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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 117/2024

ABC RJ LAND 01 PVT LTD

..... Petitioner

Through: Ms. Swapna Seshadri, Adv. alongwith  
Mr. Harsha V. Rao and Ms.  
Aishwarya Subramani, Advs.

versus

CENTRAL ELECTRICITY REGULATORY COMMISSION &  
ORS.

..... Respondents

Through: Ms. Suparna Srivastava and Ms.  
Aastha Jain, Advs. for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE SACHIN DATTA**

**ORDER**

**05.01.2024**

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1. The present petition has been filed by the petitioner, a generating company, which is desirous of seeking connectivity to the Fatehgarh-II pooling substation (PS) pursuant to its application dated 23.12.2021 under the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 (“GNA Regulations”).

2. Learned counsel for the petitioner submits that pursuant to the aforesaid application, the petitioner purchased a land near the Fatehgarh-II PS, however, due to unavailability of capacity, the respondent no.2 i.e. Central Transmission Utility of India Limited (CTUIL) granted connectivity to the petitioner at Fatehgarh-IV PS. However, the option to move from Fatehgarh –IV PS to Fatehgarh-II PS or Fatehgarh-III PS was to be retained



and was to be considered based on application priority in case of any ‘bay vacancy’.

3. It is submitted that the CTUIL noted in its meeting dated 20.06.2023 (minutes of which were circulated on 05.07.2023) that it will not grant any connectivity at Fatehgarh-II PS(for reasons mentioned therein); however subsequently, the CTUIL has received / accepted applications by certain other parties for connectivity at Fategarh-II PS.

4. It is submitted that the petitioner has raised the issue multiple times before the CTUIL and has also now proceeded to file a petition before the Central Electricity Regulatory Commission (CERC) under Section 79 (1) (c) 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. In the said petition that has been filed before the CERC, it has been prayed as under :-

*“(a) Direct the CTUIL to provide opportunity to the Petitioner to file Application with reasonable timelines to the Petitioner retaining its seniority of 23.12.2021, as no opportunity/intimation was given post 20.06.2023, when it was decided by CTUIL, not to give any connectivity in view of the pending GIB issues before the Hon’ble Supreme Court of India, before accepting any new applications for the Fatehgarh II PS;*

*(b) Further, direct the CTUIL to process the request of the Petitioner with the same time stamp of its submission on 23.12.2021 for giving connectivity at Fatehgarh II considering it as deemed to have been filed on the said date in the facts and circumstances of the Petition;*

*(c) Restrain CTUIL from processing any new application for connectivity at Fatehgarh II until the final decision in the instant petition; and*

*(c) Pass any such other and further reliefs as the Hon'ble Commission may deem just and proper in the facts and circumstances of the*



*present case.”*

5. It is submitted by the learned counsel for the petitioner that although an endeavour has been made to get the aforesaid petition listed before the CERC expeditiously, however, the said petition is not likely to be taken up for hearing prior to 19.01.2024.

6. The present petition has been filed on the apprehension that in the forthcoming meeting of CTUIL on 08.01.2024, the CTUIL may consider pending applications for connectivity at Fatehgarh-II PS and may grant connectivity to some other party ignoring the petitioner's seniority and existing application status, thereby rendering infructuous the aforesaid petition filed by the Petitioner in the CERC.

7. Learned counsel for the respondent no.2, who appears on advance notice, submits that the apprehension of the petitioner is misconceived inasmuch as no decision has been taken by the CTUIL to grant connectivity at Fatehgarh-II PS to any other third party. It is further submitted that no decision in this regard is likely to be taken in the forthcoming meeting on 08.01.2024, except to take note of receipt of other applications seeking connectivity and also the receipt of the petitioner's representation.

8. In light of the aforesaid statement made by learned counsel for CTUIL, there is no basis for the petitioners to apprehend that the prayer sought by it in its petition before the CERC shall be rendered infructuous before the matter is taken up by the CERC. As such, no orders are required to be passed in the present petition; the same is accordingly disposed of.

**SACHIN DATTA, J**

**JANUARY 5, 2024/r**