

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI
Petition No. 89/MP/2025**

Coram:

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

Date of Order: 25.03.2025

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 to the Inter-State Transmission System) Regulations, 2022 seeking relaxation in the time period for submission of the appropriate Bank Guarantees in terms of Regulation 8.2 (c) of the said regulations.

AND

In the Matter Of:

Tata Power Renewable Energy Limited
Corporate Center B, 34 Sant Tukaram Road,
Carnac Bunder, Mumbai, Maharashtra-400009

...Petitioner

Versus

Central Transmission Utility of India Limited
Floors No. 5-10, Tower 1, Plot No. 16,
IRCON International Tower, Institutional Area,
Sector 32, Gurugram, Haryana - 122001

...Respondent

Parties Present:

Shri Venkatesh, Advocate,
Shri Shubham Arya, Advocate, CTUIL
Ms. Pallavi Saigal, Advocate, CTUIL
Shri Rishabh Saxena, Advocate, CTUIL
Shri Swapnil Verma, CTUIL
Shri Sidharth Sharma, CTUIL



ORDER

The instant Petition has been filed by Tata Power Renewable Energy Limited (TPREL) seeking urgent relief for an inadvertent delay of four days in submitting the Connectivity Bank Guarantees (“Con BGs”) for the 180 MW wind capacity project at Parli SS in Maharashtra, intended for the sale of 200 MW Firm and Dispatchable Power from ISTS-Connected Renewable Energy project to National Thermal Power Corporation Limited (NTPC).

2. The Petitioner is seeking the following reliefs:

- (a) *Admit the present Petition;*
- (b) *Exercise power under Regulations 41 & 42 of GNA Regulations and relax the period of 30 days as set out in Clause 8.2 (c) of the GNA Regulations by a period of 4 days;*
- (c) *Condone the delay of 4 days in submission of the said BGs and direct CTUIL to accept the Con-BGs in terms of the GNA Regulations;*
- (d) *Hold and declare that the Con-BGs are sufficient for the purposes of the GNA Regulations and the delay caused in submission of such BGs shall not lead to any adverse consequences against the Petitioner including that of Respondent – Central Transmission Utility of India Limited closing the connectivity application bearing No. 2200000747, revoking the In- Principle grant of connectivity dated 12.11.2024 among such other; and*
- (e) *Pass such further/other Order(s) as this Hon’ble Commission may deem fit in the facts and circumstances of the case.*

3. The Petitioner also sought interim relief as below:

- (a) *Issue ex-parte ad interim orders/directions to Respondent – Central Transmission Utility of India Limited to not act in any manner prejudicial to the rights and interest of the Petitioner, including, closing the connectivity application bearing No. 2200000747, revoking the In-Principle grant of connectivity dated 12.11.2024 among such other; and/or*
- (a) *Issue ex-parte ad interim orders/directions to Respondent – Central Transmission Utility of India Limited to not act in any manner prejudicial to the rights and interest of the Petitioner, including, closing the connectivity application bearing No. 2200000747, revoking the In-Principle grant of connectivity dated 12.11.2024 among such other; and/or*
- (b) *Issue ex-parte ad interim orders/directions to Respondent and injuncting – Central Transmission Utility of India Limited from taking any coercive and/or precipitative actions till the final disposal of the instant petition; and/or*
- (c) *Pass such further/other Order(s) as this Hon’ble Commission may deem fit in the facts and circumstances of the case.*

Petitioner's submissions:

4. The in-principle intimation for connectivity under the GNA Regulations, 2022 was granted to the Petitioner on 12.11.2024, with the requirement to submit the Con BGs within one month, in accordance with Regulation 8.2 (c) of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 ("GNA Regulations, 2022"), i.e. on or before 12.12.2024.
5. Due to a personnel change within the organization, the relevant email was missed, leading to the delay. This issue was only brought to the Petitioner's attention when CTUIL forwarded the intimation letter to the newly designated responsible individual on 13.12.2024. Upon receiving the intimation, the Petitioner promptly submitted the Con BGs both online on 13.12.2024 and in physical form on 16.12.2024. However, CTUIL, by letter/email dated 16.12.2024, rejected the submission on the grounds of the delay.
6. The Petitioner has diligently undertaken all requisite steps, including that of complying with the necessary regulatory framework; however, for certain unforeseen reasons, as set out in the petition below, it was constrained to furnish the BGs beyond the stipulated time frame of one month in terms of Regulation 8.2 (c) of the GNA Regulations, 2022 with a minor delay of 4 days. Such delay is for reasons that are not deliberate or wilful.
7. On 31.10.2023, NTPC issued the Request for Selection ("RfS") for the selection of Renewable Energy Power Generator(s) (RE-PG) for the supply of 3000 MW of FDRE Power; projects were to be set up on the land to be identified & arranged by the RE-PG anywhere in India along with the draft PPA. Upon emerging as the successful bidder, NTPC, on 22.04.2024, issued LoA in favour of the Petitioner for a contracted capacity of 200 MW out of the total installed capacity of 610 MW, which includes 180 MW Project in Parli, Beed, Maharashtra.

8. On 08.05.2024, the Petitioner submitted its Application to CTUIL for a grant of connectivity for 180MW under GNA Regulations, 2022 for its proposed 180 MW Project RE Power Plant in Beed, Maharashtra. Thereafter, on 02.08.2024, the 31st Consultation Meeting for Evolving Transmission Schemes in Western Region (“CMETS”) was held by CTUIL wherein, the Petitioner was granted connectivity for 180 MW Project at 400kV line bay at Parli on a sharing basis with M/s Renew Pawan Shakti Pvt. Ltd.
9. On 12.11.2024, CTUIL issued an intimation for the in-principle grant of 180MW connectivity to the Petitioner for its proposed RE Power Plant in Beed, Maharashtra. Further, in terms of the said letter, the Petitioner was directed to furnish the Con BGs to CTUIL within one month, i.e., on or before 12.12.2024. At this juncture, it may be noted that the same was communicated to two persons, one of them being Mr. Prashanth Kudva (who was also involved at the stage of filing the Application), who left the Petitioner company before the said letter was issued. Thereafter, on 13.12.2024, CTUIL forwarded the Intimation email dated 12.11.2024 to the Petitioner’s Representative.
10. On 13.12.2024, the Petitioner’s representative promptly responded to CTUIL’s email by issuing the required Con-BGs and emailing them to CTUIL. The physical copies of the Con-BGs were subsequently submitted to CTUIL’s office on 16.12.2024 as per the following details:

Con-BG 1

Bank guarantee No. & Date of Issue	Expiry Date	Claim Expiry Date	Currency	Amount of Bank Guarantee
0393NDLG00216125 13.12.2024	31.07.2026	31.07.2027	INR	50,00,000.00

Con-BG 3

Bank guarantee No. & Date of Issue	Expiry Date	Claim Expiry Date	Currency	Amount of Bank Guarantee
0393NDLG00216025 13.12.2024	31.01.2028	31.01.2029	INR	3,60,00,000.00

11. On 16.12.2024, the CTUIL, vide its email, rejected the Con-BGs submitted by the Petitioner online on 13.12.2024 and also the physical copies subsequently

submitted by the Petitioner on 16.12.2024. CTUIL cited r Petitioner's delay in submission of Con-BGs by 4 days from the due date of 12.12.2024 as its reason for rejection. Hence, the Petitioner has been constrained to file the present Petition.

12. Petitioner qualifies on the touchstone for exercise of Power to Relax/Power to Remove Difficulty as:

- a) Inadvertent delay in submission of BGs is neither deliberate nor wilful.
- b) The present facts and circumstances are causing hardship to the Petitioner as the same may result in revocation of connectivity, despite the inadvertent and non-deliberate delay of 4 days in submission of Conn-BGs in physical form and one day delay in online submission.
- c) The non-grant of connectivity would have a cascading effect on the project implementation schedule. Therefore, in the overall interest of the project and the development of the renewable sector, this Commission may take a considered view and grant the relief as sought for in the present Petition.

Hearing dated 19.02.2025:

13. The Petitioner submitted that the present Petition had been filed for seeking relaxation in the time period for submission of the Connectivity Bank Guarantees ("Conn BGs") for the 180 MW wind capacity project at Parli SS in Maharashtra, intended for the sale of 200 MW Firm and Dispatchable Power From ISTS Connected Renewable Energy project to National Thermal Power Corporation Limited in terms of Regulation 8.2 (c) of the GNA Regulations 2022. Petitioner further submitted that as per the GNA Regulations, the Petitioner was required to submit the Conn BGs on or before 12.12.2024. However, there was an inadvertent delay of 4 days in submitting the Conn BGs, which were finally submitted online on 13.12.2024 and in physical form on 16.12.2024. However,

CTUIL, by letter dated 16.12.2024, rejected the submission on the grounds of the delay.

14.The Respondent, CTUIL, submitted that since the Conn BGs submitted by the Petitioner on 16.12.2024 were required to be submitted before 13.12.2024, the CTUIL, vide email dated 16.12.2024, rejected the same. The Commission directed the Respondent CTUIL to submit on an affidavit within two weeks the present status of 180MW in-principle connectivity granted to the Petitioner.

15.The Commission reserved the matter for Order.

Submissions by the CTUIL:

16.CTUIL, in compliance with RoP for hearing dated 19.02.2025 vide affidavit dated 12.03.2025, has submitted as under:

- (a) The in-principle grant of connectivity to Petitioner was issued by CTU on 12.11.2024 through the existing ISTS network.
- (b) In terms of Regulation 8.2 (c) of the GNA Regulations 2022, applicable Conn-BGs are to be submitted within 1 (one) month of the intimation of the in-principle grant of Connectivity. Therefore, in the instant case, the Petitioner was required to submit Conn-BG 1 of Rs. 0.50 Cr. and Conn-BG 3 of Rs. 3.6 Cr. within one month of the intimation.
- (c) Petitioner did not submit the applicable BGs to CTU within the scheduled time in terms of the intimation dated 12.11.2024 and 2022 GNA Regulations. However, as on date, considering that the present petition is pending before this Commission, the status quo is being maintained with respect to the in-principle grant of connectivity issued to the Petitioner. It is further submitted that CTU shall abide by the decision of this Hon'ble Commission and any consequential direction(s) in the instant petition with respect to the Petitioner's principle grant of connectivity.

Analysis and Decision:

17.The Petitioner, Tata Power Renewable Energy Limited (TPREL), was granted in principle connectivity of 180MW connectivity at Parli Substation, Maharashtra, on 12.11.2024. Petitioner, in terms of 2022 GNA Regulations, was required to submit Conn BGs within one month of the grant, However, it had delayed in submission of the same, the details of which are as under:

Project details	Connectivity details	Last Date for submission of BGs	Statuses of Bank Guarantee
TPREL- 180MW wind Power Project	Connectivity: 180MW In-principle grant date: 12.11.2024 Conn BG-1: 0.5Cr. Conn BG3: 3.6Cr.	11.12.2024	BGs issued by the Bank: Conn BG1: 13.12.2024 Conn BG3: 13.12.2024 BG submission dates: Online submitted: 13.12.2024 Physically submitted: 16.12.2024

18.Petitioner delayed in submission of requisite Con BGs and submitted the online copy of Conn BGs on 13.12.2024 and the physical copy of Conn BGs on 16.012.2024. The petitioner has submitted that the delay was inadvertent and not deliberate. The in-principle grant of connectivity was communicated to two persons, and one of them, who was involved in the stage of filing the application, left the company. Therefore, the relevant email was missed, leading to the delay in the submissions of Conn BGs.

19.CTUIL, vide email dated 16.12.2024, rejected the Conn BGs on the ground that the Petitioner had not submitted the BGs within the stipulated timeframe. However, in response to a specific query about the status of connectivity, CTUIL has submitted that considering that the present Petition is pending before this Commission, the status quo is being maintained with respect to the in-principle grant of connectivity issued to the Petitioner.

20.Petitioner has submitted that delay in submitting the Con BGs should not result in disproportionate consequences, such as revocation of connectivity, especially given the immediate corrective actions taken. Such revocation will cause immense loss and plight to the proposed project, thereby causing undue harm. Accordingly, Petitioner is praying to relax procedural timelines to ensure renewable energy

projects are not jeopardized. As relief, Petitioner also sought direction to CTUIL to abstain from revoking the in-principle connectivity granted on 12.11.2024.

21. We have considered the submission made by the Petitioner and Respondents and perused the Regulatory provisions and the facts available on the record. The issue which arises for our consideration is:

Whether the deadline for submission of Conn BGs as stipulated in Regulation 8.2 (c) of the 2022 GNA Regulations be relaxed for the Petitioner under demonstrated circumstances?

The same is dealt with in subsequent paragraphs.

22. The relevant extracts of Principle 2022 GNA Regulations are as under:

8. “Connectivity Bank Guarantee.

8.1. Connectivity Bank Guarantee shall be submitted by an Applicant in three parts, Conn-BG1 amounting to Rs. 50 lakhs, and Conn-BG2 and Conn-BG3, as provided in Regulations 8.2 and 8.3 of these regulations.

8.2. For cases covered under (i) Regulation 7.1 of these regulations and (ii) Regulation 7.2 of these regulations, Conn-BG2 and Conn-BG3, shall be furnished as under:

(a) Conn-BG2 towards terminal bay(s) shall be furnished on the basis of number of terminal bay(s) allocated as under:

Voltage level of allocated terminal bay	Conn-BG2 (per terminal bay)
132 kV	Rs. 2 crore
220/230 kV	Rs. 3 crore
400 kV	Rs. 6 crore
765 kV	Rs. 12 crore

Provided that if the entity (i) proposes to construct the terminal bay(s) on its own under Regulation 12.4 of these regulations, or (ii) seeks Connectivity at a terminal bay constructed or being constructed by another Connectivity grantee, or (iii) seeks Connectivity through electrical system or switchyard of a generating station, no Conn-BG2 is required to be furnished.

(b) Conn-BG3 @ Rs. 2 lakh/MW, for the existing ISTS and augmentation without ATS, if any, shall be furnished by the entity.

(c) Conn-BG1, Conn-BG2 and Conn-BG3, as applicable, shall be furnished within 1 (one) month of intimation of in-principle grant of Connectivity, failing which the application for Connectivity shall be closed and application fee shall be forfeited.”

As per the above, requisite Conn BGs are required to be submitted within one month from intimation of the in-principle grant of connectivity, failing which the application for connectivity shall be closed, and the application fee shall be forfeited.

23. In the instant case, in principle, connectivity of 180MW was granted to the Petitioner on 12.11.2024 and same day conveyed vide email also. The Petitioner was required to furnish Conn BG1 (Rs. 50 Lacs) and Conn BG3 (Rs. 3.6 Crores) within one month. However, it failed to submit within the stipulated time; accordingly, in principle, the grant of connectivity became liable to be cancelled with forfeiture of the application fee.

24. Petitioner has submitted that the delay in submission of Conn BGs was not deliberate and was an inadvertent lapse from the standard timeline as the person dealing with the matter left the company. We note that on 13.12.2024 when an email dated 12.11.2024 was resent to the Petitioner by CTUIL, Petitioner submitted a scanned copy of Conn BG1 (Rs. 50 Lacs) and Conn BG3 (Rs. 3.6 Crores) vide email on the same day. Thereafter, physical copies of BGs were submitted to CTUIL on 16.012.2024. Accordingly, the delay in the physical submission of BGs is about four (4) days.

25. The Petitioner i.e. Tata Power Renewable Energy Limited (TPREL), is a Generating Company within the meaning of Section 2(28) of the Electricity Act, 2003 ("Act"). As an applicant for a grant of connectivity, compliance with the procedural requirement specified in the Regulation cannot be dependent upon the availability/ non-availability of organisation personnel. However, in the instant case, we note that after noticing the non-compliance, Petitioner promptly intimated the details of requisite Conn BGs issued by the bank through email on the same day and submitted physically after the lapse of four days. These BGs were rejected by the CTUIL, which would lead to revocation of connectivity.

26. Regulation 41 of the GNA Regulations vests the Commission with the power to relax any of the provisions of the GNA Regulations to remove the hardship in operation of the GNA Regulations. Regulation 41 of the GNA Regulations is extracted as under:

“41. Power to Relax:

The Central Commission, for reasons to be recorded in writing, may relax any of the provisions of these regulations on its own motion or on an application made before it by an affected party to remove the hardship arising out of the operation of these regulations.”

27. Further, Regulation 42 of the GNA Regulations vests the Commission with the power to remove difficulty under certain circumstances. Regulation 42 of the GNA Regulations is extracted as under:

“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.”

28. We are of the considered view that the delay in submission of Conn BGs was unintentional and inadvertent. Further, compliance was expeditious therefore, we find the case of the Petitioner a fit case to be considered for relaxation to remove the hardship to the applicant that would arise with revocation of in-principle connectivity granted to the Petitioner.

29. Considering the above, we, in the exercise of our powers under Regulation 41 and Regulation 42 of the 2022 GNA Regulations, hereby relax the provision of Regulation 8.2 (c) to condone the delay of four (4) days in the submission of Conn BG1 and Conn BG3. Accordingly, CTUIL is directed to accept the Conn-BGs in terms of the GNA Regulations.

30. The issue is answered accordingly.

31. Petition No. 89/MP/2025 is disposed of in terms of the above.

Sd/-
(Harish Dudani)
Member

Sd/-
(Ramesh Babu V.)
Member

Sd/-
(Jishnu Barua)
Chairperson