

CENTRAL ELECTRICITY REGULATORY COMMISSION

SKV Law Offices secures ex-parte ad-interim relief for Engie SPVs: CERC directs status quo to be maintained

SKV Law Offices successfully represented four Engie group companies – Litsolaire Energy Private Limited, Khaba Renewable Energy Private Limited, Luceo Solar Private Limited and Enren-I Energy Private Limited – before the Central Electricity Regulatory Commission in a batch of petitions arising out of the summary closure of their applications for connectivity with non-solar hour access, filed within the Right of First Refusal (“RoFR”) window under the CERC (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 (“GNA Regulations”). By its order dated 16.10.2026 in Petition Nos. 527/MP/2026, 528/MP/2026, 532/MP/2026 and 551/MP/2026, the Commission admitted the petitions, issued notice to the Central Transmission Utility of India Limited (“CTUIL”), and directed that the capacity corresponding to the Petitioners’ non-solar hour applications shall not be allocated to any third party until further orders.

Background

The Third Amendment to the GNA Regulations, effective from 09.09.2025, divided connectivity to the inter-State transmission system into solar hour access and non-solar hour access. Capacity at an existing solar project’s connection point which goes unused at night became available for allocation to storage and other projects, and existing solar grantees were given a Right of First Refusal, within a limited window, to claim that capacity at their own connection points ahead of all other applicants.

Each of the four Engie group companies holds connectivity to the inter-State transmission system for a solar project in Rajasthan. In February 2026, and within the RoFR window, each applied under Regulation 5.2 of the GNA Regulations to integrate a Battery Energy Storage System within its

existing connectivity, so that the solar project would use the substation bay and dedicated line by day and the storage system by night.

In March 2026, CTUIL summarily closed all four applications on a single procedural ground, namely that the affidavit accompanying the application had been sworn by one authorised signatory while the application itself had been digitally signed by another, *notwithstanding that both signatories stood authorised under the very same Board Resolution*. CTUIL treated the discrepancy as a “major deficiency”, a classification which carries closure of the application in its entirety without any opportunity to cure. The RoFR window has since elapsed, and the priority attaching to it cannot be replicated.

Without prejudice to their rights, the companies filed fresh applications in May 2026 under the general route. Those applications, however, rank only by their date and time stamp against margins which are finite and are being allocated substation by substation.

Submissions made by the Petitioners

The Petitioners were represented by SKV Law Offices, led by Mr. Shryeshth Ramesh Sharma. It was submitted that the impugned closure is wholly disproportionate to the nature of the defect. The mismatch was an inadvertent and bona fide lapse as between two duly authorised officers acting under one and the same Board Resolution, which was itself on the record of the application, and it touched neither the eligibility of the applicant, nor the quantum applied for, nor the location at which connectivity was sought, nor the authority of the signatories.

The Petitioners accordingly invoked the powers of the Commission under Regulation 41 (Power to Relax) and Regulation 42 (Power to Remove Difficulty) of the GNA Regulations, seeking relaxation of the automatic-closure consequence and the revival, restoration and processing of their applications on merits with the RoFR priority preserved as on the date of original filing.

It was further submitted that the fresh applications filed under the general route furnish no answer to the prejudice suffered, being subject to general queue priority and to residual bay and transmission margin availability, and carrying no assurance of allocation. On that basis, the Petitioners pressed for an interim direction restraining CTUIL from creating any third-party right over the non-solar hour capacity corresponding to their applications during the pendency of the petitions.

Decision of the Commission

The Commission, comprising Shri Jishnu Barua, Chairperson, and Shri Ramesh Babu V., Shri Harish Dudani and Shri Ravinder Singh Dhillon, Members, admitted the petitions and issued notice to CTUIL, directing it to file its reply within two weeks, with liberty to the Petitioners to file a rejoinder within a week thereafter. In the meantime, the Commission directed that **the capacity corresponding to the Petitioners' non-solar hour applications shall not be allocated to any third party until further orders**, thereby preserving the status quo in respect of the disputed capacity. The petitions have been listed for hearing on 10.11.2026.

Significance

The interim direction preserves, at the very threshold and before any reply has been filed, the precise subject matter of the dispute. Non-solar hour margins at the concerned substations are finite and are being allocated meeting by meeting; absent such protection, the Petitioners' success in the petitions was liable to be rendered infructuous by intervening allocations in favour of third parties.

The petitions also raise a question of wide application for the renewable energy and storage sector, namely whether a curable irregularity of form in the attestation of an application can visit an applicant with the forfeiture of a time-bound statutory priority which, once the window has closed, cannot be regained. The outcome will bear on the treatment of "major" and "minor" deficiencies in connectivity applications generally, and on the scope of the Commission's power to relax and to remove difficulty where the consequence of a procedural lapse is disproportionate to the lapse itself.

SKV Team

The SKV team was led by Mr. Shryeshth Ramesh Sharma (Senior Partner), with Mr. Akash Lamba (Counsel), Mr. Vedant Choudhary (Senior Associate) and Mr. Nilesh Purohit (Associate), of SKV Law Offices, who appeared for the Petitioners.

FOR FURTHER INFORMATION PLEASE CONTACT

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