

**BEFORE THE CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 241/MP/2023

**Coram:
Shri Jishnu Barua, Chairperson
Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri P.K. Singh, Member**

Date of order: 16th October, 2023

In the matter of

Petition under Section 79(1)(c) and (f) of the Electricity Act, 2003 read with Regulation 44 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 (GNA Regulations) along with Regulations 110, 111 and 112 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 read with Regulation 6(3) of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012 seeking appropriate directions administering applications filed by Renewable Power Park Developers applying for Connectivity under GNA Regulations.

**And
In the matter of**

Central Transmission Utility of India Limited,
Plot No. 2, Sector- 29,
Gurugram-122001 Haryana

.....**Petitioner**

Vs.

- 1) Rajasthan Renewable Energy Corporation Limited,
Shri K.C. Soni, GM (Solar Park),
E-66, Yudhister Marg, C Scheme,
Ashok Nagar, Jaipur, Rajasthan-302001
- 2) Solar Energy Corporation of India
6th Floor, Plate-B, NBCC Office Block Tower-2,
East Kidwai Nagar,
New Delhi-110023
- 3) Buildivison Private Limited,
Plot No. 315, Nemi Nagar Extension,
Vaishali Nagar, Jaipur, Raj, 302021

4) Frugal Energy Private Limited,
D-59, Ground Floor, D Block, Sector-63, Noida,
Gautam Buddha Nagar, UP, 201305

5) Indian Wind Power Association
E,6th Floor, Shakti Towers-1 766,
Anna Salai Chennai-600002
Tamil Nadu-India

6) National Solar Energy Federation of India,
135-137, 1st Floor, Rectangle-1,
D-4 Saket District Center,
New Delhi-110017

7) Energy Department, Government of Rajasthan
Room No. 2114 Main Building
Government Secretariat,
Jaipur-302006, Rajasthan

.....Respondent

Parties Present:

Shri Swapnil Verma, CTUIL
Shri Siddhartha Sharma, CTUIL

ORDER

The Petitioner, Central Transmission Utility of India Limited (hereinafter referred to as, “the CTUIL”), has filed the instant Petition *inter alia*, seeking the issuance of the appropriate orders or directions regarding the implementation of the GNA provisions relating to the applications for such Connectivity, by the Renewable Power Park Developers (hereinafter referred to as, “RPPD”), which are less than the authorized quantum of the Renewable Power Park. The Petitioner has made the following prayers:

“(a) Admit the present petition; and

(b) Issue appropriate Orders or practice directions regarding implementation of the provisions relating to applications for such connectivity applications which are lesser than the authorized quantum by Renewable Power Park Developers.”

2. The Petitioner has submitted that Regulation 5.5 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State

Transmission System) Regulations, 2022 (in short ‘the GNA Regulations, 2022’), provides that the RPPD shall apply for the grant of connectivity for the quantum for which it has been authorized by the Central Government or State Government as an RPPD. The Petitioner has further submitted that Respondents No. 3 & 4, namely, MRS Buildvison Private Limited and Frugal Energy Private Limited, both of whom are authorized entities as RPPD, had initially applied for the grant of the connectivity to the Petitioner for a quantum that was less than the quantum for which the RPPDs have been authorized by the concerned State Government Agency, i.e. Respondent No.1, Rajasthan Renewable Energy Corporation Limited (hereinafter referred to as, “the RRECL”). However, subsequently, both of these Respondents have applied for connectivity for the entire authorized quantum, and therefore, the issue raised in the Petition no longer survives qua them. The Petitioner has submitted that since similar instances are likely to come in future as well, the Commission may proceed to consider the present Petition for the issuance of appropriate directions regarding the implementation of the provisions relating to the connectivity applications that are less than the authorized quantum by RPPDs.

3. The Petitioner has further submitted that, the Commission may issue practice directions principally on the following aspects of Regulation 5 of GNA Regulations, in addition to any other consideration that may emanate pursuant to the proceedings or based upon the submissions and recommendations of the Respondents:

- (a) The provision for application for Connectivity by RPPD(s) in stages or fragments of the authorized quantum subject to the said quantum being not less than 25% of the total authorized quantum or 50 MW, whichever is higher;

(b) Provision for application for enhancement of connectivity by RPPD(s) at the same location for a quantum not less than 25% of the total authorized quantum or 50MW, whichever is higher, except in such cases where the remainder authorized quantum is lesser than 50 MW.

(c) Provision for a new and separate application for Connectivity by RPPD(s) at a separate location for a quantum not less than 25% of the total authorized quantum or 50MW, whichever is higher; except in such cases where the remainder authorized quantum is lesser than 50 MW.

4. The matter was listed for admission on 10.10.2023. During the course of the hearing, the Commission observed that through the present Petition, the Petitioner is seeking an amendment to certain provisions of the GNA Regulations in order to address the problems arising out of connectivity applications. The Commission further clarified that filing of the petition is not the proper process for initiating the amendment to the existing regulations. The Commission under Section 178 of the Electricity Act, 2003, has been vested with the power to make, amend and repeal the regulations on the subjects which have been authorized under various provisions of the Act. Action to make or amend the regulation cannot be initiated by way of a Petition. Such a process of amending or repealing regulations can be initiated only when the Commission is satisfied that there is a need for such amendment to the existing regulations. The Petitioner being a statutory body and vested with specific statutory functions is at liberty to approach the Commission with a comprehensive proposal with respect to the eligibility of a Renewable Power Park Developer to apply for the grant of the connectivity for a quantum less than the quantum authorized in the Renewable Power Park Developer (RPPD) by the Central government or the

State Government.

5. In response, the representative of the Petitioner sought permission to withdraw the present Petition with the liberty to file a comprehensive proposal in this regard.

6. Considering the submissions of the representative of the Petitioner, the Petitioner is permitted to withdraw the present Petition. We direct the staff to examine the proposal of the Petitioner after receiving the same and submit it to the Commission for consideration. The Indian Wind Power Association and National Solar Energy Federation of India are also permitted to submit their proposal/ views to the Commission with regard to the redressal of the matter regarding the eligibility of a Renewable Power Park Developer to apply for the grant of the connectivity for a quantum less than the quantum authorized in the Renewable Power Park Developer (RPPD) by the Central government or the State Government.

7. Accordingly, the Petition No. 241/MP/2023 is disposed of as withdrawn.

Sd/-
(P.K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(I.S. Jha)
Member

sd/-
(Jishnu Barua)
Chairperson