

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.211/MP/2023 along with IA No. 48/2023

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Petition No. (Diary No. 267/2023)

- Subject** : Petition under Section 79 of the Electricity Act, 2003 seeking setting aside of Central Transmission Utility of India Ltd.'s letter dated 17.05.2023 closing the Petitioners Application for grant of connectivity and for issuance of directions to CTUIL for grant of connectivity of 1710 MW for Hybrid Project comprising of Solar 810 MW, Wind 900 MW and Energy Storage System 600MWh to the Petitioner.
- Date of Hearing** : 19.7.2023
- Coram** : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner** : ReNew Vikram Shakti Private Limited (RVSPL)
- Respondents** : Central Transmission Utility of India Limited (CTUIL) and 3 Ors.
- Parties Present** : Shri Vishrov Mukerjee, Advocate, RVSPL
Shri Girik Bhalla, Advocate, RVSPL
Ms. Anamika Rana, Advocate, RVSPL
Shri Swapnil Verma, CTUIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking direction for setting aside the Respondent No.1, CTUIL's letter dated 17.5.2023 closing the Petitioner's application for the grant of Connectivity and for the issuance of appropriate direction to CTUIL for the grant of Connectivity of 1710 MW for Hybrid Project comprising 810 MW of Solar, 900 MW of Wind, and 600 MWh of Energy Storage System (ESS) to the Petitioner. Learned counsel further submitted as under:

- (a) Pursuant to the competitive bidding process conducted by Respondent, No.2, SECI, under the Wind-Solar Hybrid Project Guidelines, 2020, the Petitioner was declared the successful bidder and was issued a Letter of Award (LoA) on 20.4.2023. Initially, the LoA for 750 MW Solar, 960 MW Wind and 600 MWh ESS was issued, which was subsequently amended to 810 MW Solar, 900 MW Wind and 600 MWh ESS on 17.5.2023 by SECI.
- (b) Subsequently, on 21.4.2023, the Petitioner submitted its Connectivity application to CTUIL for the grant of connectivity to ISTS to the extent of 1998 MW in line with the Project capacity, i.e. 750 MW Solar, 960 MW Wind and 600 MWh ESS which corresponds to about 288 MW. On 28.4.2023, CTUIL requested certain clarifications on the Petitioner's Connectivity application as

to why the Petitioner had sought Connectivity for 1998 MW as the LoA was for 600 MW Wind-Solar Hybrid with Project capacity of 750 MW Solar, 960 MW Wind and 600 MW ESS.

(c) The Petitioner responded to the queries raised by CTUIL on 28.4.2023 itself, clarifying that the Petitioner was setting up a hybrid Renewable Project with a configuration of 750 MW Solar, 960 MW Wind and 600 MW ESS as specified in the LoA. Further, vide this letter, the Petitioner also revised the quantum of Connectivity required to 1710 MW (810 MW Solar + 900 MW Wind) since the ESS for supply of 600 MWh of energy would be charged using 1710 MW renewable capacity.

(d) However, CTUIL, vide letter dated 17.5.2023 refused to grant connectivity and closed the Petitioner's Connectivity application citing that the Petitioner failed to comply with the provisions of Regulation 3.5 of the GNA Regulations, 2022, since there was a mismatch between the quantum of Connectivity sought and the LoA quantum.

(e) The above action of CTUIL is not in accordance with the GNA Regulations, 2022. As per Regulation 5.1 of GNA Regulations, 2022, the Petitioner was to apply for Connectivity for a quantum less than or equal to the installed capacity of the Project and therefore, the Connectivity application is consistent with GNA Regulations, 2022, and the LoA issued by SECI. Reference was also made to Clause 5.2(a)(v) of the Explanatory Memorandum to the GNA Regulations.

(f) The Petitioner has also filed IA No. 48/2023, *inter alia*, praying for an interim stay on the operation of CTUIL's letter dated 17.5.2023 rejecting the Petitioner's Connectivity application dated 21.4.2023 pending adjudication of the Petition. The Petitioner is also pressing for the above interim relief, as upon rejection of its Connectivity application, it will be out of the system (queue) and will be relegated to the bottom of the queue if it has to re-apply for Connectivity afresh. Consequently, the applicants who may have applied for Connectivity after the Petitioner may obtain the Connectivity at the concerned Ananthpur sub-station and the adequate transmission capacity/corridor may not be left for the evacuation of the power from the Petitioner's Project.

(g) RfS Document issued by SECI for the bid process specifically provided that the Delivery Point shall be limited to the list of sub-stations provided therein. Accordingly, the Petitioner had designed the inter-connection of its Project at the Ananthpur sub-station and any delay in securing Connectivity at this sub-station could render the construction and commissioning of the Project uncertain.

(h) A similar Petition has also been filed by another generator, ACME Cleantech Solution Private Ltd. (Diary No. 267/2023) (ACME) which has been awarded the Solar-Wind Hybrid Project under the same bid process but its Connectivity application has not been considered by CTUIL on the similar grounds.

2. The representative of the Respondent No.1, CTUIL, accepted the notices in both Petitions. He further submitted that the issue involved in the matter requires interpretation of the provisions of the GNA Regulations, 2022, and CTUIL as such is not in any manner acting against the interest of the Petitioner. The representative of

CTUIL confirmed that the subject matter of Diary No. 267/2023 is similar to the present case.

3. After hearing the learned counsel for the Petitioner and the representative of the Respondent, CTUIL, the Commission ordered as under:

(a) Admit both the Petitions, namely, the present Petition and Petition (Dy. No. 267/2023) filed by ACME. Issue notice to the Respondents.

(b) The Petitioners to serve copy of the Petitions on the Respondents immediately, and the Respondents to file their replies to the Petitions, if any, within one week with a copy to the Petitioner, who may file its rejoinder, within one week thereafter.

(c) As to the interim relief(s) prayed under IA No.48/2023 in the present Petition and in Petition filed by ACME, keeping in view of the submissions made by the parties & the aspects involved in the matters, there will be a stay on the operation of CTUIL's letters dated 17.5.2023 and 12.7.2023 issued to the Petitioners, RV SPL and ACME, respectively. CTUIL is directed to keep the connectivity capacity sought by the Petitioners in both cases reserved till the next date of hearing.

(d) CTUIL is directed to clarify regarding its interpretation upon which provision of the GNA Regulations, 2022, it has rejected the connectivity applications of both the Petitioners dated 21.4.2023 and 1.6.2023.

(e) Registry is directed to register the Petition (Diary No. 267/2020).

4. Both the Petitions shall be listed for hearing on 11.8.2023.

By order of the Commission

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