. Additionally, CTUIL was requested to address the necessary changes in the NSWS Portal to allow for the application of additional GNA quantum on different dates within a financial year, as per the provisions of the GNA Regulations.
 - d. During the filing of the application through the NSWS portal on 30.09.2024, a technical error occurred wherein the Digitally Signed Certificate (“DSC”) could not be generated

in the name of Dr. Ashok J. Chavda, who had initially signed in the application dated 27.09.2024. As a result, the DSC of another GETCO officer, Mr. Mahendrakumar Gangarambhai Patel, Additional Chief Engineer, was used to submit the application out of necessity since it was the last date for filing the online application. Further, based on discussions with CTUIL, GETCO was required to apply through the NSWS portal using the available options and accordingly submitted the application via the NSWS Portal by 30.09.2024. However, due to the limitations of the portal, GETCO could only apply for 8 MW of GNA starting from April 1, 2025, for FY 2025-26, instead of the total 2008 MW GNA required on three different dates:

- i. 8 MW starting from April 1, 2025, by Indian Railways Gujarat,
 - ii. 1000 MW starting from October 1, 2025, by GUVNL, and
 - iii. 1000 MW starting from March 1, 2026, by GUVNL.
- e. In a letter dated 03.10.2024, CTUIL was once again requested by GETCO to consider the additional GNA quantum as per the application submitted on 27.09.2024. Thereafter, CTUIL, in its letter dated 04.10.2024, informed that GETCO's application had been closed due to major deficiencies; the application was signed/submitted by a person not authorized through the Board, and an affidavit has been signed by a different person instead of the person who has digitally signed the application.
- f. On 07.10.2024, GETCO, vide letter reiterated the situation and explained the circumstances in detail to the CTUIL, to which there has been no response as on date. The mismatch in the application, which was pointed out by the communication of CTUIL dated 04.10.2024, is not a major deficiency.
- g. Regulation 41- Power to Relax and Regulation 42 – Power to Remove Difficulty of the GNA Regulations, 2022 are both in the nature of judicial discretion to be exercised by this Commission on a case-to-case basis and on circumstances been made by the applicants.
- h. The date of applying for additional GNA had been relaxed by this Commission even earlier in Order dated 01.10.2023 in Petition No. 15/SM/2023, which indicates that the date of 30.09.2024 can also be relaxed, and the same is not cast in stone. There was a genuine difficulty which has been faced by GETCO, and it has sought several clarifications from CTUIL to enable it to apply for different quantum of additional GNA

for different dates for the financial year 2025-26. It was due to this that the application got delayed.

- i. There is no prohibition under Regulation 19.2 of the GNA Regulations, 2022, that the additional GNA should remain constant for the coming financial year. In fact, the affidavit format notified by the CTUIL under the detailed procedure referred to in its email dated 19.09.2024 shows that the format itself provides a start date of GNA, which does not have to be 1st April of the ensuing year.

Hearing dated 08.11.2024

4. The Commission admitted the Petition subject to just exceptions.

Submissions of GUVNL

5. GUVNL vide affidavit dated 22.11.2024 has mainly submitted as below:
 - a. GUVNL had, on behalf of the State-owned distribution companies of Gujarat, submitted to GETCO the additional GNA quantum to ISTS . The requirements for GNA for the FY 2025-26 are based on two different dates – from 01.10.2025 and from 01.03.2026 as per the requirements of GUVNL. It cannot be that the requirement for open access to the ISTS network has to be uniform for the entire year, and it is possible that there may be additional quantum required from different dates as happened in the present case.
 - b. There is no restriction on date and quantum changes when other entities apply directly to the CTU. Therefore, it is illogical to place such a restriction when an STU applies as an aggregator to the CTU. There would be irreparable losses and injury in case the application for GNA is not considered, and the same would impact the end consumers in the State of Gujarat.

Submissions of CTUIL

6. CTUIL vide an affidavit dated 25.11.2024 has mainly submitted as below:
 - a. Regulation 19 of the GNA Regulations, read along with Para 10.3 of the Explanatory Memorandum, provides for one application to be made once in a Financial Year by the month of September each year and an additional GNA quantum to be applicable from a specified date of a respective Financial Year, CTUIL has been accepting such

applications made by STUs with only one specified start date for each of the Financial Years, including for within or outside the region.

- b. GETCO, while making an application on 30.10.2023 for additional GNA for FY 2024-25, 2025-26, and 2026-27, had itself sought additional GNA for the above Financial Years from one specified date.
- c. It is submitted that all the applications submitted by the respective STUs in FY 2023-24 and 2024-25 have sought additional GNA from only one specified date. It has been the common understanding and the practice followed by all STUs and CTUs to apply for and be granted additional GNA from one specified date. However, if this Commission deems it fit to clarify Regulation 19.2 to include different start dates for different additional GNA quantum within a Financial Year and/or to have different start dates for additional GNA within or outside the region, CTUIL shall adhere to the direction of this Commission.
- d. Following technical and administrative issues which may be considered if different start dates for different additional GNA quantum within a Financial Year and/or different start dates for additional GNA within or outside the region are to be allowed:
 - i. The existing provision was introduced with a view that STUs shall anticipate the demand of their respective embedded entities and apply for a specified GNA quantum from a specified start date, thus, enabling systematic planning of the ISTS infrastructure by aligning with anticipated STU's demand to ensure consolidated planning of transmission system.
 - ii. Allowing different start dates for additional GNA quantum within a financial year may lead to STUs applying for small incremental quantum with multiple start dates in a financial year, based on the incremental demand of their embedded entities, resulting in several starts dates and associated quantum which would lead to increased process complexity.
 - iii. It is suggested that even if multiple start dates are allowed via a single application, a limit may be specified with respect to the number of start dates, which an STU can incorporate in an application for a particular Financial Year (e.g. 3 start dates per application for a Financial Year).

Hearing dated 28.11.2024

7. The Commission reserved the Order in the matter.

Analysis and Decision

8. We have considered the submission made by the Petitioner and Respondents and the facts available on the record.
9. The Petitioner vide the instant Petition is seeking relaxation (a) to apply beyond the last date of 30.09.2024 for applying additional GNA quantum for years 2025-26, 2026-27, and 2027-28 and (b) to allow application, for grant of additional GNA with three different dates in a financial year, i.e., 2025-26.
10. CTUIL has submitted that Regulation 19, provides for one application to be made once in a Financial Year by the month of September each year and an additional GNA quantum to be applicable from a specified date of a respective Financial Year. It has been the common understanding and the practice followed by all STUs and CTU, to apply for and be granted additional GNA from one specified date.
11. CTUIL submitted that if different start dates for different additional GNA quantum within a Financial Year are allowed, then the issues pertaining to enabling systematic planning of the ISTS infrastructure by aligning with anticipated STU's demand and associated increased process complexity due to STU's applications for small incremental quantum with multiple start dates in a financial year, need to be considered. CTUIL also submitted that if multiple start dates are allowed via a single application, a limit may be specified regarding the number of start dates that an STU can incorporate in an application for a particular Financial Year.
12. We have considered the submission of the Petitioner and the Respondent. The issue which arise for our consideration is as follows:

Issue No. 1: Whether STU can be granted relaxation of the last date for making an application beyond 30.09.2024 for additional GNA quantum starting in years 2025-26,206-27 and 2027-28?

Issue No.2 :Whether multiple start dates in a financial year for additional GNA quantum, can be allowed?

Both issues are discussed together in subsequent paragraphs.

13. Regulation 19.1 of the GNA Regulations provides as under:

“19.2. STU, on behalf of intra-State entities including distribution licensees, may apply, once in a financial year (starting from the financial year following the financial year in which these regulations have become effective) by the month of September each year, for additional GNA for the next 3 (three) financial years (with entity-wise segregation) indicating GNA within the

region and from outside the region, as stipulated in the 'Detailed Procedure for Connectivity and GNA', issued in accordance with Regulation 39.1:

Provided that such additional GNA quantum to be added in each of the next three financial years shall be applicable from a specified date of the respective financial year."

As per the above, STU, on behalf of intra-State entities, may apply, once in a financial year by the month of September each year, for additional GNA for the next 3 (three) financial years, which shall be applicable from a specified date of the respective financial year.

14. We find merit in the Petitioner's request for additional GNA for different quantum from different dates in a financial year, based on their load requirement, as the requirement of GNA may vary across the same financial year due to increasing load in different phases. Further, an intra-state entity other than the distribution licensee that applies for GNA/ additional GNA through STU, may not have the GNA start date coinciding with the start date of additional GNA/ GNA of other intra-state entities in a financial year. Accordingly, the Petitioner should be allowed to seek additional GNA for different quantum and from different start dates of such additional GNA in a financial year.
15. However, we also agree with the submission of CTUIL that the number of start dates that an STU can incorporate in an application for a particular Financial Year should be limited to avoid the complexity in the processing of the application. In view of the CTUIL submission regarding applying for additional GNA from a specified start date to enable systematic planning of the ISTS infrastructure by aligning with anticipated STU's demand, we are of the view that any additional GNA on different start dates in a financial year will be granted based on the system availability. If any of the additional GNA sought with multiple start dates cannot be granted from the sought dates, the same will be granted upon consideration of CTUIL's planning of the ISTS infrastructure after aligning with anticipated STU's demand. The GNA-seeking entity, i.e., STU, while seeking additional GNA from different start dates, will have to bear this issue in his mind.
16. In view of the above discussion, we are of the considered opinion that the Petitioner's request seeking additional GNA with three different start dates in the financial year 2025-26 is a genuine request and the same needs to be considered. Thus, we find it to be a fit case to exercise powers to relax and powers to remove difficulty and further invoke our regulatory power in order to safeguard the interests of the sector. Regulation 41 of the GNA Regulations vests the Commission with the power to relax any of the

provisions of the GNA Regulations to remove the hardship in operation of the GNA Regulations. Regulation 41 of the GNA Regulations is extracted as under:.

“41. Power to Relax

The Central Commission, for reasons to be recorded in writing, may relax any of the provisions of these regulations on its own motion or on an application made before it by an affected party to remove the hardship arising out of the operation of these regulations.”

Further, Regulation 42 of the GNA Regulations vests the Commission with the power to remove difficulty under certain circumstances. Regulation 42 of the GNA Regulations is extracted as under:

“42. Power to Remove Difficulty

If any difficulty arises in giving effect to the provisions of these regulations, the Central Commission may, on its own motion or on an application made before it by affected party by order, make such provision not inconsistent with the provisions of the Act or provisions of other regulations specified by the Central Commission, as may appear to be necessary for removing the difficulty in giving effect to the objectives of these regulations.”

17. Considering the above, we allow the prayer of the Petitioner to apply by way of a fresh application for the grant of additional GNA with different start dates (three different start dates) for FY 2025-26. Petitioner is directed to file such application, at the latest within one month of issue of this Order. CTUIL shall process this application within one month of the Petitioner’s submission of the application .
18. We also direct the Commission’s staff to process a proposal for amendment to the GNA Regulations so that a considered view may be taken on the grant of additional GNA by STUs with different start dates in a financial year or through different applications for each start date and the number of such applications that can be considered for applying additional GNA in a financial year, etc.
19. The Petition No. 434/MP/2024 is disposed of in terms of the above.

Sd/
(Harish Dudani)
Member

Sd/
(Ramesh Babu V.)
Member

Sd/
(Jishnu Barua)
Chairperson