

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 736/MP/2025

Subject : Petition under Regulation 41 (Power to Relax) and Regulation 42 (Power to Remove Difficulty) read with Regulation 22.4 (b) of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 seeking extension of the current effective/start date of connectivity/GNA of 31.07.2025 till 31.07.2026 on account of delays caused due to the ongoing augmentation works at the Bachau Substation being undertaken by Power Grid Corporation of India Limited (PGCIL), delays in grant of necessary approvals for power drawl by appropriate authorities, and unresolved Right of Way (RoW)/ Law and Order issues, which are in the nature of Force Majeure events and are beyond the control of the Petitioners.

Petitioner : Welspun Living Limited (WLL) and Anr.

Respondents : Central Transmission Utility of India Limited (CTUIL) and Anr.

Date of Hearing : **9.7.2026**

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

Parties Present : Shri Avijeet Lala, Advocate, WLL
Ms. Tannishtha Chatterjee, Advocate, WLL
Shri Shubham Arya, Advocate, CTUIL
Ms. Kaavya Madaan, Advocate, CTUIL
Shri Anand Ganesan, Advocate, PGCIL
Ms. Swapna Seshadri, Advocate, PGCIL
Ms. Namrata Saraogi, Advocate, PGCIL
Ms. Rupinder Kaur, Advocate, PGCIL

Record of Proceedings

Learned counsel for the Petitioners submitted that the present Petition has been filed by bulk consumers seeking extension of the current effective/start date of connectivity/GNA of 31.7.2025 till 31.7.2026 on account of delay caused by certain force majeure events and also on the part of PGCIL in complying with its scope of work. However, while restricting his arguments only to the requirement of a mandatory notice

under Regulation 22.4(b) of the GNA Regulations, he submitted that the original effective date of the connectivity/GNA was 30.4.2025. The Respondent, CTUIL, vide letter dated 11.6.2025, provided a notice to the Petitioners for the effectiveness of the GNA as of 31.7.2025 and the opening of a letter of credit as per the Sharing Regulations, 2020. Accordingly, the Petitioners started paying the transmission charges. He further indicated that CTUIL, vide letter dated 2.3.2026, has also communicated that 70 MW GNARE granted to the Petitioners is made effective w.e.f. 4.3.2026. He further submitted that in light of the provisions of Regulation 22.4(b) of the GNA Regulations, there is an obligation on CTUIL to provide at least three months' notice prior to the revised effective date of the GNA, indicating the revised date from which the GNA shall be made effective. However, CTUIL, vide letter dated 2.3.2026, made GNA effective from 4.3.2026, which is not in compliance with Regulation 22.4(b).

2. In response, the learned counsel for the Respondent, CTUIL, submitted that it has been conducting Joint Co-ordination Committee (JCC) meetings, wherein the Petitioners are also participating members, for reviewing the status of upcoming generation and transmission projects and all the parties are put on notice regarding the status of the Project. Accordingly, the Petitioners were well informed in December, 2025 that the system would be ready in February 2026. He further submitted that Regulation 22.4(b) requires a notice; however, it does not specifically mention the mode of service of notice. Even if the formal notice is not given, the JCC meeting is to be considered as a constructive notice in itself. He further sought liberty to place on record short written submissions along with the judgments on the aspect of constructive notice.

3. Learned counsel for the Respondent, PGCIL, submitted that the arguments advanced by the Petitioner pertaining to 'notice' under Regulation 22.4(b) do not concern PGCIL. However, in order to assist, she cited the APTEL judgment dated 2.5.2023 in Appeal No. 352 of 2022 (Fatehgarh Bhadla case), wherein similar arguments of non-receipt of notice under Regulation 5.2 of the GNA Regulations were made, and the APTEL has held that mere non-receipt of notice does not matter unless the party already knew the situation. In the present case, JCC minutes clearly reveal that the Petitioners knew when the system was coming. She further pointed out that, as per the final grant of connectivity to the Petitioners dated 1.12.2023, the Petitioners were well aware that in case of any mismatch, the liability to pay the transmission charges would apply as per the Commission's Regulations/Orders. She further submitted that PGCIL will approach the Commission in a separate tariff Petition along with reasons for the delay in accordance with law; however, in any case, the Petitioners cannot cover up their own delay by taking advantage of PGCIL's delay.

4. In rejoinder, the learned counsel for the Petitioners submitted that the Project has been commissioned on 18.5.2026. The delay on the part of the Petitioners becomes inconsequential prior to 4.3.2026 as the liability to pay the transmission charges gets crystallized only after 4.3.2026. He further reiterated the mandatory requirement of three months' notice to be given by the nodal agency in terms of Regulation 22.4(b), and the tentative dates indicated in the JCC meeting cannot be construed as adequate advance

notice envisaged in the said Regulations. He sought liberty to place on record written submissions in the matter.

5. Based on their request, the Commission permitted the parties to file their respective short written submissions limited to the aspect of notice under Regulation 22.4(b) of the GNA Regulations as argued, within two weeks, with a copy to each other.

6. CTUIL is directed to file the following information, on an affidavit, within two weeks:

- a) File the reply dated 23.6.2026 on e-filing portal accompanied by affidavit.
- b) Does the augmentation proposed for to resolve overloading issue under N-1 at Bhachau S/s, leads to relaxation of enforcement of Regulation 12.5 regarding the cost of necessary augmentation for interconnection in ISTS by entities granted GNA against such augmentation?
- c) Details of entities granted GNA/ GNA-RE at Bhachau S/s including name, quantum, discom/ bulk consumer and start date of GNA/ GNA-RE etc.

7. Subject to the above, the matter was reserved for order.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)