

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 66/MP/2023

Subject : Petition under Sections 79(1) (c) and (f) of the Electricity Act, 2003 read with Regulations 27, 33A and 33B of the CERC (Grant of Connectivity, Long-Term Access and Medium-Term Open Access in inter-State Transmission and related matters) Regulations, 2009, seeking recognition of force majeure events and issuance of appropriate orders.

Date of Hearing : 11.10.2023

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

Petitioner : AMP Energy Green Private Limited (AEGPL)

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

Parties present : Shri Amit Kapur, Advocate, AEGPL
Ms. Shefali Tripathi, Advocate, AEGPL
Ms. Suparna Srivastava, Advocate, CTUIL
Shri Tushar Mathur, Advocate, CTUIL
Ms. Tejasvita Dhawan, Advocate, CTUIL
Ms. Divya Sharma, Advocate, CTUIL
Ms. Anusha Nagaranjan, Advocate, NTPC
Shri Rahul Ranjan, Advocate, NTPC
Shri Siddharth Sharma, CTUIL
Shri Lashit Sharma, CTUIL

Record of Proceedings

Learned counsel for the Petitioner submitted as follows:

- (a) PGCIL granted Stage-I Connectivity to the Petitioner for a 300 MW project in the Jodhpur district. For the Tranche VIII Project, SECI issued a Letter of Award (LoA) for 100 MW of solar power on 6.4.2020 at a tariff of Rs. 2.50/kWh. The Power Purchase agreement (PPA) for Tranche VIII between SECI and the Petitioner is yet to be executed. For the Tranche IX Project, LoA was issued on 15.7.2020 for 100 MW solar power at a tariff of Rs. 2.37/kWh. PPA was executed between the Petitioner and SECI on 12.4.2020.



- (b) The Petitioner participated in the bid issued by NTPC on 10.2.2020, and RFS was issued on 18.2.2020. The Petitioner was successful in getting a 100 MW solar tender in the reverse auction. This was conveyed to the Petitioner, but the Petitioner has neither received the LoA nor has executed any PPA. Three years have passed after this process.
- (c) After waiting for two years, the Petitioner entered into PPA for the supply of 100 MW solar power.
- (d) The Petitioner was facing an issue in the connectivity arrangement when the revised procedure for grant of connectivity (GNA Regulations) came into force. For the grant of connectivity of the projects based on the renewable sources to inter-State transmission, in February 2021, the timeline for construction of the dedicated transmission line was scheduled to expire within six months from the SCOD i.e. 13.4.2022. Certain unavoidable incidents occurred which prevented the Petitioner from constructing the dedicated transmission line. The delay was not attributable to the Petitioner, and the reasons for the delay are provided in the petition.
- (e) The Petitioner has completed the dedicated transmission line within the timeline given by the Hon'ble Supreme Court and the details are given in the petition.

2. Learned counsel for CTUIL submitted as follows:

- (a) Out of 300 MW, the Petitioner has three connectivity of 100 MW each and LTA for only 100 MW. At the time of connectivity of 100 MW, the GNA Regulations were revised.
- (b) The expected start date of GNA is September 2024 and the Petitioner has submitted the Bank Guarantee (BG) of ₹50 lakh and ₹2 crore for 100 MW. Therefore, the issue regarding 100 MW having LTA stands settled. For the remaining 200 MW (100 MW each), which does not have LTA, the GNA transition is under process, and the parties are having meetings and the process of transition is expected to be completed in a month. Therefore, the matter may be listed after a month.
- (c) CTUIL has given an interim expected start-up connectivity as 30.9.2025.

3. In response to the query of the Commission, learned counsel for CTUIL submitted that CTUIL is not proposing any action against the Petitioner as the transition to GNA is under process.

4. After hearing the parties, the Commission adjourned the matter and directed the Petitioner to furnish the following information on an affidavit by 10.11.2023 with an advance copy to the Respondents:

- (i) The current status of the 3 x 100 MW solar power projects under ISTS Tranche VIII, ISTS Tranche IX and NTPC Bid.



- (ii) The current progress of the dedicated transmission system i.e. from Common Pooling Station of Amp Energy Green Four, Five and Six Solar Power Plants to Bhadla-II PS 220 kV S/C line.
5. The Commission gave one more opportunity to the Respondents to file their reply, by 27.11.2023 and the Petitioner to file its rejoinder, if any, by 15.12.2023.
6. The Petition will be listed for further hearing on 22.12.2023.

By order of the Commission

sd/-
(V. Sreenivas)
Joint Chief (Law)

