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Date: Thu, 03 Apr 2025 23:31:25 +0530

Subject: Tata Power Comments_ Draft 4th Amendment _ GNA Regulation

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Dear Sir/Mam

Please find enclosed comments from Tata Power on the Draft 4th Amendment _ GNA Regulation.

Regards,
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Tata Power Comments on CERC (Connectivity and General Network Access to the inter-State Transmission System) (Fourth Amendment) Regulations, 2024

Sr.No	Clause No.	Draft Amended Regulation	Change suggested	Rationale
1.	Regulation (ak-i)	(ak-i) "Solar hours" means the time blocks of the day as declared by NLDC on each Saturday for the subsequent week starting from Monday to Sunday every week for each State based on anticipated solar insolation.	(ak-i) "Solar hours" means the time blocks of the day as declared by NLDC on each Saturday for the subsequent week starting from Monday to Sunday every week for each State based on anticipated solar insolation. <u>Provided the principles and methodology for determining solar hours, shall be firmed up with prior consultation with RE developers.</u>	Any deviation between the solar hours considered by the developer during project planning stage and the solar hours declared by NLDC can have implications in terms of generation loss and consequently loss of revenue for the developer. The Electricity Rights of Consumers Rules 2020, stipulates 8 hours as 'Solar Hours' daily. Such stipulations fail to reflect the practical realities of the available solar insolation. The number of solar hours in a day is determined by several factors like latitude, time of year, weather conditions, angle of the sun, altitude, air clarity etc. Hence, it is suggested that the adequate consultation is done with RE developers to firm up commonly agreed methodology for determining solar hours
2.	Regulation 5.2 a (a)	5.2 a The additional generation capacity under Regulation 5.2 of these regulations shall be subject to the following conditions: (a) Connectivity Bank Guarantee Conn-BG1 and Conn-BG3 under Regulation 8 of these regulations shall be furnished by the existing	5.2 a The additional generation capacity under Regulation 5.2 of these regulations shall be subject to the following conditions: (a) Connectivity Bank Guarantee Conn-BG1 and Conn-BG3 under Regulation 8 of these regulations shall be furnished by the existing grantee for	Conn-BG3 is submitted for allocation of surplus capacity in existing transmission system. As per proposed amendment, new capacity is added during solar/non-solar hours within same connectivity. Therefore, it is suggested that the requirement of additional Conn-BG3 be deleted, since no additional transmission system is being created or required for

		grantee for such additional generation capacity;	such additional generation capacity; Provided, that Conn-BG3 shall be furnished in the case where the additional capacity is being installed by an entity other than the existing grantee.	accommodating additional generation capacity which is being added within the connectivity already granted. Proposed provision leads to submission of multiple Conn-BG3 for the same system. However, in the case where the additional capacity is being developed by an entity other than the existing grantee, the new entity shall be required to provide for the cost already incurred in transmission capacity in the form of Conn-BG3, acting as a surety for injection of power in the future, by the new entity.
3.	Regulation 5.2 a (c)	(c) In case additional capacity for which approval is sought under Regulation 5.2 of these regulations is REGS (with or without ESS) or ESS (except PSP), the scheduled date of commercial operation for such additional capacity shall not be later than 18 months from date of approval by the Nodal Agency;	(c) In case additional capacity for which approval is sought under Regulation 5.2 of these regulations is REGS (with or without ESS) or ESS (except PSP), the scheduled date of commercial operation for such additional capacity shall not be later than be 48 24 months from date of approval by the Nodal Agency or SCOD date as mentioned in the PPA or firm date of connectivity plus 60 days whichever is later.	In case RE developers willing to participate in the bids to utilise additional RE capacity; SCD date must be aligned as per provisions mentioned under the bid documents (including PPA). Further SCD date should also be linked with firm date of connectivity. The SBGs specify 24 months as project completion period, hence, 18 months to be replaced by 24 months.
4.	Regulation 5.2 a (e)	(e) The entity which has already made an application or has been granted approval by the Nodal Agency under Regulation 5.2 of these Regulations prior to the date of effectiveness of these amendments, shall furnish the scheduled date of commercial operation for such additional capacity, within a period of two weeks from effectiveness of these regulations: Provided that, in case such additional generation capacity is REGS (with or	(e) The entity which has already made an application or has been granted approval by the Nodal Agency under Regulation 5.2 of these Regulations prior to the date of effectiveness of these amendments, shall furnish the scheduled date of commercial operation for such additional capacity, within a period of two weeks 1 month from effectiveness of these regulations:	Existing Connectivity Grantee is willing to add new element within the existing connectivity granted. This new element may have a different agreement with a different offtaker. Commissioning of the new element shall be in accordance with the schedule as per the agreement signed with offtaker. Hence, deadline of the 18 months shall not be stringent. Allowing flexibility to the connectivity grantee will ensure

		without ESS) or ESS (other than PSP), the scheduled date of commercial operation for such additional capacity shall not be later than 18 months from the date of effectiveness of these amendments or date of approval by the Nodal Agency, whichever is later.	Provided that, in case such additional generation capacity is REGS (with or without ESS) or ESS (other than PSP), the scheduled date of commercial operation for such additional capacity shall not be later than 18 24 months from the date of effectiveness of these amendments or SCOD date as mentioned in the PPA or firm date of connectivity plus 60 days whichever is later.	improved utilization of the transmission system. As mentioned in the previous comment, in case RE developers willing to participate in the bids to utilise additional RE capacity; SCD date must be aligned as per provisions mentioned under the bid documents (including PPA). Further SCD date should also be linked with firm date of connectivity. The SBGs specify 24 months as project completion period, hence, 18 months to be replaced by 24 months.
5.	Regulation 5.11 (b)	<p>The In principle or final grant of Connectivity intimated to an REGS (with or without ESS) based on solar source or an RHGS with a combination of solar source with another source including ESS (including cases where GNA is effective) shall be converted as an entity with restricted access (corresponding to non-solar capacity during non-solar hours) within a period of one week after the expiry of three months from date of effectiveness of this Regulation:</p> <p>Provided that while converting to restricted access, the Nodal Agency shall consider the application which such an entity may make for additional capacity under this Regulation 5.2 or Regulation 5.11(a) of these regulations, within a period of three months from effectiveness of this Regulation:</p> <p>Provided further that if the quantum of Connectivity that can be made available for non-solar hours is less than 50 MW,</p>	<p>The In principle or final grant of Connectivity intimated to an REGS (with or without ESS) based on solar source or an RHGS with a combination of solar source with another source including ESS (including cases where GNA is effective) shall be converted as an entity with restricted access (corresponding to non-solar capacity during non-solar hours) within a period of 1 week after the expiry of three months—1 year from date of effectiveness of this Regulation:</p> <p>Provided that while converting to restricted access, the Nodal Agency shall consider the application which such an entity may make for additional capacity under this Regulation 5.2 or Regulation 5.11(a) of these regulations, within a period of three months 1 year from effectiveness of this Regulation:</p>	Hon'ble Commission is requested to allow at least 1 year time to developers to decide in case they wish to utilise their respective connectivity for non-solar hours.

		such RES or RHGS shall not be considered for conversion as an entity with restricted access.	Provided further that if the quantum of Connectivity that can be made available for non-solar hours is less than 50 MW, such RES or RHGS shall not be considered for conversion as an entity with restricted access.	
6.	Regulation 11 A (6)	<p>(6) Any changes in shareholding pattern of the Connectivity grantee upto CoD of the project shall be subject to the following:</p> <p>(a) The promoters of the Connectivity grantee shall not cede control (where control shall mean the ownership, directly or indirectly, of more than 50% of the voting shares of such Company or right to appoint majority Directors) of the Company.</p> <p>(b) In case the Connectivity grantee has multiple promoters (but none of the shareholders have more than 50% of voting rights and paid-up share capital), the shareholding pattern shall be maintained and cannot be changed upto COD of the project.</p> <p>(c) Any change in shareholding pattern other than covered in sub-clauses (a) and (b) shall require prior approval of the nodal agency and shall be filed for information of commission within 45 days of such approval. Nodal Agency may allow such application considering the practical requirement for change in shareholding.</p>	<p>(6) Any changes in shareholding pattern of the Connectivity grantee upto CoD of the project shall be subject to the following:</p> <p>(a) The promoters of the Connectivity grantee shall not cede control (where control shall mean the ownership, directly or indirectly, of more than 50% of the voting shares of such Company or right to appoint majority Directors) of the Company.</p> <p>(b) In case the Connectivity grantee has multiple promoters (but none of the shareholders have more than 50% of voting rights and paid-up share capital), the shareholding pattern shall be maintained and cannot be changed upto COD of the project.</p> <p>(c) Any change in shareholding pattern other than covered in sub-clauses (a) and (b) shall be required to be intimated to the nodal agency by no later than 30 days from the date of change in shareholding.</p> <p>Provided that any change in shareholding within same group of companies shall not be considered as a change in shareholding under this regulation.</p>	<p>The regulation tries to address concern regarding changes in majority stake through (a) and (b). Therefore, it is requested that any change in the minority stake should not be taken into consideration. Any change may only be intimated, and no approval may be required in such cases.</p> <p>Bidding guidelines issued by Ministry of Power for tie-up of power from renewable energy projects allow Successful Bidder to sign the power purchase agreements with the SPV. Bidders bid from company where all necessary technical and financial credentials are available. Subsequently PPA is signed with an SPV of Bidding Company. Also, to arrange necessary funds for execution of project by the SPV, credentials of group companies are also utilised.</p> <p>Therefore, change in shareholding within same group of companies, should not be considered as change in shareholding under this regulation, as this does not amount to trading of connectivity, but a genuine requirements of project structuring, financing and implementation.</p>

			<p>Provided further, the above regulations shall be applicable only in those cases, where the date of application of connectivity is after the date of effectiveness of these regulations.</p>	<p>A developer who has already applied for connectivity, would have done so keeping in mind the existing regulations, business scenario and future prospects. Imposing the new regulations to such cases will not be rationale approach. Therefore, it is requested that the new regulation should be applied in a prospective manner, only to those cases where application for connectivity is yet to be applied.</p>
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