

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 35/MP/2024

Coram:

**Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V, Member
Shri Harish Dudani, Member**

Date of Order: 15th March, 2025

In the matter of:

A Petition under Section 79 of the Electricity Act, 2003 read with Regulation 42 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 and amendments thereof praying before this Hon'ble Commission to exercise its powers to "Remove Difficulty" arising out of the operation of the said Regulations.

And in the matter of:

ReNew Surya Vihaan Private Limited

138, Ansal Chamber – II Bikaji Cama Place,
New Delhi – 110006

.....Petitioner

Versus

1. Central Transmission Utility of India Limited (CTUIL)

First Floor, Saudamini, Plot No.– 2, Sector– 29
Near IFFCO Chowk Metro Station
Gurgaon – 122 001 Haryana

2. Solar Energy Corporation of India Limited (SECI)

6th Floor, Plate B NBCC Office Block, Tower-2,
East Kidwai Nagar, New Delhi -110023

.....Respondents

Parties Present: Ms. Mannat Waraich, Advocate, RSVPL
Shri Mridul Gupta, Advocate, RSVPL
Ms. Ashabari Thakur, Advocate, RSVPL
Ms. Suparna Srivastava, Advocate, CTUIL
Ms. Divya Sharma, Advocate, CTUIL
Shri Siddharth Sharma, CTUIL
Shri Lashit Sharma, CTUIL



ORDER

ReNew Surya Vihaan Private Limited (hereinafter referred to as 'Petitioner') has filed the present Petition under Section 79 of the Electricity Act, 2003, read with Regulation 42 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 and amendments thereof with following prayers:

- (a) Allow the Petition;*
- (b) Exercise its power under Regulation 42 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 and accordingly direct Respondent No. 1 to return the Construction Bank Guarantee @ Rs. 5 Lakhs/MW already furnished by the Petitioner and allow the Petitioner to submit Conn-BG 1 of Rs. 50 Lakhs and Conn-BG 3 @ Rs. 2 Lakhs/MW in terms of the GNA Regulations, 2022.*
- (c) Pass any such order and further reliefs as this Hon'ble Commission deems just and proper in the circumstances of the present case.*

Submissions of the Petitioner:

2. The Petitioner has mainly submitted as follows:

- (a) Petitioner was selected as the successful bidder under SECI RfS dated 20.03.2020. It was issued a Letter of Award dated 15.07.2020 for the establishment of a 100 MW Solar Power Project in the State of Rajasthan.
- (b) Under the CERC (Connectivity, Long Term Access and Medium Term Open Access) Regulations, 2009 ('Connectivity Regulations, 2009'), 'Detailed Procedure for "Grant of Connectivity to Projects Based on Renewable Sources to Inter-State Transmission System" ('RE Connectivity Procedure'), the Petitioner submitted its Application seeking grant of Stage-I connectivity on 28.04.2020 to CTUIL and Stage-II Connectivity on 15.7.2020, for evacuation of power from the Project to Fatehgarh-III sub-Station. The Petitioner submitted an application dated 18.08.2020 to CTUIL seeking 100 MW LTA. Petitioner submitted the Construction BG @ Rs. 5 Lakhs/MW towards the grant of LTA to CTUIL.
- (c) The LTA was granted to the Petitioner vide intimation dated 27.10.2020. Thereafter, an LTA agreement dated 24.11.2020 was entered into by the Petitioner and CTUIL.

- (d) Pursuant to the issuance of the LOA, the Petitioner entered into a Power Purchase Agreement dated 07.04.2022 with SECI for the development of a 100 MW Solar Power Project at Village: Neebma, Tehsil: Fatehgarh, District: Jaisalmer, Rajasthan.
- (e) Upon execution of the PPA, the Petitioner, vide its letter dated 26.12.2022, requested CTUIL to firm up its LTA to Northern Region with firmed up beneficiary being Uttarakhand Power Corporation Limited as against the earlier “target,” which was to be situated at Eastern Region and requested CTUIL to release its Construction BG @ Rs. 5 Lakhs/MW.
- (f) The Petitioner, vide Application dated 31.01.2023, filed a revised LTA application with a firm beneficiary for the same capacity (100 MW) in the Northern Region (Drawee Entity as Uttarakhand) without any change in the LTA operationalization date and requested CTU for change in region from ER to NR.
- (g) CTUIL agreed to grant LTA to the Petitioner for 100 MW to UPCL, Uttarakhand (NR) from 01.03.2024 (Interim) to 29.09.2048 for transfer of power with a condition that the final Start date of LTA shall be given upon the award of ISTS elements.
- (h) CTUIL issued a notice to the Petitioner dated 13.04.2023 seeking confirmation on the transition of Connectivity & LTA of the Petitioner in line with the provisions of the GNA Regulations, 2022.
- (i) Accordingly, the Petitioner, vide its letter dated 01.05.2023, provided its confirmation for transitioning the Petitioner’s Connectivity & LTA in line with the provisions of GNA Regulations, 2022.
- (j) On 21.08.2023, CTUIL convened a consultation meeting for the Evolving Transmission Scheme in the Northern Region. During the course of the meeting, it was informed by CTU that as per Regulation 37.3 (3) (d) of GNA Regulations, 2022 [LTA granted but Not Effective], in case the Entity exercises the option (i) of clause (a) of the said Regulation to convert the Long term Access granted under the Connectivity Regulations, 2009 into GNA deemed to have been granted under these regulations, the Construction Bank Guarantee already furnished shall be treated as Conn-BG 1 for Rs 50 lakhs and balance as Conn-BG 2 under these Regulations.
- (k) During the said meeting dated 21.08.2023, the Petitioner informed CTUIL that BGs submitted by the Petitioner under the Connectivity Regulations, 2009 and the Detailed

Procedure issued thereunder, that has been already deposited by the Petitioner is in excess of the requisite amount to be deposited as per the GNA Regulations, 2022 vis-à-vis BGs required from customers who have either not submitted any BG under the Connectivity Regulations or are required to be submitted under the GNA Regulations 2022. Accordingly, it was requested by the Petitioner that its Construction BG @ Rs. 5 Lakhs/MW ought to be returned. The Petitioner further highlighted that it would submit the Conn-BG 3 @ Rs. 2 lakh/MW as required from other customers in line with the GNA Regulations, 2022.

- (l) It is submitted that this Commission has invoked its powers in the past for the removal of difficulty while giving effect to the GNA Regulations, 2022. In this regard, the Petitioner places reliance on the suo moto Order dated 22.09.2023 in Petition No. 11/SM/2023 passed by this Commission whereby it exercised its powers to remove difficulty under Regulation 42 of the GNA Regulations, 2022 and removed certain difficulties raised by CTUIL (in the present case) and other RE developers through their respective letters in the implementation of the GNA Regulations, 2022.
- (m) Regulation 37.3 (3) deals with situations where Long-Term Access has been granted with system augmentation and corresponding treatment of the quantum of Connectivity. Subsection (d) of Regulation 37.3 (3) contains the provision for treatment of the Construction BG already furnished under the Connectivity Regulations, 2009, and what steps a Developer is required to undertake if it has not furnished the Construction BG under Connectivity Regulations, 2009.
- (n) If the Petitioner was a fresh Applicant for the grant of connectivity in terms of the present GNA Regulations, 2022, it would be required to furnish BGs in terms of Regulation 8 of the said Regulations, which are as follows:
 - i. Conn-BG 1 of Rs. 50 Lakhs;
 - ii. Conn-BG 3 @ Rs. 2 Lakhs/MW
(for 100 MW capacity, therefore, the cumulative would be Rs. 2.5 Crores).
- (o) However, in complete contrast, in the present case, as the Petitioner has already furnished a Construction BG of Rs. 5 Crores (Rs. 5 Lakhs/MW for 100 MW), as per Regulation 37.3 (3) (d), the entire Construction BG would be retained as Conn-BG 1 and Conn-BG 2, resulting in a total BG amount of Rs. 5 crores, which would be tantamount to being 100% more than the Conn BGs which would have been furnished,

if the Petitioner was a fresh Applicant or there was no Construction BG submitted by the Petitioner.

- (p) The aforementioned scenario is financially onerous and is resulting in a situation where the Petitioner is being discriminately saddled with additional and disproportionate financial burden for no fault of its own.
- (q) CTUIL adjusted the amount towards Conn-BG 1 of Rs. 50 Lakhs and the remaining towards Conn- BG 2 (i.e., Rs. 4.5 Crores) in terms of Regulation 37.3 (3) (d).
- (r) It is prayed before this Commission to exercise its discretionary power to remove a difficulty in the application of the provisions of Regulation 37.3 (3) (d) of the GNA Regulations, 2022, and mitigate the situation faced by Petitioner. CTUIL may be directed to return the Construction BG @ Rs. 5 Lakhs/MW already furnished by the Petitioner and allowing the Petitioner to furnish the requisite Conn-BG 1 (Rs. 50 Lakhs) and Conn-BG 3 @ Rs. 2 Lakhs/MW in terms of the GNA Regulations, 2022.

Hearing dated 05.03.2024:

- 3. The Commission admitted the Petition and directed the Respondents to file their reply and the Petitioner to submit the scheduled COD and the current status of its 100 MW solar project covered in the present petition on affidavit by 23.3.2024, with an advance copy to the Respondents. The Commission also directed the CTUIL to submit the details of all the Bank Guarantees (for Connectivity & LTA) submitted by the Petitioner as per the Connectivity Regulations 2009 for its 100 MW solar project covered in the present petition and the current status of the bank guarantees.

Submissions of the Petitioner

- 4. The Petitioner vide affidavit dated 22.03.2024 submitted as follows:
 - (a) The Schedule COD of the Project as per the PPA was 01.10.2023. However, the Petitioner was granted an extension by SECI to achieve the Scheduled Commissioning. The revised date of Scheduled Commissioning is 31.03.2024.
 - (b) The Project of the Petitioner is under trial run and is expected to achieve commissioning on or before 31.03.2024.

Submissions of the CTUIL

5. The CTUIL vide affidavit dated 03.10.2024 mainly submitted as under:

(a) Under the Connectivity Regulations, 2009, the following Bank Guarantees were submitted by the Petitioner:

i. **For Connectivity (Stage-II Connectivity Application No. 120002695):** As per intimation for grant of Stage-II Connectivity dated 09.10.2020, no Bank Guarantee for connectivity was to be submitted by the Petitioner.

ii. **For LTA (LTA Application No. 1200002783):** Details of the Construction Bank-Guarantee (CBG) submitted are as below:

- CBG No.: OGT0005210053790
- Issue date: 09.04.2021
- Validity: 31.05.2025
- Amount: 5 Crores (@ Rs. 5 Lakh/MW)
- Bank: OGT0005210053790

(b) In terms of Regulation 37.3 (3) (d) of the GNA Regulations, 2022, the CBG furnished by the entity transitioning to the GNA Regulations is to be treated as Conn-BG1 for Rs. 50 Lakhs and balance as Conn-BG2. Accordingly, the CBG of Rs. 5 Cr. furnished by the Petitioner has been treated as Conn-BG1 for Rs. 50 lakhs and balance (Rs. 4.5 Cr.) as Conn-BG2 in terms of the GNA Regulations.

Hearing dated 06.01.2025:

6. Learned counsel for the Petitioner and CTUIL re-iterated their earlier submissions in the matter. Considering the submissions made by the parties, the Commission reserved the matter for order.

Analysis and Decision:

7. Petitioner has submitted that it is developing a 100 MW Solar Power Project in Rajasthan pursuant to the LoA issued by the SECI on 15.07.2020. The Petitioner was granted 100 MW LTA vide CTUIL intimation dated 27.10.2020, under which Petitioner submitted the Construction Bank Guarantee of Rs. 5 Crores (@ Rs. 5 Lakhs/MW).

8. Petitioner has further submitted that vide its letter dated 01.05.2023, it confirmed for transitioning the Connectivity & LTA of its project as per the GNA Regulations, 2022. CTUIL, during a meeting on 21.08.2023, informed the Petitioner that as per Regulation 37.3 (3) (d) of GNA Regulations, 2022 [LTA granted but Not Effective], the Construction

Bank Guarantee already furnished shall be treated as Conn-BG 1 for Rs 50 lakhs and balance as Conn-BG 2. Petitioner has submitted that if he was a fresh Applicant for the grant of connectivity in terms of the present GNA Regulations, 2022, he would be required to furnish cumulative BGs of Rs. 2.5 Crores (Conn-BG 1 of Rs. 50 Lakhs and Conn-BG 3 @ Rs. 2 Lakhs/MW (total 2.5 Crores). However, in complete contrast, in the present case, as the Petitioner has already furnished a Construction BG of Rs. 5 Crores, as per Regulation 37.3 (3) (d), the entire Construction BG would be retained as Conn-BG 1 and Conn-BG 2, resulting in a total BG amount of Rs. 5 crores. Therefore, on account of having already furnished a Construction BG which had not been returned to the Petitioner at the time transitioning from Connectivity Regulations, 2009 to GNA Regulations, 2022, the Petitioner has been saddled with an additional liability of 2.5 crores, as the entire Construction BG would be taken as Conn-BG 1 and Conn-BG 2.

9. The Petitioner has sought to remove difficulty in the application of the provisions of Regulation 37.3 (3) (d) of the GNA Regulations, 2022 and direction to CTUIL to return the Construction BG @ Rs. 5 Lakhs/MW already furnished by the Petitioner and allowing the Petitioner to furnish the requisite Conn-BG 1 (Rs. 50 Lakhs) and Conn-BG 3 @ Rs. 2 Lakhs/MW in terms of the GNA Regulations, 2022.
10. CTUIL has submitted that in terms of Regulation 37.3 (3) (d) of the GNA Regulations, 2022, the CBG furnished by the entity transitioning to the GNA Regulations is to be treated as Conn-BG1 for Rs. 50 Lakhs and balance as Conn-BG2. Accordingly, the CBG of Rs. 5 Cr. furnished by the Petitioner has been treated as Conn-BG1 for Rs. 50 lakhs and balance (Rs. 4.5 Cr.) as Conn-BG2 strictly in terms of the GNA Regulations.
11. We have considered the submission of the Petitioner and the Respondents. The following issue arises for our consideration:

Whether there is a case for invoking 'Power to Remove Difficulty' under Regulation 42 of the GNA Regulations, 2022, and accordingly direct Respondent No. 1 to return the Construction Bank Guarantee @ Rs. 5 Lakhs/MW already furnished by the Petitioner and allow the Petitioner to submit Conn-BG 1 of Rs. 50 Lakhs and Conn-BG 3 @ Rs. 2 Lakhs/MW?

Now, we proceed to discuss the above issue.

12. We note that the Petitioner has been granted LTA vide intimation dated 27.10.2020, and the Petitioner has furnished a construction phase bank guarantee amounting to

Rs. 5 Crore (i.e. @ Rs. 5 Lacs/ MW).

13. Regulation 37 of the GNA Regulations, 2022, provides for the transition of entities from Connectivity Regulations, 2009, to the GNA Regulations, 2022. Regulation 37.3 (3) (d) of the GNA Regulations, 2022 provides as follows:

37. Arrangement for Transition

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37.3. If Connectivity and Long Term Access have been granted in accordance with the Connectivity Regulations, 2009 but either both Connectivity and Long term Access are yet to become effective or Connectivity is effective and Long term Access is yet to become effective as on the date of coming into effect of these regulations, the same shall be treated as under:

(1) The quantum of Connectivity granted under the Connectivity Regulations, 2009, for which Long term Access has not been granted shall be treated in terms of clause (1) of Regulation 37.6 or Regulation 37.2 depending on whether such Connectivity quantum is effective or not effective.

(2) Where Long term Access has been granted on the existing system, the treatment of such Long term Access and corresponding quantum of Connectivity shall be as under:

.....

(3) Where Long term Access has been granted with system augmentation, the treatment of such Long term Access and the corresponding quantum of Connectivity shall be as under:

(a) The entity shall have the option of either (i) to convert the Long term Access granted under the Connectivity Regulations, 2009 as GNA under these Regulations, or (ii) to surrender such Long term Access.

(b) Option under clause (a) of this Regulation shall be exercised by the applicant within one month of coming into effect of these Regulations, failing which the Long term Access granted under the Connectivity Regulations, 2009 shall be considered as surrendered.

(c) In case the Long term Access is surrendered in terms of option(ii) of clause (a) or clause (b) of this Regulation, the Construction Bank Guarantee furnished under Connectivity Regulations, 2009 shall be encashed to the extent of the estimated cost of ATS has been awarded for implementation (maximum up to value of the bank guarantee already furnished) and balance, if any, shall be returned. The quantum of Connectivity granted under the Connectivity Regulations, 2009 for such quantum of Long term Access that has been surrendered shall be treated as per clause (1) of this regulation.

(d) In case the entity exercises option (i) of clause (a) of this Regulation to convert the Long term Access granted under the Connectivity Regulations, 2009, as GNA deemed to have been granted under these regulations, the

Construction Bank Guarantee already furnished shall be treated as Conn-BG1 for Rs 50 lakhs and balance as Conn-BG2 under these regulations. In case no construction bank guarantee has been furnished pursuant to the signing of PPA and PSA, it shall furnish Conn-BG1 for Rs. 50 lakhs and Conn-BG3 @ Rs. 2 lakh/MW corresponding to such Long term access quantum within two (2) months of exercising option (i) under clause (a) of this Regulation. In case any Conn-BG2 has been furnished under Connectivity Regulations, 2009, the same shall be treated as Conn-BG2 under these regulations. The Conn-BG1, Conn-BG2, and ConnBG3 shall be treated in terms of Regulations 16.1 to 16.4 of these regulations.

(e) On conversion of Construction bank guarantee as Conn-BG1 and Conn-BG2 or furnishing of Conn-BG1 and Conn-BG3 in terms of clause (d) of this Regulation, as applicable, the Long term Access granted under the Connectivity Regulations, 2009 shall be treated as GNA deemed to have been granted under these regulations. The existing agreements between the entity and the Nodal Agency shall be aligned in line with the provisions of these regulations.

(f) In case the entity fails to furnish Conn-BG1 and Conn-BG3 in terms of clause (d) of this Regulation, the Long term access granted to the entity under the Connectivity Regulations, 2009 shall be considered as surrendered in terms of clause (b) of this Regulation.

(g) The quantum of Connectivity for the quantum of Long term access, which has been converted into GNA under clause (e) of this Regulation, shall be treated as Connectivity granted under these regulations.

...

As per above, in terms of Regulation 37.3 (3) of the GNA Regulations, in case the Connectivity and LTA have been granted to an entity under Connectivity Regulations 2009, and the Connectivity and Long-term Access is yet to become effective, the entity shall have the option of, either (i) to convert the Long-term Access granted under the Connectivity Regulations, 2009 as GNA under these Regulations, or (ii) to surrender such Long-term Access.

Further, If the entity exercises the option to convert the Long-term Access granted under the Connectivity Regulations, 2009 as GNA under the said Regulation, the Construction Bank Guarantee already furnished under the Connectivity Regulations, 2009, shall be treated as Conn-BG1 for Rs 50 lakhs and balance as Conn-BG2 under these regulations.

14. Petitioner, vide its letter dated 01.05.2023, gave confirmation for the transition of Connectivity and LTA quantum of 100 MW in line with GNA Regulations, 2022. The snapshot of the duly signed format for the transition of 100 MW LTA under GNA Regulations, 2022, as furnished by the Petitioner, is as under:

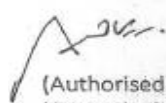
Format - Transition

I, Amit Kumar S/o Shri Raj Kumar working as Vice President in ReNew Surya Vihaan Private Limited, having its registered office at 138, Ansal Chambers-II, Bhikaji Cama Place, Delhi – 110066, do solemnly affirm and say as follows:

- I am the representative in the subject matter and am duly authorized by the Board Resolution dated 01.11.2022 of the above referred Company attached herewith to file the present consent for surrender/conversion under the CERC GNA Regulations
- I submit that, LTA quantum of 100 MW may be considered as converted to GNA in terms of Regulation 37.3 for which requisite BG (as applicable) shall be submitted as per FORMAT-CONN-BG of the Detailed Procedure for connectivity and GNA to ISTS within timelines stipulated in the Regulations.

Thanking You.

For ReNew Surya Vihaan Private Limited



(Authorised Signatory)

Name: Amit Kumar

Designation: Vice President



As per above, the Petitioner has also submitted its consent for submission of the requisite BG in terms of the GNA Regulations.

15. We observe that in the present case, Petitioner had furnished the CBG of Rs. 5 Crore towards LTA under the 2009 Connectivity Regulations, and the LTA was not effective as on the date of effectiveness of the GNA Regulations. The Petitioner had exercised the option to convert its LTA under the Connectivity Regulations, 2009, as GNA. Therefore, in terms of Regulations 37.3 (3)(d) of the GNA Regulations, CBG of Rs. 5 Crore is to be treated as Conn-BG 1 of Rs. 50 Lakhs and Rs. 4.5 Crore towards Conn-BG2. Accordingly, the treatment of the Construction Bank Guarantee has been strictly done by the CTUIL as per clear provisions of the GNA Regulations, 2022.

16. Petitioner has contended that it is being discriminately saddled with the additional and disproportionate financial burden for no fault as in terms of Regulation 37.3(3) (d) vis-a-vis a fresh applicant under the GNA Regulations, 2022, who would have been required to furnish Conn-BG 1 (Rs. 50 Lakhs) and Conn-BG 3 @ Rs. 2 Lakhs/MW, the cumulative amount being Rs. 2.5 crores.

17. We have considered the submissions of the Petitioner. We have perused Connectivity Regulations, 2009 and the LTA Agreement dated 24.11.2020 signed by the Petitioner with CTUIL quoted as follows:

- E) AND WHEREAS **100MW** of power from the said Solar Project has been allocated to target beneficiaries in Eastern Region (ER-100MW) as per their application. Accordingly, **RSVPL** is required to sign this Long Term Access Agreement to avail Long Term Access of transmission facilities for transfer of **100 MW** power from the said Solar Project. The inter-state transmission system indentified for evacuation of the power from the said Solar Project is as indicated in **Attachment-I**.

Annexure-I

Transmission system for LTA

A. Transmission system for present LTA at Fatehgarh-III PS

- 1) Establishment of 2x500 MVA (3rd & 4th) 400/220kV ICT at Fatehgarh-III Pooling station—Part-A
- 2) Fatehgarh-II PS – Fatehgarh-III PS 400 kV (Twin HTLS) 400 kV D/c line—Part-A
- 3) Jaisalmer (RVPN) S/s - Fatehgarh-III PS (Twin HTLS) 400 kV D/c line—Part-A

B. Common Transmission system (Part of Transmission system associated with SEZ in Rajasthan under 8.1 GW Phase-II scheme)

- 1) Augmentation with 765/400kV, 2x1500MVA Transformer (5th & 6th) at Fatehgarh-II PS—Part-B1
- 2) Fatehgarh-II PS – Bhadla-II PS 765kV D/c line (2nd) —Part-B
- 3) 1x240 MVA Switchable line reactor for each circuit at each end of Fatehgarh-II – Bhadla-II 765kV D/c line—Part-B
- 4) Establishment of 765/400kV, 2x1500 MVA S/s at suitable location near Sikar (Sikar-II Substation) with 1x125 MVA at 400kV level & 2x330 MVA bus reactors at 765kV level at Sikar -II—Part-C
- 5) Sikar-II – Neemrana 400kV D/c line (Twin HTLS) —Part-C
- 6) Bhadla-II PS – Sikar-II 765kV D/c line—Part-C
- 7) 1x330 MVA Switchable line reactor for each circuit at Sikar-II end of Bhadla-II – Sikar-II 765kV D/c line—Part-C
- 8) 1x240 MVA Switchable line reactor for each circuit at Bhadla-II end of Bhadla-II – Sikar-II 765kV D/c line—Part-C
- 9) Sikar-II – Aligarh 765kV D/c line—Part-D
- 10) 1x330 MVA switchable line reactor for each circuit at each end of Sikar-II – Aligarh 765kV D/c line—Part-D

18. We observe that the Petitioner had furnished a Construction BG of Rs 5 lakhs/MW since the augmentation of ISTS was identified for the Petitioner. Once the Petitioner sought and was granted LTA under the Connectivity Regulations, 2009, it was bound by the terms and conditions of the Connectivity Regulations, 2009. Since the Connectivity Regulations, 2009 have been repealed and the GNA Regulations, 2022 came into being with clear provisions for transitioning the entities under the

Connectivity Regulations, 2009 to the GNA Regulations, 2022, the Petitioner cannot seek to compare itself to new or fresh entities which shall apply under the GNA Regulations, 2022.

19. It is also noted that under the GNA Regulations, 2022, a fresh Applicant may have to furnish Conn-BG2 equal to the Capital Cost of the Associated transmission system in addition to Con-BG1 of Rs 50 lacs. Such cost of ATS may be higher or lower than 5lac/MW submitted by the Petitioner. Hence, the assumption of the Petitioner that it has been discriminately saddled with additional and disproportionate financial burden compared to fresh applicants is only a conjecture. In fact, Petitioner transitioned to the GNA Regulations, 2022, under the clear provisions of the GNA Regulations, exercising options as per the GNA Regulations knowing the regulatory provisions.

20. Petitioner has prayed for the removal of difficulty in the application of the provisions of Regulation 37.3 (3) (d) by exercising power under Regulations 42 of the GNA Regulations, 2022, which provides as follows:

“42. Power to Remove Difficulty

If any difficulty arises in giving effect to the provisions of these regulations, the Central Commission may, on its own motion or on an application made before it by affected party by order, make such provision not inconsistent with the provisions of the Act or provisions of other regulations specified by the Central Commission, as may appear to be necessary for removing the difficulty in giving effect to the objectives of these regulations.”

As per above, the power to remove difficulty is to be exercised by the Commission to remove any difficulty arising in giving effect of provisions under the GNA regulations. Based on the arguments given by the Petitioner, we do not find the instant case fit to invoke our powers under Regulation 42 of the GNA Regulations. We do not find any merit in the argument of the Petitioner to allow the return of the CBG and to submit Conn-BG 1 of Rs. 50 Lakhs and Conn-BG 3 @ Rs. 2 Lakh/MW.

21. Therefore, the reliefs sought by the Petitioner under the present Petition are rejected.

22. Petition No. 35/MP/2024 is disposed of in terms of the above.

Sd/
(Harish Dudani)

Member

Sd/
(Ramesh Babu V.)

Member

Sd/
(Jishnu Barua)

Chairperson