

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 453/MP/2025 along with 39/IA/2025 and 455/MP/2025
along with 41/IA/2025**

Coram:

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

Date of Order: 27.06.2025

Petition No.453/MP/2025 along with 39/IA/2025

In the matter of:

Petition under Section 79(1)(c) of the Electricity Act, 2003 read with Regulations 41 and 42 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 inter alia seeking relaxation of the conditions stipulated for submission of land documents under Regulation 5.8(xi)(b)

And

In the matter of:

1. M/s. Oyster Renewable Energy Private Limited
(Formerly AB Energia Renewable Pvt. Ltd.)
803, Swastik Chambers CHS Ltd,
CST Road, Chembur East,
Mumbai – 400071

.....Petitioner No.1

2. M/s. Oyster Green Hybrid One Private Limited
C-2/64, Yamuna Vihar, Shahdara,
Garhi Mandu, East Delhi,
Delhi – 110053

.....Petitioner No.2

Versus

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

..... Respondent



Petition No. 455/MP/2025 along with 41/IA/2025

In the matter of:

Petition under Section 79(1)(c) of the Electricity Act, 2003 read with Regulations 41 and 42 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 seeking invocation of this Hon'ble Commission's "Power to Relax" and "Power to Remove Difficulty" for relaxation of fulfilment of conditions subsequent and directions to CTUIL/Respondent to accept the 'conditions subsequent' documents in the name of AMSPL/Petitioner No.2 for utilization of Connectivity dated 08.04.2025

And

In the matter of:

1. Avaada Energy Private Limited,
910, Surya Kiran Building, Kasturba Gandhi Marg,
New Delhi-110001
.... Petitioner No.1
2. Avaada MPSustainable2 Private Limited,
C-11, Sector-65, Gautam Buddha Nagar, Noida,
Uttar Pradesh - 201301
.....Petitioner No.2

Versus

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

Parties Present:

Ms. Swapna Sehadri, Advocate, OREPL
Ms. Aishwarya Subramani, Advocate, OREPL
Shri Harsha Rao, Advocate, OREPL
Shri Mukesh, OREPL
Shri Abhishek Kumar, Advocate, AEPL
Ms. Shubham Mudgil, Advocate, AEPL
Shri Shubham Arya, Advocate, CTUIL
Ms. Pallavi Saigal, Advocate, CTUIL
Ms. Muskan Agarwal, CTUIL

ORDER

The Petitioners M/s Oyster Renewable Energy Private Limited and Oyster Green Hybrid One Private under the Petition No. 453/MP/2025, and the Petitioners Avaada Energy Private Limited and Avaada MPSustainable2 Private Limited under the Petition No. 455/MP/2025 have filed the respective Petition under Section 79(1)(c)



of the Electricity Act, 2003 read with Regulations 41 and 42 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 (hereinafter referred as “GNA Regulations”) seeking invocation of this Commission’s “Power to Relax” and “Power to Remove Difficulty” for relaxation of fulfilment of conditions subsequent and directions to CTUIL/Respondent to accept the ‘conditions subsequent’ documents in the name of wholly owned subsidiary (i.e. the Petitioner No. 2 in each Petition) of the Connectivity grantee (i.e. the Petitioner No. 1 in each Petition).

2. The Petitioners in the respective Petition have made the following prayers:

Prayer(s) in Petition No. 453/MP/2025

- (a) *Exercise its powers under Regulation 41 and Regulation 42 of the GNA Regulations, 2022, and declare that the Petitioners fulfil all conditions pertaining to submission of land documents under Regulation 5.8(xi)(b) of the GNA Regulations, 2022.*
- (b) *Direct CTUIL to accept submission of land documents in the name of OGHOPL in lieu of the connectivity granted in favour of OREPL and return the bank guarantee within 7 days in terms of Regulation 11A of the GNA Regulations, 2022;*
- (c) *In the interim, injunct CTUIL from revoking/ taking any coercive steps towards the Connectivity dated 08.04.2024 and 09.04.2024, during the pendency of the present Petition; and*
- (d) *Pass such other order or orders which are deemed fit and proper in the facts and circumstances of the case*

Prayer(s) in IA No. 39/2025 in Petition No. 453/MP/2025

- (a) *Direct that the present Petition be listed on an urgent basis at an early date, subject to the convenience of the Hon’ble Commission; and*
- (b) *Pass any such further order(s) as deemed fit and proper.*

Prayer(s) in Petition No. 455/MP/2025

- (a) *Exercise its power under Regulation 41 and Regulation 42 of the GNA Regulations 2022 and thereby direct CTUIL to accept the documents towards fulfilment of conditions subsequent under Regulations 11 A (1) & (2) in the name of Petitioner No. 2 / AMSPL for utilisation of Connectivity dated 08.04.2024 granted to Petitioner No. 1 / AEPL under Regulation 5.8(xi)(c) of GNA Regulations 2022 and take consequential action of returning the bank guarantee within 7 days to Petitioner No. 1.*
- (b) *Pass such other order or orders which are deemed fit and proper in the facts and circumstances of the case.*

Prayer(s) in IA No. 41/2025 in Petition No. 455/MP/2025

- (a) *Allow the present application,*
- (b) *List the present petition and the instant application for hearing on an urgent basis.*



(c) restrain CTUIL from taking coercive steps against the Applicants, including revocation of the connectivity dated 08.04.2024 granted to the Applicant No.1 and encashment of the bank guarantee furnished by Applicant No.1, during the pendency of the present Petition, and/or

Submissions of Petitioners in Petition No. 453/MP/2025

3. Petitioners have made the following submissions:

- a) Petitioner No.1, M/s Oyster Renewable Energy Private Limited (OREPL), was formerly AB Energia Renewables Private Limited. Petitioner No. 2 M/s. Oyster Green Hybrid One Private Limited (OGHOPL) is a 100% subsidiary of OREPL. It was formed as a project-specific SPV for the implementation of the project.
- b) AB Energia Renewables Private Limited had submitted the applications to CTUIL for the grant of connectivity under Regulations 4.1, 4.2, 5.6, and 5.7 of the GNA Regulations, 2022, under the land BG route for its proposed RE Generation Project at Agar, Madhya Pradesh.

S. NO.	DATE OF APPLICATION	APPLICATION ID	QUANTUM	CONNECTIVITY POINT
1.	09.06.2023	2200000086	100 MW Hybrid (33 MW Solar & 67 MW Wind)	Pachora SEZ PP
2.	31.10.2023	2200000342	81 MW Hybrid (67 MW Solar & 14 MW Wind)	Pachora SEZ PP

- c) CTUIL vide letters dated 15.11.2023 and 22.12.2023, intimated in-principal grant of connectivity and vide letters dated 08.04.2024 and 09.04.2024, intimated final grant of connectivity for 100 MW and 81 MW respectively.
- d) CTUIL vide letter dated 13.05.2024, accepted the change of name of AB Energia Renewables Private Limited to OREPL.
- e) OGHOPL is the Project SPV that is implementing the Project utilizing the connectivity granted in favour of OREPL. Accordingly, OGHOPL has secured the land rights for 50% of the land required for the capacity for which connectivity has been obtained to implement the Project.
- f) In line with the requirement under Regulation 5.8 (xi), OREPL submitted the land documents in favour of OGHOPL to CTUIL vide letters dated 19.03.2025 and requested the release of the Bank Guarantee in accordance with Regulation 11A of the GNA Regulations.



- g) CTUIL vide emails dated 08.04.2025, sought the submission of land documents in favour of OREPL. OREPL responded vide emails dated 08.04.2025, placing reliance on the existing Regulation 15.1 of the GNA Regulations, the Draft Third Amendment to the GNA Regulations, and highlighting that relaxations in this regard have been previously granted by this Commission. CTUIL, by its email dated 15.04.2025, has not accepted the requests of the Petitioners. The CTUIL has taken the position that the 3rd Amendment is still in the draft stage, and the relaxations granted are on a case-by-case basis. Since 30.04.2025 is nearing, the Petitioners are constrained to file the instant petition to ensure that no coercive steps are taken by CTUIL against either of the Petitioners with regard to the connectivity.
- h) GNA Regulations under Regulation 15.1 enable the transfer/utilization of connectivity granted to the parent company by its subsidiary and vice-versa without any impediment. Hence, the GNA Regulations recognize the grant of connectivity in favour of an entity, and the implementation of the project and the utilization of the connectivity by the parent or subsidiary of the connectivity grantee, as the case may be. Hence, fulfilment of conditions towards granted connectivity by the entity utilizing the connectivity is not outside the scope of the GNA Regulations.
- i) The Commission has recognized that it is a standard industry practice that a project implemented is being carried out by a subsidiary pursuant to a connectivity granted in favour of the parent company. The Commission, in its Order dated 12.07.2024, in Petition No. 192/MP/2024 has exercised its Power to Relax and Power to Remove Difficulty under Regulations 41 and 42 of the GNA Regulations and has relaxed the provisions of Regulation 11A to permit the parent company to fulfil land requirements and subsequent milestones in the name of its subsidiary.
- j) Petitioner has undertaken the following measures towards the implementation of the Project and has invested a substantial amount in establishing the Project:
- As on 31st March 2025, an amount of Rs 780 Crores has already been spent on project implementation.
 - Work orders have been issued to the major contractors for the execution of the Project.
 - Actual progress of 181MW on the site (%):

S. No.	Particulars	100MW (SOLAR)	81MW (WIND)
1.	Land	70%	97%
2.	Supply	66%	85%
3.	Foundation	10%	76%



4.	Erection	5%	31%
5.	Evacuation Infrastructure	55%	

- k) In the above background the Petitioners are filing the instant petition seeking exercise of the “Power to Relax” and “Power to Remove Difficulty” under Regulations 41 and 42 of the GNA Regulations, respectively and seeking directions to the CTUIL to accept submission of land documents in the name of OGHOPL in lieu of the connectivity granted in favour of OREPL and return the bank guarantee in terms of Regulation 11A of the GNA Regulations.

Submissions of Petitioners in IA No. 39/2025 in Petition No. 453/MP/2025

4. The Petitioners vide the instant IA have reiterated their submission made under the main Petition and prayed for early hearing of the Petition.

Submissions of Petitioners in Petition No. 455/MP/2025

5. Petitioners under Petition No. 455/MP/2025 have made similar submissions as made by the Petitioners in Petition No. 453/MP/2025 and additionally have made the following Submissions:
- Petitioner No.1, Avaada Energy Private Limited (AEPL), had participated in the tender process in terms of the Request for Selection (RfS) document dated 20.02.2024 issued by Solar Energy Corporation of India Limited (SECI) for setting up of 1200 MW ISTS-connected wind-solar hybrid power projects in India under Tariff-Based Competitive Bidding (SECI-Tranche-VIII). After being declared as the successful bidder, the Petitioner No. 1 was issued the Letter of Award (LOA) dated 20.06.2024 by SECI for the implementation of a 240 MW wind-solar hybrid project in Agar-Malwa, Madhya Pradesh (Solar – 160 MW) and Dhule, Maharashtra (Wind – 80 MW) (Project). That, AEPL applied for 50 MW connectivity under land bank guarantee (Land BG) route (Regulation 5.8(xi)(c) of the GNA Regulations 2022) on 27.05.2023 with a solar energy source. The in-principle connectivity was granted to AEPL on 15.11.2023, and the final connectivity was granted on 08.04.2024.
 - The Petitioner No. 2, Avaada MPs Sustainable2 Private Limited (AMSPL), is a wholly owned subsidiary of the Petitioner No. 1. Pursuant to the issuance of LoA in favour of AEPL, AMSPL was incorporated as an SPV for executing the Project.



AMSPL is in the process of executing the power purchase agreement with SECI for the supply of 240 MW (contracted capacity) from its Project, which is evident from the correspondence issued by AEPL to SECI. In accordance with the Guidelines for TBCB Process for Procurement of Power from Grid Connected Wind Solar Hybrid Projects dated 21.08.2023 and the RfS, the successful bidder (Petitioner No. 1) is permitted to have the Project executed through its SPV (Petitioner No. 2).

- c) The present petition urging this Commission to exercise its powers under Regulation 41 and Regulation 42 of the GNA Regulations 2022 and permit the Petitioner No. 2 to submit the required land documents and financial closure documents (as and when required) in its name so as to utilise the connectivity dated 08.04.2024 issued to the Petitioner No. 1 under the Land BG route.
- d) The Commission, in the past vide order dated 12.07.2024 in Petition No. 192/MP/2024, had allowed the petitioners therein to fulfil conditions subsequent under the GNA Regulations with respect to submission of land documents in the name of the SPV, whereas the connectivity had been obtained by the holding company/parent company. The Commission vide order dated 16.01.2025 in Petition No. 503/MP/2024 had allowed the Petitioners therein to fulfil conditions subsequent under the GNA Regulations with respect to submission of financial closure documents in the name of the SPV, whereas the connectivity had been obtained by the holding company/parent company. Being factually similarly placed, such dispensation ought to be extended to the Petitioners herein also.
- e) This Commission, vide its record of proceedings dated 29.01.2025 in Petition No. 147/MP/2025 titled SAEL Industries Limited and Ors. vs. CTUIL, had directed CTUIL to accept the documents of financial closure in the name of SPV, which is executing the project, which will utilise the connectivity. In fact, this Commission directed that even in similar cases, the dispensation laid down under this Commission's order dated 16.1.2025 in Petition No. 503/MP/2024 shall be followed till the issuance of the amendment to the GNA Regulations. Given that the submission of financial closure documents as well as submission of land documents both form part of conditions subsequent to be followed by the connectivity grantee under Regulation 11-A of the GNA Regulations, such dispensation is equally applicable in the present case. Therefore, CTUIL ought to accept land documents submitted by AEPL in the name of AMSPL in compliance with Regulation 11-A(1) of the GNA Regulations and this Commission's dispensation.



- f) The Petitioner No. 2 is committed to utilise the connectivity granted to the Petitioner No. 1 which is evident from the fact that substantial steps have been taken towards implementation of the Project as (i) 100% land has been identified and 50% land has already been acquired for implementation of the Project keeping target commissioning to be in June 2026 subject to timely execution of the power purchase agreement with SECI, (ii) orders for supply of long lead items such as power transformers, etc. and transmission line route survey have been placed with the vendors, (iii) Project site has been mobilised, and (iv) AEPL is itself investing required equity through AMSPL for execution of the Project. Therefore, there will be no squatting of connectivity or underutilization.
- g) On 11.02.2025 and 07.03.2025, AEPL sent an email to SECI by highlighting the following and requested the SECI to expedite the execution of the power purchase agreement as well as the power sale agreement for the capacity allotted to AEPL by way of the LoA, as the Project can give benefits of inter-state transmission system charges waiver for its procurers up to 75%:
- i. AEPL has achieved considerable progress in setting up the capacity awarded under the LoA and wishes to develop the Project through its wholly owned subsidiary, AMSPL.
 - ii. Both solar and wind components shall be set up in the Agar-Malwa district in Madhya Pradesh and connected at 220 kV Pachora SS.
 - iii. AEPL has been granted final connectivity for setting up 50 MW out of the total solar capacity.
 - iv. AMSPL, i.e., solar power developer, has acquired complete land for setting up the Project.
 - v. Orders for long lead items such as power transformers, transmission line, WTG, etc., have been placed.
 - vi. The project site has been mobilized for the target commissioning of the Project in June 2026.
 - vii. The target completion of the Project in June 2026 shall depend upon the timely execution of the power purchase agreement. In the event that an agreement is signed in March 2025, AEPL assures completion of the entire capacity of the Project by June 2026.



- h) Additionally, AEPL vide the above-mentioned emails, also requested SECI to amend the LoA as regards the setting up of 240 MW solar + 80 MW wind in Pachora Agar district, Madhya Pradesh, with connectivity at 220 kV Pachora SS.
- i) On 05.04.2025, AEPL, by way of its email, whilst specifying that the Project for which connectivity dated 08.04.2024 would be utilised is being implemented by AMSPL, i.e., the SPV, submitted the following documents in compliance with Regulation 11-A (1) of the GNA Regulations:
- i. Title Search Reports (TSRs) for land parcels measuring 79.455 acres acquired by AMSPL.
 - ii. Registered land documents for the said land parcels.
 - iii. Certified copy of the shareholding pattern of AMSPL as of the date of the connectivity application (29.05.2023) and as of today (04.04.2025).
 - iv. Site layout plan with coordinates.
- m) On 08.04.2025, CTUIL, by way of its letter, communicated that upon scrutiny of the documents submitted by AEPL, it has been observed that the title report and the land documents are not submitted in the name of the connectivity grantee, i.e., AEPL. Further, the land undertaking, as per the FORMAT-UD-LAND available on CTUIL's website, has also not been submitted. CTUIL requested AEPL to submit the land documents along with the title report and undertaking (FORMAT-UDLAND) in the name of the connectivity grantee within 15 days from the date of the instant letter, failing which suitable action will be taken as per Regulation 11-B of the GNA Regulations.
- n) On 09.04.2025, AEPL, by way of its letter, communicated that it has uploaded the land undertaking as per the FORMAT-UD-LAND on the Google Drive link on which the land documents were available (shared by way of email dated 05.04.2025). As regards the deficiency in the submitted documents as highlighted CTUIL, AEPL whilst placing reliance on recent orders issued by this Commission in similar matters vehemently protested against the rejection of the land documents submitted by AEPL in the name of the SPV and requested CTUIL to review and accept the land documents submitted AEPL, which validly demonstrate the fulfilment of the conditions subsequent under Regulation 11-A (1) of the GNA Regulations. Further, AEPL requested CTUIL to refrain from taking any coercive actions under the GNA Regulations against AEPL, including the revocation of connectivity dated



08.04.2024. Since there has been no further response from CTUIL and in order to safeguard its Connectivity, including to protect itself from any coercive action to be taken by CTUIL as communicated by way of its letter dated 08.04.2025, the present petition is being filed before this Commission

- o) In view of the above, this Commission ought to exercise its power under Regulation 41 and Regulation 42 of the GNA Regulations and thereby direct CTUIL to accept the documents towards fulfilment of conditions subsequent as per Regulation 11A of the GNA Regulations.

Submissions of Petitioners in IA No. 41/2025 in Petition No. 455/MP/2025

6. The Petitioners, vide the instant IA, by reiterating its submission made under the main Petition, have prayed for early hearing of the Petition and restrain CTUIL from taking coercive steps against the Applicants including revocation of the connectivity dated 08.04.2024 granted to the Applicant No.1 and encashment of bank guarantee furnished by Applicant No.1, during the pendency of the present Petition

Hearing on 24.04.2025

7. Petitions were listed on 13.04.2025 on the Diary Stage.
8. Learned counsel for the Petitioners submitted that the present Petitions have been filed invoking the Commission's Power to Relax and Power to Remove Difficulties under the GNA Regulations, 2022 and the consequent directions upon CTUIL to accept the land documents/documents towards fulfilment of condition subsequent under Regulation 11A (1) & (2) in the name of subsidiary company for the utilisation of connectivity granted to a parent company. Learned counsel submitted that the issue involved in these cases is squarely covered by the order dated 12.7.2024 in Petition No. 192/MP/2024 (ACME Solar Holdings Pvt. Ltd. & Anr. v. CTUIL), wherein a similar relaxation has already been allowed by the Commission. Further, the enabling provisions to this effect have already been proposed to be incorporated in the GNA Regulations by way of the Draft Third Amendment thereto. Learned counsel also prayed for interim direction upon CTUIL to maintain the status quo in the matters and not to proceed with the revocation of the connectivity granted to the Petitioners.



9. Learned counsel for the Respondent, CTUIL, accepted the notice and sought liberty to file a reply in the matter. Learned counsel further referred to the order dated 12.7.2024 in Petition No. 192/MP/2024 and fairly stated that in the said order, the Commission had, in exercise of its Power to Relax and Power to Remove Difficulties under the GNA Regulations, allowed Parent Company (ASHPL), which was the connectivity grantee, to submit the documents for fulfilling the land requirements under Regulation 5.8(xi)(b) and subsequent milestones required under Regulations 11A and 26, in the name of subsidiary company. Learned counsel added that subsequently, the Commission vide Record of Proceedings for the hearing dated 29.1.2025 in Petition No. 147/MP/2025 (SAEL Industries Ltd. and Ors. v. CTUIL) also issued a generic direction upon CTUIL to accept the documents in the name of subsidiary company for the purpose of connectivity granted to the parent company. However, the said direction was in the context of accepting the documents relating to the financial closure, and since the present cases involved considering/accepting the land documents, the said generic direction was not applied to these cases. Learned counsel also indicated that the connectivity granted to the Petitioners has not been revoked as on this date.
10. Both of the Petitions were admitted by the Commission. The Commission directed that the parties shall maintain the status quo in regard to connectivity granted to the Petitioners herein.

Submission of Respondent, CTUIL in Petition No. 453/MP/2025 and 455/MP/2025)

11. Respondent CTUIL, vide affidavit dated 09.05.2025 in the respective Petition, has submitted a similar submission in both Petitions, as below:
- a) Petitioners have sought reliefs outside the scope of the existing regulations being administered by CTUIL, and that there is no regulatory prescription which permits the land documents submitted in the name of the subsidiary company to be valid for utilisation of connectivity granted to the parent company.
- b) The Commission, in its Order dated 12.07.2024 in Petition No. 192/MP/2024, while taking note of the fact that there is no provision under the GNA Regulations, regarding submission of documents by the subsidiary in favour of parent connectivity grantee, had in the peculiar facts and circumstances of the case exercised its power to relax to allow the Parent Company-Connectivity Grantee to



submit land documents in the name of its subsidiary to CTUIL. The reliance of the Petitioner on this Commission's Order dated 12.07.2024 in Petition No. 192/MP/2024 to state that generic directions regarding acceptance of documents have not been complied with by CTUIL is devoid of any merit and substance and is liable to be categorically rejected.

- c) Insofar as the reliance placed by the Petitioners on the Draft GNA Regulations, Third Amendment, the said Amendment is yet to be notified and made effective by this Commission. In the absence of the same, CTUIL cannot administer any other treatment to the Petitioners, subject to the directions of this Commission.

Submission of Petitioners in Petition No. 453/MP/2025

12. Petitioners, vide affidavit dated 12.05.2025, have filed their rejoinder to the reply filed by CTUIL and have mainly submitted as below:
- a) CTUIL has not pointed out any other deficiencies in the land documents submitted on behalf of the Petitioners, other than on the aspect of land ownership by the Project SPV as part of the present Reply.
- b) CTUIL, in its reply, has not pointed out or established any loss that it will be subject to if the present condition pertaining to submission of land documents is relaxed, as the requirement under the GNA Regulations is being complied with by the Project SPV. The limited contention of CTUIL is that providing the above relaxation is outside the scope of the powers presently vested with it under the GNA Regulations.

Hearing on 13.05.2025

13. Matter was heard on 13.5.2025, and the commission vide RoP directed as under:

“Learned counsel for the Petitioners submitted that the present Petitions have been filed invoking the Commission's Power to Relax and Power to Remove Difficulties under the GNA Regulations, 2022 and the consequent directions upon CTUIL to accept the land documents/documents towards fulfilment of condition subsequent under Regulation 11A (1) & (2) in the name of subsidiary company for the utilisation of connectivity granted to a parent company. Learned counsel submitted that the issue involved in these cases is squarely covered by the order dated 12.7.2024 in Petition No. 192/MP/2024 (ACME Solar Holdings Pvt. Ltd. & Anr. v. CTUIL), wherein a similar relaxation has already been allowed by the Commission. Learned counsel also urged the Commission to pass a generic direction to CTUIL to accept the relevant land documents in the name of subsidiary company for the purpose of connectivity granted to the parent company as had been passed vide Record of Proceedings for the hearing dated 29.1.2025 in Petition No. 147/MP/2025 (SAEL Industries Limited v. CTUIL) in the context of accepting the



documents relating to financial closure. Learned counsel for the Respondent, CTUIL, as such, did not oppose the said request.

*2. After hearing the learned counsel for the Petitioner, the Commission observed that the issue of submissions of land documents by the subsidiary is under consideration in the Draft third amendment to the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations. Accordingly, **the Commission directed CTUIL to process the land documents in the name of subsidiary where Connectivity have been granted to the Parent company or vice versa, to comply with Regulation 11A (1) of the GNA Regulations, for all such cases, till the issuance of the third amendment to the GNA Regulations, subject to necessary verification whether the entity with land documents is a subsidiary company under the Company's Act. In view of the above, the Commission also directed the Petitioners to file an affidavit indicating the survival of their grievance(s), as raised in the instant case, within two weeks.***

3. Subject to the above, the Commission reserved the matters for order.

Submission of Petitioners in Petition No. 453/MP/2025

14. Petitioners vide affidavit dated 27.05.2025 have submitted as below:

- a) The only objection raised by CTUIL is that the land documents submitted were not in the name of the connectivity grantee (parent company) but in the name of its subsidiary. The primary issue in the present Petition will stand resolved if the land documents in the name of the Petitioner No. 2 (subsidiary company) are accepted by CTUIL towards the Connectivity dated 08.04.2024 and 09.04.2024 granted in favour of Petitioner No. 1 (parent company).
- b) In terms of Regulation 11A of the GNA Regulations, CTUIL may also be directed to return the connectivity bank guarantees submitted by the Petitioner No. 1 upon processing the land documents. The Petitioner No. 1 vide email dated 19.05.2025 had requested CTUIL for the release of the connectivity bank guarantees submitted by the Petitioner No. 1, in terms of Regulation 11A. However, the Petitioner No. 1 has neither received the bank guarantees nor any communication from CTUIL in this regard.
- c) Petitioners may be granted liberty to reapproach the Commission, in the event CTUIL does not process the land documents already submitted and return the connectivity bank guarantees submitted by the Petitioners in accordance with the Record of Proceeding of the Commission dated 13.05.2025/ the GNA Regulations.

Analysis and Decision



15. We have considered the submissions of the Petitioners and the Respondent. The issue in the instant Petitions is the submission of land documents in the name of the SPV/subsidiary (i.e. Petitioner No. 2 in the instant Petitions) where the Parent company (i.e. Petitioner No. 1 in the instant Petitions) is the Connectivity Grantee, for compliance of Regulation 11A(1) of the GNA Regulations.
16. We note that the Commission, vide RoP of hearing dated 13.05.2025, directed CTUIL to process the land documents in the name of subsidiary company where Connectivity have been granted to the Parent company or vice versa for compliance of Regulation 11A(1) of the GNA Regulations, for all such cases, till the issuance of the third amendment to the GNA Regulations, subject to necessary verification whether the entity with land documents is a subsidiary company under the Company's Act. The Commission has also directed the Petitioners to file an affidavit indicating the survival of their grievance(s), as raised in the instant case.
17. Post the hearing dated 13.05.2025, Petitioners have submitted that the primary issue will stand resolved, if the land documents in the name of the Petitioner No. 2 (subsidiary company) are accepted by CTUIL towards the Connectivity dated 08.04.2024 and 09.04.2024 granted in favour of Petitioner No. 1 (parent company). Petitioners have also submitted that CTUIL may also be directed to return the connectivity bank guarantees submitted by the Petitioner No. 1 upon processing the land documents.
18. In light of the discussions above, in the exercise of our powers under Regulation 41 and Regulation 42 of the GNA Regulations, we hereby relax the provision of Regulation 11A(1) of the GNA Regulations and allow the Petitioner in each Petition, which is the Connectivity grantee, to submit the Land documents in the name of its subsidiary, i.e., Petitioner No.2 which is implementing the project, in each Petition to meet the requirement under Regulation 11A(1) of the GNA Regulations, subject to necessary verification whether the entity with land documents is a subsidiary company under the Company's Act.
19. Petitioners have sought the return of connectivity bank guarantees upon processing the land documents. In this regard, we have perused Regulation 11A of the GNA Regulations quoted as under:

“11A. Conditions subsequent to be satisfied by the Connectivity Grantee

(1) An applicant which is REGS (other than Hydro generating station) or ESS (excluding PSP) covered under sub-clause (c) of Clause (xi) of Regulation 5.8 or Renewable power



park developer covered under sub-clause (c) of Clause (vii) of Regulation 5.8 shall submit documents for land in terms of sub-clause (b) of Clause (xi) or sub-clause (b) of Clause (vii) of Regulation 5.8 of these regulations, as the case may be, within 18 months of issuance of an in-principle grant of Connectivity or within 12 months of issuance of a final grant of Connectivity, whichever is earlier. The Bank Guarantee submitted under subclause (c) of Clause (vii) or under sub-clause (c) of Clause (xi) of Regulation 5.8 of these regulations shall be returned within 7 days of submission of stipulated documents as a proof of Ownership or lease rights or land use rights.”

As per above, only the Bank Guarantee submitted under subclause (c) of Clause (vii) or under sub-clause (c) of Clause (xi) of Regulation 5.8 of these regulations is required to be returned within 7 days of submission of the stipulated documents. The Connectivity Bank Guarantees are returned in terms of Regulation 16 of the GNA Regulations after the generating station achieves COD. Accordingly, the contention of the Petitioner to return the Connectivity Bank Guarantee, other than the Bank Guarantee submitted under sub-clause (c) of Clause (xi) of Regulation 5.8, on submission of land documents is rejected.

20. Petitioners have also prayed for the submission of documents under Regulations 11A(2) in the name of Petitioner No. 2 (Subsidiary of the Connectivity Grantee). In this regard, the issue of submission of the Financial Closure document in the name of the subsidiary company (which is implementing the project) where the Parent is the Connectivity Grantee has been dealt with in the Order dated 16.1.2025, Petition No. 503/MP/2024, quoted as under:

“22. Considering the above, we, in the exercise of our powers under Regulation 41 and Regulation 42 of the GNA Regulations, hereby relax the provision of Regulation 11A(2) of the GNA Regulations and allow the Petitioner, which is the Connectivity grantee, to submit the Financial Closure document in the name of its subsidiary, i.e., TPVSL, to meet the requirement under Regulation 11A(2) of the GNA Regulations. We also condone the delay of three days made by the Petitioner in the submission of these documents to CTUIL.

23. In terms of our directions in the above paragraph, CTUIL shall process the Financial Closure documents as per the law and provisions of the GNA Regulations and verify if TPVSL is a subsidiary of the Petitioner under the Company’s Act.”

Further, vide the RoP of hearing dated 29.01.2025 in Petition No. 147/MP/2025, a generic direction was also issued as under:

*“3. The Commission, considering the submissions of the learned counsel for the CTUIL, observed that the issue of submissions of documents of financial closure by the subsidiary is under consideration of the Commission for amendment in the Draft Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2024. **Accordingly, the Commission directed CTUIL to accept the documents of financial closure in this case and similar other cases, in terms of our direction dated 16.1.2025 in Petition No.***



Thus, as per the above, the Commission has already given direction to CTUIL for the processing of the Financial Closure document in the name of the subsidiary company where the Connectivity grantee is the Parent company.

21. Accordingly, the prayer of Petitioners in Petition No. 455/MP/2025 to direct CTUIL to accept the documents towards fulfilment of conditions subsequent under Regulations 11A(2) in the name of Petitioner No. 2, where the Connectivity grantee is the Parent company, i.e., Petitioner No. 1 has already been addressed.
22. We direct CTUIL that it shall ensure that documents of Financial Closure and land are in the name of the company that is implementing the project. For instance, if the Connectivity Grantee is a parent company getting a generation project implemented through its subsidiary company, the documents of land and financial closure may be carried out in the name of such subsidiary company implementing the project. However, it cannot be the case that the Parent company is a Connectivity Grantee, but the project is being implemented by the Parent company itself, and the Financial closure documents are being furnished in the name of some of its subsidiaries.
23. Petitioners under the respective Petitions have also filed IA No. 39/2025 in Petition No. 453/MP/2025 and IA No. 41/2025 in Petition No. 455/MP/2025 for early listing of the Petition. The mentioned IAs have already served their purpose.
24. Petition No. 453/MP/2025, along with IA No. 39/2025 and Petition No. 455/MP/2025, along with IA No. 41/2025, are disposed of in terms of the above.

Sd/ (Ravinder Singh Dhillon) Member	Sd/ (Harish Dudani) Member	Sd/ (Ramesh Babu V.) Member	Sd/ (Jishnu Barua) Chairperson
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