

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 83/MP/2025

Coram:

Shri Jishnu Barua, Chairperson

Shri Ramesh Babu V., Member

Shri Harish Dudani, Member

Shri Ravinder Singh Dhillon, Member

Date of Order 30.06.2025

IN THE MATTER OF:

Petition under Section 79(1)(c) read with Section 79(1)(f) of the Electricity Act, 2003, and applicable provisions of the CERC (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 and the CERC (Conduct of Business) Regulations, 2023 seeking revision of Effective Date of 100 MW General Network Access granted in favour of Petitioner

AND

IN THE MATTER OF:

1. Hindalco Industries Limited

21st Floor, One Unity Centre
Senapati Bapat Marg, Prabhadevi
Mumbai, Maharashtra – 400 013

... Petitioner

Versus

1. Central Transmission Utility of India Limited

First Floor, Saudamini, Plot. No. 2, Sector-29
Gurugram, Haryana – 122 001

2. Power Grid Corporation of India Limited

Plot No. 2, Sector-29,
Gurugram, Haryana – 122 001

... Respondent(s)

Parties Present:

Shri Sam C Mathew, Advocate, HIL
Shri Ashish Prasad, Advocate, HIL
Ms. Madhuri Mittal, Advocate, HIL
Shri Swapnil Verma, CTUIL
Shri Ranjeet Rajput, CTUIL
Shri Siddharth Sharma, CTUIL



ORDER

The instant Petition has been filed under Section 79(1)(c) read with Section 79(1)(f) of the Electricity Act, 2003, and applicable provisions of the CERC (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 and the CERC (Conduct of Business) Regulations, 2023 seeking revision of the Effective Date of 100 MW General Network Access granted to the Petitioner.

2. Petitioner has made the following prayers:

- a. *Admit the present Petition.*
- b. *Quash and set aside the Letter dated 23.09.2024 issued by Respondent No. 1 as being in contravention of Regulation 22.4(b) of the CERC GNA Regulations, 2022.*
- c. *Hold and declare that the Effective Date of 100 MW GNA granted vide Intimation dated 31.10.2023 for Final Grant of GNA in favour of Petitioner stands revised from 01.07.2025 to 01.01.2027 in terms of Regulation 22.4(b) of CERC GNA Regulations 2022.*
- d. *Direct Respondent No. 1 to issue notice under Regulation 22.4(b) of CERC GNA Regulations 2022 for revision of the effective date of GNA from 01.07.2025 as stipulated in the Intimation for final grant dated 31.10.2023 to 01.01.2027.*
- e. *Pass such other and further order(s) that this Hon'ble Commission may feel in the interest of justice and the facts and circumstances of the case.*
- f. *Condone any error/ omission and to grant an opportunity to the Petitioner to rectify the same;*
- g. *Permit the Petitioner to make such further submission(s), addition(s) and alternation(s) to this Petition as may be necessary from time to time."*

Submissions of the Petitioner

3. Petitioners have made the following submissions:

- a) Hindalco Industries Limited ("Petitioner/HIL") has approached this Commission, being aggrieved by the letter dated 23.09.2024 ("Impugned Letter") issued by Respondent No. 1 herein, Central Transmission Utility of India Limited ("R-1/CTU"). CTU has rejected the Petitioner's request (submitted vide letter dated 24.08.2024) for revision of the Effective Date of the 100MW General Network Access ("GNA") granted by CTU in favour of the Petitioner with respect to the Petitioner's aluminium project at Mahan, Dist. Singrauli, Madhya Pradesh.
- b) The rejection of Petitioner's request for revision of the Effective Date of GNA is in *ex facie* contravention of the letter and spirit of Reg. 22.4(b) of GNA Regulations,

irrational, arbitrary, unreasonable, and without due application of mind, and is hence liable to be quashed and set aside. The Petitioner has sought directions to R-1/CTU for the revision of the Effective Date of GNA in accordance with Regulation 22.4(b) of the GNA Regulations.

- c) During the 17th CMETS-WR held on 29.03.2023 to grant connectivity to HIL, the following transmission augmentation was decided:
- i. Upgradation of 220kV switchyard of Petitioner to 400kV level through installation of 2x315 MVA, 400/220 kV ICTs at Petitioner's end along with 4 nos. 400kV bays at Petitioner's switchyard.
 - ii. Loop-In Loop-Out ("LILO") of both circuits of Vindhyachal PS - Sasan 400kV D/c line at Petitioner's switchyard (LILO length~ 35km).

The minutes of 17th CMETS-WR specifically recorded that as per the CERC GNA Regulations, in case of a bulk consumer, 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 the entity. The date from which Connectivity was agreed to be granted to the Petitioner was 01.07.2025. The Connectivity start date of 01.07.2025 was requested by the Petitioner based on the tentative 18-month timeline initially indicated by R-2/PGCIL, i.e., the transmission licensee, which was approached by the Petitioner for undertaking requisite augmentation and establishment of a dedicated transmission system to provide connection to the ISTS as mandated.

- d) Due to the introduction of the GNA Regulations, the application of Connectivity was transitioned to the GNA Regulations, 2022. Subsequently, the Petitioner requested a reduction in the access sought from 150 MW to 100 MW. Ultimately, 100 MW of General Network Access (GNA) was formally granted to the Petitioner as a bulk consumer under the GNA Regulations. This grant included the previously specified transmission system and maintained 01.07.2025 as the GNA start date. The transmission system's construction and maintenance are to be carried out by the licensee at the Petitioner's cost, as per the GNA Regulations. After the Final Grant of GNA, the Petitioner engaged with Respondent No. 1 and Respondent No. 2 to finalize the scope of works and execute a Transmission Agreement for the LILO arrangement. Respondent 2 indicated a revised 30-month timeline for the Commercial Operation

Date (COD) from the Transmission Agreement's effective date, significantly longer than the initial 18-month estimate.

- e) Due to this revised COD, the Petitioner requested Respondent No. 1 to extend the GNA start date from 01.07. 2025, to 01.01.2027, citing Regulation 22.4(b) of the GNA Regulations. However, Respondent No. 1 vide letter dated 24.05.24 in response to Petitioner's letter dated 06.05.24, refused this request, stating that the GNA Regulations do not allow deferring the start date unless a common transmission system augmentation under ISTS is identified, which was not the case here.
- f) The Petitioner and Respondent No. 2 executed the Transmission Agreement on 07.07.2024, with an effective date of 21.07.2024, confirming the 30-month COD timeline, setting the project completion for 01.01. 2027. Respondent No. 1 reiterated its refusal vide letter dated 23.09.2024 in response to Petitioner's request letter dated 24.08.2024. The delays were beyond its control, despite its diligent efforts to expedite the transmission system's execution.
- g) The interpretation of Regulation 22.4(b) of GNA Regulations adopted by CTU as recorded in the letter dated 23.09.2024 is contrary to law and well-settled principles of statutory interpretation. The distinction between the common transmission system and the dedicated transmission system created by Respondent No. 1 in its letter dated 23.09.2024 is not envisaged under Regulation 22.4(b) of the GNA Regulations.
- h) Under the Electricity Act, a transmission line is established and operated by a transmission licensee. Therefore, the augmentation works for the transmission system, whether dedicated or common, is to be carried out by a transmission licensee only. The distinction sought to be created by Respondent No. 1 in its letter dated 23.09.2024, for refusing the request made by the Petitioner for revision of the effective date of GNA, is entirely artificial and without any basis under law. The said distinction made by Respondent No. 1 is irrational, arbitrary, unreasonable, and contrary to the provisions of GNA Regulations.
- i) Interpretation of GNA Regulations in a manner sought by the Respondent No.1 leads to depriving the Petitioner and other similarly placed entities of the benefits provided by this Commission under the GNA Regulations and unduly burdens them with costs. The interpretation of GNA Regulations by Respondent No. 1 is ex facie contrary to

Regulation 22.4 (b), and such interpretation would lead to an anomaly and absurdity. It is a settled principle of law that if the plain language results in absurdity, this Commission is entitled to determine the meaning of the word in the context in which it is used, keeping in view the legislative purpose.

- j) Significant delay was occasioned on account of the regulatory transition from the Connectivity Regulations 2009 to the GNA Regulations, which was beyond the control of the Petitioner. The execution of the Transmission Agreement was delayed due to the Model Code of Conduct being in place for the General Elections of 2024. It is submitted that the Petitioner made *bona fide* efforts to expedite the augmentation of transmission systems as stipulated in the Final Grant and has already furnished BG to Respondent No. 2 for commencement of works under the Transmission Agreement.
- k) Petitioner has made and continues to make best efforts to expeditiously complete the work of setting up the Dedicated Transmission System to ensure Connectivity with ISTS.
- l) In view of the facts and circumstances stated above it is submitted that the instant Petition for revision of effective date of GNA squarely falls within the ambit of Regulation 22.4(b) of GNA Regulations and Respondent No. 1 is mandated to revise the effective date of GNA in the facts and circumstances of the case on account of revision in scheduled COD of the augmentation of transmission system.

Hearing Dated 19.02.2025:

The Petitioner submitted that the present Petition had been filed for seeking revision of the effective date of 100 MW GNA through ISTS at Vindyanchal PS/Sasan 400kV D/c line granted in favour of the Petitioner and for setting aside the letter dated 23.9.2024 issued by CTUIL rejecting the revision of the effective date of the GNA of the Petitioner. The Petitioner further submitted that the start date of the GNA as per the final grant is 1.7.2025. However, the expected COD of the Project, being implemented by Respondent No. 2, Powergrid Corporation of India Limited, is December 2027. Therefore, CTUIL is required to revise the start date of the GNA to 1.1.2027, which was, however, declined by vide letter dated 23.9.2024, citing the reason that there was no Common Transmission System Augmentation for the GNA as it was granted on the existing transmission system.

- 4. The representative of the Respondent, CTUIL, accepted the notice and sought liberty to file a reply in the matter. He further submitted that CTUIL has acted in accordance with the

provisions of the GNA Regulations. Considering the submissions made by the parties, the Commission directed that a notice be issued on 'maintainability', and further permitted the Respondents to file their replies.

Submissions of the Petitioner

5. The Petitioner vide note of arguments dated 12.05.2025 has reiterated the earlier submissions and has submitted as follows :

(a) In terms of Regulation 12.5 of the GNA Regulations, the transmission lines for GNA were to be constructed and maintained by PGCIL at the cost of HIL. Furthermore, at the 17th CMETS-WR meeting, it was recorded that the necessary augmentation for providing a connection to the ISTS shall be constructed and maintained by a licensee at the cost of the entity.

(b) GNA cannot be made effective until HIL is physically connected to the grid, which will occur only after the construction of the required transmission line. Even otherwise, this Commission under Regulation 41 of the GNA Regulations, is vested with the power to relax and is empowered to remove hardship arising from the operation of the said regulations.

Submissions by Respondent No.1, CTUIL

6. CTUIL, vide submissions dated 16.05.2025, have submitted as follows:

(a) The extension in the effective date of GNA as contemplated under Regulation 22.4(b) is applicable only when matching with the COD of the augmentation, which is under the scope of ISTS. Any other interpretation that warrants extending the applicability of Regulation 22.4(b) to such transmission works that are not part of ISTS augmentation shall be simply absurd. Such "transmission works" as those being executed by an independent transmission licensee at the behest of a GNA grantee, such as the petitioner, are a subject matter of a bilateral contract between the licensee and the GNA grantee. CTU is not party to such an agreement and cannot in any way alter its regulatory dispositions in terms of the bilateral arrangements inter-se the grantee and its contracting entity. When the subject transmission works are a part of ISTS augmentation (whether as Associated Transmission System for the use of an identified grantee or Common Transmission System for use by multiple grantees), then CTU is bound to acknowledge the date of COD or scheduled COD of the transmission system for the purposes of issuing

letters of GNA. Regulation 22.4(b) is not applicable to the case of the Petitioner, as the transmission works are not part of ISTS Augmentation but form part of the dedicated transmission system of the Petitioner.

Hearing dated 19.05.2025

7. During the course of the hearing, the Petitioner and the representative of the Respondent, CTUIL, made detailed submissions and concluded their arguments on the maintainability of the Petition. Based on their request, the Commission permitted both sides to file their written submissions/notes of arguments. Subject to the above, the Commission reserved the matter for order.

Submissions of the Petitioner:

8. Petitioner vide written submission dated 28.05.2025 has reiterated its previous submissions and additionally submitted as below:

a) The Petitioner is seeking revision in the effective date of GNA from 01.07.2025 to 01.01.2027 on account of the following reasons:

- i. PGCIL has indicated that the transmission system will be operationalised by December 2026.
- ii. The timeline for operationalization of the transmission system was revised by PGCIL from the initial 18 months to 30 months under the Transmission Agreement, leading to a deviation of 12 months.
- iii. The GNA was granted after a lapse of more than 1 year from the date of the GNA Application, which period was not taken into consideration when determining the GNA Start Date.
- iv. On account of MCC from 20.03.2024 till 06.06.2024, PGCIL deferred the execution of the Transmission Agreement.

b) CTU during the course of argument on 19.05.2025 had averred that it had erroneously stated in the Final Grant that the GNA is granted with network augmentation when in fact, under the GNA Regulations, augmentation is only of the common transmission system. The contention of the CTU that under the GNA Regulations, augmentation is only of the common transmission system is not borne out by a plain reading of the GNA Regulations. The said contentions were raised by CTU only in the Impugned Letter. Even assuming without admitting the contentions of CTU, it is submitted that where the statutory framework is ambiguous or unclear, an entity cannot be held liable

to suffer the consequences. Regulatory uncertainty ought not result in hardship to the Petitioner. Furthermore, the Petitioner should not be penalised for the error admittedly committed by CTU.

- c) HIL neither owns nor exercises any control over the transmission systems being augmented by PGCIL. The said systems are owned, operated, and managed by PGCIL, and upon integration with the ISTS, they will fall squarely within the administrative and operational control of CTU.
- d) If the contention of the CTU that the GNA start date is to be granted strictly as per the request of the bulk consumer is to be accepted, Regulation 22.2(b) of the GNA Regulations would be rendered otiose and devoid of any practical utility. The contention of the CTU that the Petitioner, despite several opportunities before the Final Grant, did not seek revision in the GNA Start Date is misleading. In view of the augmentation of transmission systems identified by the CTU to be carried out by a transmission licensee, the Petitioner was under the bona fide impression that the GNA Start Date would be revised depending on the COD of transmission systems identified for augmentation. The same is evident from the Petitioner's emails dated 15.11.2023, 05.01.2024, and 31.01.2024.
- e) Further, the averment of the CTU that the Petitioner commenced discussions with PGCIL only after the grant of GNA is false and misconceived. The Petitioner has been in discussion with PGCIL for the execution of transmission works for the grant of GNA since the GNA Application.

Analysis and Decision:

- 9. We have considered the submissions of the Petitioner and Respondent and perused the information available on record.
- 10. The Petitioner has submitted that it initially applied for 150 MW of connectivity to the Inter-State Transmission System (ISTS) for its Mahan unit as a bulk consumer under the Connectivity Regulations, 2009, on 05.08.2022. The grant of ISTS Connectivity on the existing ISTS with a dedicated transmission system to be implemented by the Petitioner was agreed upon. The following Dedicated Transmission system was identified while granting connectivity.
 - a) Upgradation of 220kV switchyard of Petitioner to 400kV level through installation of 2x315 MVA, 400/220 kV ICTs at Petitioner's end along with 4 nos. 400kV bays at



Petitioner's switchyard.

- b) Loop-In Loop-Out ("LILO") of both circuits of Vindhyachal PS – Sasan 400kV D/c line at Petitioner's switchyard (LILO length ~ 35km).
- c) The agreed connectivity start date was 01.07. 2025.

11. Due to the introduction of the GNA Regulations, the application of the Petitioner's Connectivity was transitioned to the GNA Regulations. Subsequently, the Petitioner requested a reduction in the power sought from 150 MW to 100 MW. Ultimately, 100 MW of General Network Access (GNA) was formally granted to the Petitioner as a bulk consumer under the GNA Regulations with previously specified transmission system, and the GNA start date was maintained as 01.07.2025. The transmission system's construction and maintenance are to be carried out by a licensee at the Petitioner's cost as per the GNA Regulations.

12. A Transmission Agreement was executed between the Petitioner and Respondent No. 2 (PGCIL) for the construction of the LILO arrangement on 07.06.24 with Commercial Operation Date (COD) as January 2027 (30 months from the effective date). The Petitioner requested CTU for an extension of the GNA start date from 01.07.2025 to 01.01.2027 based on the revised Commercial Operation Date (COD) of the associated transmission line works, under Regulations 22.4(b) & (c) of the GNA Regulations, which outline the framework for revising the effective date of GNA.

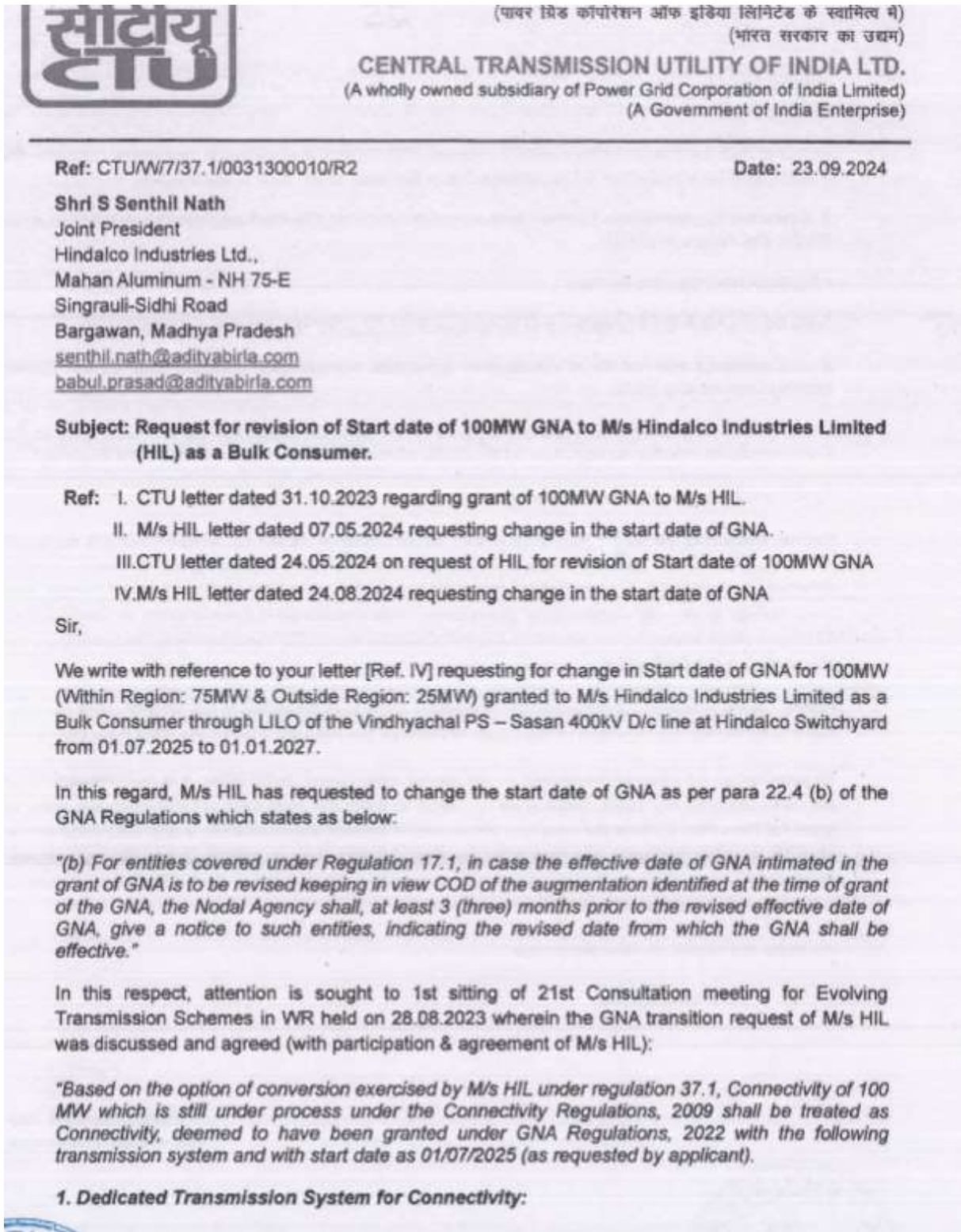
13. CTU denied the request, stating that the GNA Regulations do not provide for deferring the start date once granted, unless there is a delay in the common transmission system augmentation under the ISTS scope. Since no such common system was identified for this specific GNA, the conditions for revision under Regulation 22.4(b) were deemed not applicable.

14. We have considered the submission of the Petitioner and the Respondent. The issue that arises for our consideration is as follows:

Whether the Petitioner is entitled to a revision of the Effective Date of the 100 MW GNA from 01.07.2025 to 01.01.2027 under Regulation 22.4(b) of the GNA Regulations, and whether any directions are required to be issued to set aside the Letter dated 23.09.2024 issued by CTUIL?

This issue is dealt with in subsequent paragraphs.

15. Let us peruse the impugned letter dated 23.09.2024 issued by CTUIL, quoted as follows:



• Upgradation of 220kV switchyard of M/s Hindalco to 400kV level through installation of 2x315MVA, 400/220kV ICTs at Hindalco end along with 4 nos. 400kV bays at Hindalco switchyard (under the scope of HIL)

• LILO of both circuits of Vindhyachal PS – Sasan 400kV D/c line at Hindalco switchyard (LILO length ~ 35km.) (to be constructed and maintained by a licensee at the cost of such entity)

2. Common Transmission System Augmentation for GNA (System augmentation without ATS- Under the scope of ISTS):

• Existing Transmission System

Date from which GNA proposed to be granted: 01.07.2025 (as requested by applicant)

It was informed that liability of payment of applicable transmission charges shall as per CERC sharing Regulations, 2020.

It was informed that M/s HIL shall be required to commission dedicated transmission system for Connectivity as mentioned above by 01.07.2025, so that the GNA can be started from 01.07.2025.

Applicant/Members agreed to the above."

Hence, there was no Common Transmission System Augmentation for GNA (Under the scope of ISTS) and the GNA could be made effective based on margins in existing transmission system. However, the network augmentation comprising only the elements identified under "Dedicated transmission system for Connectivity" given above, was mentioned in the intimation for final grant of GNA and as no specific common transmission system under ISTS was identified, the same was not mentioned in the GNA grant.

Hence, as no common transmission system under ISTS was identified at the time of grant of GNA, there is no question of revision of start date of GNA as per para 22.4 (b) of the GNA Regulations.

To summarise, as already mentioned in our earlier letter dated 24.05.2024, it is re-iterated that as per GNA Regulations, 2022, there is no provision to defer the start date of GNA upon issuance of grant for the same (unless the common transmission system augmentation, if any, under the scope of ISTS is getting delayed, at which point the Reg. 22.4(b) kicks in, which is not the case here). Accordingly, the start date of GNA granted shall remain unchanged (i.e. 01.07.2025) as mentioned in the intimation letter referred above.

We hope the above clarifies the matter.

Thanking you,

As per the above, CTUIL clarified that there is no question of revising the start date of GNA, as per Regulation 22.4 (b) of the GNA Regulations, since no common transmission system under ISTS was identified at the time of granting GNA.

16. The Petitioner has been granted GNA for 100 MW vide Intimation dated 31.3.2023. We have perused the Final Grant of GNA issued on 31.03.2023, quoted as below:

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

1	Intimation No.	:	CTU/W/7/37.1/0031300010
	Date	:	31-10-2023
2	Ref. Application No.	:	0031300010
	Date	:	05-08-2022
3	Name of the Applicant	:	Hindalco Industries Ltd.
4	Address for Correspondence	:	Shri S Senthil Nath Joint President Hindalco Industries Ltd., Mahan Aluminum -NH75 -E Singrauli-Sidhi Road Bargawan, Madhya Pradesh
5	Nature of the Applicant	:	Bulk Consumer seeking to connect to ISTS directly
6	Installed Capacity	:	Smelter Load: About 650MW (Present) Captive Power Plant: 6x150MW (1x150MW remains on standby)
7	Details for General Network Access (GNA) requested		
a	Quantum (MW) of GNA	:	100MW (Outside region: 25MW and Within region: 75MW)
b	Start date of GNA	:	01-07-2025
c	End Date of GNA	:	30-06-2060
8	Details of General Network Access (GNA) granted		
a	Quantum (MW) of GNA	:	100MW (Outside region: 25MW and Within region: 75MW)
b	Start date of GNA	:	01-07-2025
c	End Date of GNA	:	30-06-2060
d	Through existing system or with network augmentation of system	:	With network augmentation of system
e	Transmission System for GNA	:	Upgradation of 220kV switchyard of M/s Hindalco to 400kV level through installation of 2x315MVA, 400/220kV ICTs at Hindalco end

		along with 4 nos. 400kV bays at Hindalco switchyard (<i>under the scope of HIL</i>)
		• LILO of both circuits of Vindhyachal PS – Sasan 400kV D/c line at Hindalco switchyard (LILO length ~ 35km.) (<i>to be constructed and maintained by a licensee at the cost of HIL</i>)
9	Details for GNA System	Refer Transmission System for GNA given above
i.	Point at which connectivity is granted	: N.A.
ii.	Voltage level of allocated terminal bay	: N.A.
iii.	Terminal bay at ISTS end already available	: N.A.
iv.	Terminal bay at ISTS end to be constructed under ISTS	: N.A.
v.	Bay no. and SLD	: N.A.
10	BGs and Charges [only for entity mentioned at Regulation 17.1 (iii)]	
a	Conn-BG1	: Rs. 0.5 Crore
b	Conn-BG2	: Not Applicable
c	Conn-BG3 at Rs. 2 Lakh/MW	: Rs. 2 Crores
d	One time GNA charge at Rs. 1 Lakh/MW	: Not Applicable in terms of Reg. 40.2 of GNA Regulations*

As per above, the transmission system of “upgradation of HINDALCO Switchyard and LILO of Vindhyachal-Sasan D/C line” was under the scope of Petitioner HIL.

17. Further, we have perused minutes of the 21st CMETS-WR held on 28.08.2023, wherein the application of GNA of the Petitioner was discussed and agreed. The relevant extract of minutes is as under:

“B. Based on the option of conversion exercised by M/s HIL under regulation 37.1, Connectivity of 100 MW which is still under process under the Connectivity Regulations, 2009 shall be treated as Connectivity, deemed to have been granted under GNA Regulations, 2022 with the following transmission system and with start date as 01/07/2025 (as requested by applicant).

1. Dedicated Transmission System for Connectivity:

- Upgradation of 220kV switchyard of M/s Hindalco to 400kV level through installation of 2x315MVA, 400/220kV ICTs at Hindalco end along with 4 nos. 400kV bays at Hindalco switchyard (*under the scope of HIL*)
- LILO of both circuits of Vindhyachal PS- Sasan 400kV D/c line at Hindalco switchyard (LILO length~ 35km.) (*to be constructed and maintained by a licensee at the cost of such entity*)

2. Common Transmission System Augmentation for GNA (System augmentation without ATS-Under the scope of ISTS):

- Existing Transmission System

Date from which GNA proposed to be granted: 01.07.2025 (as requested by applicant)..."

As per above, the common transmission system has been noted as "existing transmission system," and LILO and upgradation of HINDALCO Switchyard have been noted under "Dedicated Transmission system for Connectivity."

18. We have perused Regulation 12.5 of the GNA Regulations, which provides as under:

"12. Dedicated Transmission Lines and Bay(s)

...

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"

.....

As per above, an entity covered under Regulation 17.1(iii), which includes the Bulk Consumer covered under the instant case, 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. The above clause has been included under the head "Dedicated Transmission Line and Bay(s).

19. We note that Petitioner entered into a bilateral agreement with PGCIL for the implementation of the LILO of Vindhyachal-Sasan D/C line at HIL dated 7.06.2024, quoted as under:

SECOND PART;

(Each of the "HIL" or "Bulk Consumer" and "POWERGRID" are individually referred to as "Party" and collectively as the "Parties")

AND WHEREAS:

- A) **Hindalco Industries Limited** has been granted GNA for 100MW of power, as a "Bulk Consumer" by CTUIL.
- B) The proposed connectivity with ISTS is envisaged through LILO of both circuits of Vindhyachal PS-Sasan 400kV D/C line at Hindalco switchyard.
- C) **M/s HIL** vide letter dated 22-03-2024 has requested POWERGRID for implementation of the above connectivity system, which was agreed by POWERGRID email dated 21-05-2024- and conditions as stipulated herein.
- D) Indicative cost estimate has been worked out as **Rs. 290 Cr.** However, a detailed cost estimate shall be prepared after a preliminary survey of the transmission system.
- E) **M/s HIL** on the terms and subject to the conditions of this Agreement, shall use the Transmission Project as defined under this Agreement and pay POWERGRID the Transmission Charges for the said Transmission Project, as mutually agreed between the **M/s HIL** and POWERGRID and stated herein under this Agreement.

.....

2.0 TRANSMISSION PROJECT

2.1 POWERGRID shall design, build, finance, own, operate and maintain the following Transmission Project & associated communication system, as per regulations and norms of Statutory Authorities, and shall consist of following:

S. No.	Transmission Project	Capacity/ km/nos	Conductor
1.	LILO of both circuits of Vindhyachal PS-Sasan 400kV D/C line at Hindalco switchyard	Length ~ 41km (Approx)	Twin Moose

Note:

- a. The Hindalco end bays of the transmission line are not covered under the scope of the present agreement. M/s HIL shall make the timely availability of the same.
- b. The line length mentioned above are approximate as the exact length shall be finalized after detailed survey during execution of the Project.

3.0 EFFECTIVENESS AND TERM OF AGREEMENT

3.1 Effective Date:

This Agreement shall be effective from the date of submission of Bank Guarantee as per the clause 4.1 of this Agreement.

3.2 Steps to be undertaken by Parties subsequent to signing of agreement:

3.2.1 M/s HIL within 10 days of signing of agreement and submit the Bank Guarantee as per terms of Clause 4.1 of this Agreement.

3.2.2 POWERGRID within a period of 10 days from the effective date, prepare and deliver a detailed Project implementation plan to M/s HIL.

3.3 Term of Agreement:

3.3.1 Subject to Clause 17, this Agreement shall continue to be effective in relation to the Project until the Useful life of the Project, when it shall automatically terminate unless extended mutually between the parties for such period. Treatment of Transmission Project for extended period shall be on such terms & conditions or in accordance with the Regulations and other applicable Laws in vogue.

Useful life shall mean as defined under the provisions of CERC Tariff Regulations or any extension mutually agreed between Parties.



नीला दाम
NEELA DAS

मुख्य महाप्रबंधक (वी.पी.डी.)
Chief General Manager (R&D)
व्यवस्थापक/POWERGRID

Page 5 of 28

Handwritten signature.



We observe that the above Agreement is a mutual agreement between Petitioner and Powergrid and has no bearing on ISTS, which is either developed under Section 62 or Section 63 of the Act within a specified framework notified by MOP. The LILO of Vindhyachal -Sasan at HINDALCO is a dedicated transmission line which was under the scope of the Petitioner and which the Petitioner itself decided to get constructed by PGCIL as per their mutually agreed timelines, tariff, and terms and conditions.

20.Regulation 22.4(b) of the GNA Regulations provides as under:

“22.4 Effective Date of GNA

...

(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 depends on the augmentation being constructed under ISTS, not the dedicated transmission line, which is the responsibility of Connectivity/ GNA Grantee.

21. In view of the above discussions, we are of the view that Petitioner’s contention to get extension of effective date of GNA based on the delay in construction of the dedicated transmission line by PGCIL, which is executing the dedicated transmission line as a mutual contract between Petitioner and PGCIL, is not tenable. We have already noted above that Regulation 22.4(b) relates to the effective date of GNA for augmentation which is constructed under ISTS under Section 62 or Section 63 of the Act under a specified framework notified by MOP, and does not cover the dedicated transmission line, which is under the scope of the Grantee. We are therefore unable to accede to the Petitioner’s request to revise the Effective Date of the 100 MW General Network Access (GNA), granted on 31.10.2023, from 01.07. 2025 to 01.01.2027. Accordingly, no directions are required to set aside the CTU letter dated 23.9.2024.

22. The Petition No. 83/MP/2025 is disposed of in terms of the above.

Sd/
(Ravinder Singh Dhillon)
Member

Sd/
(Harish Dudani)
Member

Sd/
(Ramesh Babu V)
Member

Sd/
(Jishnu Barua)
Chairperson