

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 104/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 seeking extension of timelines of Connectivity and LTA for its Solar Power Project at Nokh Solar Park.

Date of Hearing : 22.8.2022

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Rajasthan Solarpark Development Company Limited (RSDCL)

Respondents : Central Transmission Utility of India Limited (CTUIL) and 2 Ors.

Parties Present : Shri Ranji Thomas, Sr. Advocate, RSDCL
Shri Aditya Singh, Advocate, RSDCL
Ms. Suparna Srivastava, Advocate, CTUIL
Ms. Soumya Singh, Advocate, CTUIL
Shri Tushar Mathur, Advocate, CTUIL
Shri Yatin Sharma, CTUIL
Shri Jafar Alam, Advocate, Rising Sun Energy
Shri Saahil Kaul, Advocate, Rising Sun Energy
Ms. Perna Priyadarshi, Advocate, NTPC
Ms. Priyashree Sharma, Advocate, NTPC

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, for extension of timelines for connectivity as 15.3.2022 and start date of Long Term Access as 31.3.2023 and 1.11.2023 for 190 MW and 735 MW respectively. Learned counsel submitted that aforesaid extension has been sought by the Petitioner, *inter alia*, on account of the implication of the Hon'ble Supreme Court's order dated 19.4.2021 in IA No. 85618 of 2020 in WP (Civil) No. 838/2019 in terms of which all existing and future overhead low and high voltage power lines in the priority and potential habitats of Great Indian Bustard (GIB) shall be underground and the resultant uncertainty caused thereto. Learned counsel further pointed out that while the Respondent No.2, NTPC, in its reply, has supported the prayers made by the Petitioner, Respondent No. 4, Rising Sun Energy (K) Private Limited has raised certain objections. Learned counsel submitted that IA No. 160225 of 2021 filed by the Government of Rajasthan in the said Writ Petition praying for the modification of the Hon'ble Supreme Court's order dated 19.4.2021 was previously listed on 4.8.2022. However, on the said date, the matter was not taken up for hearing. Learned counsel submitted that meanwhile the Petitioner has also approached the Committee constituted by the Hon'ble Supreme Court vide order dated 19.4.2021 requesting to allow the construction of Nokh Solar Park transmission lines passing through GIB potential area, however, the said application is yet to be decided by the Committee.



Learned counsel, accordingly, requested to extend the timelines for connectivity and LTA as prayed for by the Petitioner.

3. Learned counsel for the Respondent, CTUIL submitted that CTUIL has already filed its reply and has furnished the various details as called for by the Commission vide Record of Proceedings for the hearing dated 20.5.2022. Learned counsel submitted that insofar as the scheduled date of commercial operation of the Project in light of Clause 11.2(A)(b) of the Revised Detailed Procedure dated 20.2.2021 is concerned, it has been considered as 1.6.2022 i.e. the start date of connectivity. Learned counsel submitted that MNRE vide its letter dated 3.3.2022 has extended the date of completion of Nokh Solar Park to 31.3.2023. However, the Petitioner applied for connectivity in line with Clause 9.2.2 of the Revised Detailed Procedure and as per Clause 11.2(A)(b), the Petitioner can complete the dedicated transmission lines on or before 1.12.2022 i.e. six months after 1.6.2022 considering the schedule date of commercial operation as 1.6.2022. Further, the construction of the dedicated transmission line has to necessarily be in accordance with the order passed by Hon'ble Supreme Court in IA No. 85618/2020 in WP (Civil) No. 838/2019. Learned counsel added that insofar as the extension of LTA start date is concerned, CTUIL has made its submissions at paragraph 20 of its reply, which may be considered. Learned counsel pointed out that LTA granted to the Petitioner has been operationalized w.e.f. 1.8.2022. However, the billing has not been done in view of the tariff petition for the concerned elements bearing Diary Nos. 183/2022 and 184/2022 being pending before the Commission.

4. Learned counsel for the Respondent No.4 submitted that it was the responsibility of the Petitioner to develop 33/220 kV Park Pooling sub-station and 220 kV dedicated transmission line from Nokh Solar Park upto 220 kV Bhadla II Pooling station developed by PGCIL for evacuation of power from the solar projects to be developed in the Nokh Solar Park. Learned counsel submitted that while the Bhadla II Pooling station of PGCIL is ready, it is only the dedicated transmission line which was within the scope of the Petitioner, is not ready. Scheduled Commercial Operation Date (SCOD) of the Respondent's Renewable Project is 21.10.2022 and in case the timelines for connectivity and start date of LTA for 190 MW capacity are extended beyond the SCOD of the Respondent's Project, it will be unable to commence supply of power by the SCOD for no fault of its own. Learned counsel pointed out that the Respondent's Project and NPTC's 725 MW solar capacity are being implemented under different schemes having separate commissioning timelines.

5. In rebuttal, learned counsel for the Petitioner opposed the submissions made by the learned counsel for the Respondent No.4 and submitted that the Respondent ought to be directed to file the status of its project and steps taken by it, etc. on affidavit. Learned counsel for the Petitioner placed reliance on the Ministry of Power's letter dated 1.8.2022 and submitted that in the said letter, it has been acknowledged that the undergrounding of transmission lines of 66 kV and above voltage level is not technically feasible for evacuation of bulk power on account of various constraints.

6. After hearing the learned counsel for the parties Commission directed the Petitioner to clarify on an affidavit within two weeks as to how much area out of the 4 Nos. Pooling sub-Stations within the solar park and 220 kV dedicated transmission line to connect park to ISTS fall within the potential habitat of the GIB.

7. The Commission directed CTUIL to submit details of projects which are delayed due to GIB issue and to submit a comprehensive proposal to proceed in the matter in light of the Hon'ble Supreme Court order on GIB within two weeks. The Petitioner and the other Respondents were also permitted file their response on the aforesaid details to be furnished by CTUIL within two weeks thereafter.

8. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

**Sd/
(T.D. Pant)
Joint Chief (Law)**