CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI

Petition No. 228/MP/2026

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

Date of Order: 18th October, 2026

In the matter of:

Petition under Sections 79(1)(c) and 79(1)(k) of the Electricity Act, 2003 read with Regulation 65 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 seeking extension of Scheduled Commercial Operation Date for 50 MW Wind- Solar Hybrid Project having connectivity at Fatehgarh-IV ISTS Pooling Station until 28.02.2026 and consequent waiver from payment of ISTS Charges under Regulation 13(2)(h)(ii) of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) (Fourth Amendment) Regulations, 2025 read with this Commission's Office Order dated 30.07.2025 and its addendum dated 14.01.2026 and Committee Recommendation Report dated 26.03.2026.

And in the matter of:

1. **AMPIN Energy Green Private Limited**
   309, 3rd Floor Rectangle One,
   Behind Sheraton Hotel, Saket, New Delhi-110017

2. **AMPIN Energy Green Three Private Limited**
   309, 3rd Floor Rectangle One,
   Behind Sheraton Hotel, Saket, New Delhi-110017

……Petitioners

Versus

1. **Central Transmission Utility of India Limited,**
   Floors No. 5th-10th, IRCON International Tower, Tower 1, Plot No. 16, Institutional Area, Sector 32, Gurugram, Haryana-122003

……Respondents

Parties Present: Shri Venkatesh, Advocate, AMPIN

Shri Suhael Bhuttan, Advocate, AMPIN
Ms. Pallavi Saigal, Advocate, CTUIL

ORDER

The AMPIN Energy Green Private Limited (formerly known as AMP Energy Green private Limited) ("AMPIN Green") and AMPIN Energy Green Three Private Limited ("AMPIN Three") (hereinafter referred to as the "Petitioners") had filed the present Petition seeking extension of Scheduled Commercial Operation Date (SCOD) for 50 MW Wind-Solar Hybrid Project having connectivity at Fatehgarh-IV ISTS Pooling Station until 28.02.2026 and consequent waiver from payment of ISTS Charges under Regulation 13(2)(h)(ii) of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 (hereinafter referred to as the "2020 Sharing regulations"). The Petitioners have made the following prayers:

(a) Allow the present Petition.

(b) Approve the Recommendation Report of the CERC Committee dated 26.03.2026 in respect of the Petitioner's 50 MW Wind-Solar Hybrid Project;

(c) Grant extension of the Project's Scheduled Commercial Operation Date until the actual Commercial Operation Date being 28.02.2026;

(d) Hold and declare that the Petitioner is entitled to a 100% waiver of Inter-State Transmission System charges as if the project had achieved COD on or before 30.06.2025 in terms of Office Order dated 30.07.2025 (and addendum thereto);

AND/OR

(e) Pass any such further order(s) as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the present case.

Submission by the Petitioner:

2. The Petitioners have mainly submitted as under:

(a) The present Petition has been filed seeking extension of SCOD until 28.02.2026, for the purpose of waiver of Inter-State Transmission System ("ISTS") charges for 50 MW Project under Regulation 13(2)(h)(ii) of the 2020 Sharing Regulations read with Office Order dated 30.07.2025 and Addendum dated 14.01.2026 issued by this Commission.

(b) This Commission has constituted a "Committee for recommending Extension of Time in SCOD for the specific projects" ("Committee") to conduct a prudence check of the applications submitted by Renewable Energy Generating Station ("REGS") and to recommend whether a project is entitled to the extension of SCOD as sought, in cases

where the delay is not attributable to and beyond the control of REGS. The Committee's recommendations will determine the project's eligibility for continued waiver of ISTS charges.

(c) On 31.08.2022, AMPIN Green applied for grant of Stage-II Connectivity for its Project to be connected at the ISTS Fatehgarh-IV PS under the Connectivity Regulations, 2009. In the Connectivity application, the SCOD for the Project was indicated as 31.12.2024.

(d) CTUIL granted Stage II connectivity on 26.10.2022 as per the provisions of the Connectivity Regulations 2009, with the start date of connectivity as 31.12.2024.

(e) Pursuant to the grant of Stage-II connectivity, on 16.11.2022, CTUIL and the AMPIN Green entered into the Transmission Agreement for Connectivity ("Connectivity Agreement"), wherein the agreed SCOD for the proposed Project was also recorded as 31.12.2024.

(f) Pursuant to the issuance of the GNA Regulations 2022, on 02.05.2023, i.e. within one month from the effective date of the GNA Regulations, 2022, AMPIN Green submitted its consent to CTUIL for conversion of connectivity of the Project and submitted the duly filed application as required under the GNA Regulations 2022.

(g) On 12.09.2024, CTUIL issued the final grant of connectivity for 50 MW wherein the start date of connectivity indicated by CTUIL is 22.08.2026.

(h) AMPIN Green has no control over deciding the new start date of connectivity as communicated by CTUIL. The Project was planned for commissioning by 31.12.2024, which was the start date of connectivity communicated under the Grant of Stage-II connectivity. However, the delay in commissioning of Fatehgarh IV ISTS PS has led to the extension of the start date of connectivity from 31.12.2024 to 22.08.2026, for reasons not attributable to AMPIN Green.

(i) By the time the revised start date of connectivity was communicated, AMPIN Green had already made substantial and irreversible investments and the Project development reached an advanced stage.

(j) In view of the delay in commissioning of the Fatehgarh-IV ISTS Pooling Station to 31.08.2025, which was beyond the control of the Petitioner, on 05.08.2025, AMPIN Green submitted a representation to the Committee seeking extension of SCOD of the

Project and consequent waiver of Inter-State Transmission charges on account of delay in the commissioning timelines of Fatehgarh-IV ISTS PS.

(k) Consequently, CTUIL, vide its email dated 19.01.2026, issued the Committee Report dated 30.09.2025 wherein the SCOD of the Project was extended for a period of six months (i.e. up to 31.12.2025) or actual COD of the project, whichever is earlier so as to enable the Project to avail waiver of ISTS charges as if COD had been achieved on or before 30.06.2025.

(l) On 31.01.2026, the Fatehgarh IV ISTS substation was successfully charged. Accordingly, on 04.02.2026, AMPIN Green submitted another representation to the Committee seeking an additional six-month extension, or the actual COD, whichever is earlier, for the SCOD of the Project, and consequent waiver of Inter-State Transmission charges on account of the delay in the commissioning timelines of Fatehgarh-IV ISTS PS.

(m) The earlier extension of six months granted by the Committee in its report dated 30.09.2025 was considered from 30.06.2025. Therefore, the SCOD was extended up to 31.12.2025, as the first six-month extension. In these circumstances, it must be considered that AMPIN Green would be entitled to another round of extension beyond 31.12.2025, given the delay in commissioning of the Fatehgarh-IV Pooling Station persisted till 31.01.2026.

(n) On 25.02.2026, upon successful completion of the trial run and fulfilment of all commissioning requirements, the Project achieved commissioning on 27.02.2026.

(o) On 26.03.2026, the Committee, *vide* its Report, extended the SCOD of the Project till 28.02.2026 and observed that AMPIN Green had exercised due diligence and completed all requisite commissioning activities within 28 days of the transmission infrastructure becoming available.

(p) The Committee, after conducting a detailed prudence check and examining all relevant facts and documents, has unequivocally recommended extension of SCOD up to 28.02.2026, being the actual date of COD. The said recommendation clearly acknowledges that the delay was attributable to factors not within the control of AMPIN Green and falls squarely within the scope of Regulation 13(2)(h) of the 2020 Sharing Regulations.

(q) In light of the above, AMPIN Green is fully entitled to the benefit of extension of SCOD and the consequential waiver of ISTS charges, as if the Project had achieved COD within the originally stipulated timelines.

Hearing dated 25.05.2026

3. The extracts of the RoP for the hearing dated 25.05.2026 are as under:

"The learned counsel for the Petitioners submitted that the present Petition has been filed seeking extension of the Scheduled Commercial Operation Date for the Petitioners' 50 MW Wind-Solar Hybrid Project having connectivity at Fatehgarh IV ISTS Pooling Station until 28.02.2026 and consequent waiver from payment of the ISTS Charges under Regulation 13(2)(h)(ii) of the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) (Fourth Amendment) Regulations, 2025 read with this Commission's Office Order dated 30.07.2025 and its addendum dated 14.01.2026 and Committee Recommendation Report dated 26.03.2026.

2. After hearing the learned counsel for the Petitioner, the Commission directed as under:

(a) Admit and issue notice to the Respondent.

(b) The Respondent to file its reply, if any, within two weeks with a copy to the Petitioners, who may file their rejoinder, if any, within a week thereafter."

Hearing dated 29.06.2026

4. The extracts of the RoP for the hearing dated 29.06.2026 are as under:

"The learned counsel for the Petitioners submitted that the present Petition has been filed seeking extension of the Scheduled Commercial Operation Date for the Petitioners' 50 MW Wind-Solar Hybrid Project having connectivity at Fatehgarh IV ISTS Pooling Station until 28.02.2026 and consequent waiver from the payment of the ISTS Charges under Regulation 13(2)(h)(ii) of the Sharing Regulations read with this Commission's Office Order dated 30.07.2025 and its addendum dated 14.01.2026 and Committee's Recommendation Report dated 26.03.2026. The learned counsel submitted that the Respondent/CTUIL has not filed any reply, and the matter may accordingly be reserved for order.

2. The learned counsel for the Respondent/CTUIL submitted that CTUIL does not wish to file any reply in the matter.

3. Considering the submissions made by the learned counsel for the parties, the Commission directed the Respondent/CTUIL to file an affidavit within a week clarifying whether the GNA has been made effective for the Petitioner. If yes, the date from which the GNA has been made effective and if not, the status of the transmission system which is required for making the GNA effective for the Petitioner's Project.

4. Subject to the above, the Commission reserved the matter for order."

Submissions of CTUIL in compliance with the RoP for hearing dated 29.06.2026:

5. CTUIL vide affidavit dated 07.08.2026 submitted as under:

(a) The Petitioner's Connectivity has not been made effective, and the anticipated date of effectiveness of the subject Connectivity is 28.02.2027, as per the minutes of the 38th

JCC Meeting of Northern Region held on 24.06.2026 & 25.06.2026.

Analysis and Decision:

6. We have considered the submissions of the Petitioners and the Respondent and the documents placed on the record. The following issue arises for our consideration:

Issue 1: Whether the Petitioner's project is eligible for extension in SCOD and is entitled to a 100% waiver of Inter-State Transmission System charges as if the project had achieved COD on or before 30.06.2025, under Regulation 13(2)(h) of the 2020 Sharing Regulations?

7. The above issue is dealt with in subsequent paragraphs.

8. Petitioner AMPIN Green has submitted that the Petitioner's 50 MW Wind- Solar Hybrid Project having connectivity at Fatehgarh-IV ISTS was planned to be commissioned by 31.12.2024, which was the start date of connectivity communicated under the Grant of Stage-II connectivity. However, the delay in commissioning the Fatehgarh IV ISTS PS has led to the extension of the start date of connectivity from 31.12.2024 to 22.08.2026. In view of the delay in commissioning of the Fatehgarh-IV ISTS Pooling Station, on 05.08.2025, AMPIN Green submitted a representation to the Committee constituted under Regulation 13(2)(h)(ii) of the 2020 Sharing Regulations seeking extension of SCOD of its Project and consequent waiver of inter-State transmission charges. The Committee, vide its Report dated 30.09.2025, recommended a 1st extension for a period of six months or actual COD of the project, whichever is earlier. After charging the Fatehgarh IV ISTS substation on 31.01.2026, on 04.02.2026, Petitioner AMPIN Green submitted another representation on 04.02.2026 to the Committee seeking additional extension. On 26.03.2026, the Committee, vide its Report, recommended a 2nd extension of the SCOD of the 50 MW Wind- Solar Hybrid Project till 28.02.2026.

9. Petitioner AMPIN Green has filed the present Petition seeking extension of SCOD until 28.02.2026, for the purpose of waiver of Inter-State Transmission System charges for its 50 MW Wind- Solar Hybrid Project as recommended by the Committee.

10. The relevant extracts of the Committee's Report dated 30.09.2025 are as under:

> ***"5. Recommendation***
>
> *5.1. The SCOD of the 50 MW Wind-Solar Hybrid project should be reckoned as 31.12.2024 in accordance with the Stage-II Connectivity grant and Transmission Agreement under the 2009 Regulations.*

5.2. The generation project and its dedicated transmission system were ready prior to 30.06.2025; however, COD could not be achieved due to non-commissioning of the ISTS Pooling Station at Fatehgarh-IV.

5.3. The delay is squarely attributable to CTUIL's transmission infrastructure, therefore, qualifies for extension of SCOD under Regulation 13(2)(h) (ii) of the Sharing Regulations, 2020 (as amended).

5.4. Accordingly, the Committee recommends that extension of SCOD of the 50 MW Wind-Solar Hybrid Project of AMPIN Green be granted for a period of six months or actual COD of the project, whichever is earlier, subject to further extension(s) as permissible under Regulation 13(2)(h) of the Sharing Regulations, 2020 (as amended), so as to enable the project to avail waiver of ISTS charges as if COD had been achieved on or before 30.06.2025."

11. The Petitioner AMPIN Green approached the Committee vide its second representation dated 04.02.2026 seeking further extension. The relevant extracts of the Committee's report dated 26.03.2026 are as under:

"4. Committee's examination

4.1 The Committee notes that the delay in commissioning of the project was primarily due to non-availability of the Fatehgarh-IV ISTS substation, which was outside the control of AMPIN Green.

4.2 The project was otherwise substantially ready (the generation project, generation pooling substation, and the dedicated transmission line completed before 30.06.2025) and awaiting availability of the ISTS Substation for commissioning.

4.3 Once the ISTS substation was commissioned on 31.01.2026, AMPIN Green completed the remaining commissioning activities and declared COD on 28.02.2026, i.e., within 28 days.

4.4 The Committee finds that the 28 days period is reasonable and consistent with normal industry practice for completion of commissioning activities. The MNRE Office Memorandum dated 22.10.2019 also recognises that a period of up to 60 days may be required after availability of evacuation infrastructure for completion of commissioning activities.

5. Committee's findings

5.1 The Committee finds that:

The delay up to 31.01.2026 was due to non-availability of ISTS infrastructure, and the period from 31.01.2026 to 28.02.2026 was reasonably required for commissioning activities.

5.2 The Committee also finds that the case falls within the permissible extension framework under Regulation 13(2)(h), as explained in Para 3 above.

6. Recommendation

6.1 In view of the above, the Committee recommends that the SCOD of the 50 MW project of AMPIN Green may be extended up to 28.02.2026, being the actual date of COD.

6.2 This recommendation:

- *is based on the fact that delay was due to transmission system not being available in time,*
- *allows reasonable time for commissioning after availability of ISTS infrastructure, and*
- *remains within the limits prescribed under Regulation 13(2)(h)."*

As per the above, the Committee has recommended extending the SCOD of the 50

MW project of AMPIN Green up to 28.02.2026, being the actual date of COD.

12. Regulation 13(2)(h) of the 2020 Sharing Regulations provides as under:

> *"(h) Any REGS based on wind or solar source or RHGS based on combination of wind and solar source or Battery ESS which is eligible for a waiver of inter-state transmission charges under Regulation 13(2) of these regulations and is having its scheduled date of commercial operation (SCOD) on or before 30th June 2025 is granted extension of time to achieve commercial operation date (COD) on account of any Force Majeure event including non-availability of transmission system or for reasons not attributable to the REGS, and the project achieves COD on or before the extended date, it shall be eligible for a waiver of inter-state transmission charges as if the said REGS had achieved COD on 30.6.2025. Such extension to achieve SCOD for the purpose of this Regulation shall not exceed a period of six months at a time and not more than two times, where the extension provided is for a period beyond 30.06.2025. Such extension shall be granted by:*
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> *(i) Renewable Energy Implementing Agency or a distribution licensee or an authorized agency on behalf of a distribution licensee or MNRE as per the competent authority in terms of the Power Purchase Agreements, where PPA has been entered into consequent to tariff based competitive bidding, under Section 63 of the Act;*
>
> *(ii) Commission based on recommendations of Committee to be appointed by the Commission, for cases other than covered in sub-clause (i) of this Clause. For the purpose of seeking such extension, the concerned generation project or ESS shall file an application to the Committee as notified through a separate Order by the Commission."*

As per the above, the following three conditions are to be met by a RE generator to get waiver in terms of Regulation 13(2)(h):

> ***Condition-1: RE generation project has its scheduled date of commercial operation (SCOD) on or before 30th June 2025.***
>
> ***Condition-2: There is a delay in project CoD on account of any Force Majeure event, including non-availability of the transmission system, or for reasons not attributable to the REGS.***
>
> ***Condition-3: RE generation project has achieved COD on or before the extended date.***

It is further provided that the extension to achieve SCOD under Regulation 13(2)(h) shall not exceed six months at a time and not more than two times; such extensions of two times shall be counted for a period beyond 30.06.2025. Accordingly, 30.06.2025 is the cut-off date for counting the number of extensions and the extension period under the said Regulation.

13. The Committee has concluded that the SCOD of the Petitioner AMPIN Green's 50 MW Hybrid Project was 31.12.2024, i.e., before 30.06.2025. Committee finding the project eligible, recommended extension of SCOD till 28.2.2026, and the Petitioner achieved COD on 28.2.2026.

14. In view of the above discussions, we are of the considered view that the Petitioner AMPIN Green's project shall be eligible for waiver of inter-state transmission charges, as if the project had achieved COD on or before 30.06.2025 in terms of Regulation 13(2)(h) of the 2020 Sharing Regulations.

15. The Petition No. 228/MP/2026 stands disposed of in terms of the above.

Sd/	**Sd/**	**Sd/**	**Sd/**
(Ravinder Singh Dhillon)	**(Harish Dudani)**	**(Ramesh Babu V)**	**(Jishnu Barua)**
Member	**Member**	**Member**	**Chairperson**