

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 77/MP/2025

Coram:

Shri Jishnu Barua, Chairperson

Shri Ramesh Babu V., Member

Shri Harish Dudani, Member

Shri Ravinder Singh Dhillon, Member

Date of Order: 17th March, 2025

In the matter of

Petition under Section 79 (1)(c) of the Electricity Act, 2003 read with Regulation 41 and 42 of the Central Electricity Regulatory Commission (Connectivity and General Network Access) Regulations, 2022 seeking invocation of this Hon'ble Commission's "Power to Relax" and "Power to Remove Difficulty" for relaxation of the conditions stipulated for submission of documents pertaining to Financial Closure and directions to CTUIL/Respondent to accept the 'condition subsequent' documents in the name of AEGSPL/Petitioner No. 2 for utilization of Connectivity dated 14.6.2024 under Regulation 11 A (2) of the Central Electricity Regulatory Commission (Connectivity and General Network Access) Regulations, 2022.

And

In the Matter of:

1. AMPIN Energy Green Pvt. Ltd.,

309, 3rd Floor, Rectangle One,
Behind Sheraton Hotel, Saket,
New Delhi-110017

..... Petitioner No. 1

2. AMP Energy Green Seventeen Pvt. Ltd.,

309, 3rd Floor, Rectangle One,
Behind Sheraton Hotel, Saket,
New Delhi-110017

..... Petitioner No. 2

VERSUS

Central Transmission Utility of India Limited (CTUIL),

Having its Registered office at
Power Grid Corporation of India Limited
CTU-Planning (1st Floor-A Wing)
Saudamini, Plot No.- 2, Sector- 29,
Near IFFCO Chowk Metro Station,
Gurgaon- 122 001, Haryana

...Respondent

Parties present:

Shri Girik Bhalla, Advocate, AEGPL



ORDER

The Petitioners, AMPIN Energy Green Pvt. Ltd., and AMP Energy Green Seventeen Pvt. Ltd (hereinafter referred to as 'AEGPL') has filed the present Petition under Section 79 (1)(c) of the Electricity Act, 2003 (hereinafter referred to as 'the Act') read with Regulations 41 and 42 of the Central Electricity Regulatory Commission (Connectivity and General Network Access) Regulations, 2022 (hereinafter referred to as 'the GNA Regulations') seeking invocation of 'Power to Relax' and 'Power to remove difficulty' for relaxation of the conditions stipulated for submission of the documents pertaining to financial closure in terms of Regulation 11A (2) of the GNA Regulations. The Petitioners have made the following prayers:

“(a) Exercise its power under Regulation 41 and Regulation 42 of the GNA Regulations 2022 and thereby direct CTUIL to accept the documents towards fulfilment of conditions subsequent / financial closure under Regulations 11 A (2) in the name of Petitioner No. 2 / AEGSPL for utilisation of Connectivity dated 14.06.2024 granted to Petitioner No. 1 / AEGPL under Regulation 5.8(xi)(a) of GNA Regulations 2022; and

(b) In the interim, injunct CTUIL from revoking the Connectivity dated 14.06.2024 granted to the Petitioners, during the pendency of the present petition.

(c) Pass such other order or orders which are deemed fit and proper in the facts and circumstances of the case.”

2. The matter was heard on 26.12.2024. During the course of the hearing, the learned counsel for the Petitioners reiterated the submissions made in the pleadings and prayed to direct the CTUIL (i) to accept financial closure documents in the name of AEGSPL and (ii) not to take any coercive steps to revoke the connectivity of the Petitioner. After hearing the learned counsel for the Petitioner, the Respondent, CTUIL, was directed not to take any coercive action regarding the Petitioners'

connectivity application, which is the subject matter of the present case, till the next date of hearing.

3. The matter was further heard on 6.2.2025. During the course of the hearing, the learned counsel for the Respondent, CTUIL, fairly submitted that the present matter is squarely covered by the directions issued by the Commission to CTUIL, vide Record of Proceedings for the hearing dated 29.1.2025 in Petition No.147/MP/2025 in the matter of SAEL Industries Limited and Ors. v. CTUIL. Learned counsel further submitted that the Petitioners may be asked to submit the relevant documents of financial closure again in terms thereof, which will be considered by CTUIL as per the directions issued therein, and as such, the issue raised in the matter no longer survives. In response, the learned counsel for the Petitioners submitted that while the Petitioners will submit the relevant documents relating to the financial closure again, the matter may be deferred for a week to seek the necessary instructions on the relevancy of the Petition if any, after the directions issued by the Commission in the aforesaid Record of Proceedings.

4. Considering the above, the Commission adjourned the matter. The Commission further directed the Petitioners to submit their documents relating to financial closure to CTUIL again, which will be considered by CTUIL in terms of directions issued by the Commission vide Record of Proceedings for the hearing dated 29.1.2025 in Petition No. 147/MP/2025.

5. The matter was again heard on 4.3.2025. During the course of the hearing, the learned counsel for the Petitioners submitted that pursuant to the direction issued by the Commission, vide Record of Proceedings for the hearing dated 6.2.2025, the Petitioners have furnished the relevant documents relating to the financial closure to

CTUIL. However, the Petitioners are yet to receive any response from CTUIL. Learned counsel, accordingly, requested to adjourn the matter at this stage and to pass a similar direction of listing the matter for the hearing, if required, as passed in Petition No.147/MP/2025 (SAEL Industries Ltd. and Ors. v. CTUIL). Learned counsel for the Respondent, CTUIL, pointed out that the relevant documents have been furnished by the Petitioners only on 25.2.2025, and the CTUIL is presently reviewing them in terms of the directions issued by the Commission dated 16.1.2025 in Petition No. 503/MP/2024.

6. We have considered the submissions made by the learned counsel for both sides. The Petitioners have filed the instant Petition *inter alia* seeking a direction upon the Respondent, CTUIL, to accept the documents towards the fulfilment of conditions subsequent /financial closure under Regulation 11A (2) in the name of Petitioner No.2/AEGSPL (Wholly Owned Subsidiary of Petitioner No.1/AEGPL) for utilization of the connectivity dated 14.6.2024 granted to the Petitioner No.1/AEGPL (Parent Company of Respondent No.2/AEGSPL) under Regulation 5.8(xi)(a) of the GNA Regulations, 2022. Pertinently, a similar issue fell for the consideration of the Commission in Petition No. 503/MP/2024 in the matter of Tata Power Renewable Energy Limited v. CTUIL, wherein the Commission, vide order dated 16.1.2025, has held as under:

“22. Considering the above, we, in the exercise of our powers under Regulation 41 and Regulation 42 of the GNA Regulations, hereby relax the provision of Regulation 11A(2) of the GNA Regulations and allow the Petitioner, which is the Connectivity grantee, to submit the Financial Closure document in the name of its subsidiary, i.e., TPVSL, to meet the requirement under Regulation 11A(2) of the GNA Regulations. We also condone the delay of three days made by the Petitioner in the submission of these documents to CTUIL.

23. In terms of our directions in the above paragraph, CTUIL shall process the Financial Closure documents as per the law and provisions of the GNA Regulations and verify if TPVSL is a subsidiary of the Petitioner under the Company’s Act.”

7. Thereafter, in Petition No. 147/MP/2025 filed by SAEL Industries Limited and Ors. seeking similar relief(s), the Commission, after taking into account the submissions made by the CTUIL, vide Record of Proceedings for the hearing dated 29.1.2025, has held as under:

“2. Learned counsel for the Respondent, CTUIL, accepted the notice and sought liberty to file a reply. Learned counsel further submitted that a similar issue has been dealt with by the Commission in the past, including in the recent order passed on 16.1.2025 in Petition No. 503/MP/2024 (Tata Power Renewable Energy Ltd. v. CTUIL) and in the above order the Commission has already relaxed the provisions and allowed the documents submitted by the subsidiaries to be considered for the financial closure of parent company. She further submitted that similar dispensation may be considered by this Commission in the instant case subject to compliance of other aspects. Learned counsel further submitted that a large number of similar applications/requests are also pending with CTUIL, and the Commission may consider issuing generic directions/practice directions to deal with such applications/ requests.”

3. The Commission, considering the submissions of the learned counsel for the CTUIL, observed that the issue of submissions of documents of financial closure by the subsidiary is under consideration of the Commission for amendment in the Draft Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2024. Accordingly, the Commission directed CTUIL to accept the documents of financial closure in this case and similar other cases, in terms of our direction dated 16.1.2025 in Petition No.503/MP/2024, till the issuance of the amendment to the GNA Regulations. In view of the above, the Commission also directed the Petitioners to file an affidavit indicating the survival of any of their grievance(s), as raised in the instant case, within two weeks.”

8. Thus, the issue involved in the present case stands completely covered by the direction issued by the Commission in the above Record of Proceedings, whereby the CTUIL has been directed to accept the documents of financial closure of the subsidiary company(ies) for the connectivity granted to the Parent Company in all similar other cases as per the direction issued in the order dated 16.1.2025 in Petition No. 503/MP/2024 till the issuance of amendment to the GNA Regulations to this effect.

9. Further, vide Record of Proceedings for hearing dated 6.2.2025, the Commission has already instructed the Petitioners herein to submit their documents relating to the financial closure to CTUIL once again, which will be considered by

CTUIL in terms of the above direction issued by the Commission dated 29.1.2025 in Petition No. 147/MP/2025. In fact, as indicated above, the Petitioners have already submitted the relevant documents to CTUIL on 25.2.2025, and the learned counsel for the CTUIL has also indicated that such documents are already under review and will be considered towards the fulfilment of conditions subsequent/financial closure under Regulation 11A (2) as per the directions issued by the Commission dated 16.1.2025 and 29.1.2025 in Petition No. 503/MP/2024 and Petition No.147/MP/2025 respectively. Thus, in view of the above, the relief prayed for by the Petitioners in the present case already stands addressed, and therefore, deferring the matter, as requested by the Petitioners, will not serve any useful purpose. The Petitioners' reliance on Petition No. 147/MP/2025 in support of their request to keep the matter pending is also not appropriate as it was only by the Record of Proceedings for the hearing dated 29.1.2025 in the said case, the CTUIL was directed to accept the documents of financial closure of subsidiary company as per the direction issued in order dated 16.1.2025 in the *said case as well as similar other cases*. Now that the instant case is already covered by the above direction, we do not find any cogent reason to keep the matter pending. However, in order to allay the perceived apprehension of the Petitioners, we grant the liberty to the Petitioners to approach the Commission in the event that any of their grievances, as raised in the instant case, remain unaddressed after the CTUIL having considered the relevant documents submitted by them in terms of directions already issued by this Commission.

10. Accordingly, Petition No. 77/MP/2025 is disposed of in terms of the above.

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