

F. No. 283/26/2021-GRID SOLAR-Part(1)

भारत सरकार / Government of India

नवीन और नवीकरणीय ऊर्जा मंत्रालय/ **Ministry of New & Renewable Energy**

Atal Akshay Urja Bhawan,
Lodi Road, New Delhi – 110003

Dated: 31st May, 2023

OFFICE MEMORANDUM

Reference is invited to MNRE's O.M. No. 283/26/2021-GRID SOLAR-Part(1) dated 03.02.2022. In the light of an IA filed by MNRE in the Hon'ble Supreme Court, contesting the Hon'ble Supreme Court's Order dated 19.04.2021 (in I.A. No. 85618/2020 in W. P. No. 838 of 2019) regarding undergrounding of transmission lines in habitats of Great Indian Bustard (GIB) in Rajasthan and Gujarat, MNRE extended the scheduled date of commissioning to a date 30 days after the judgement by Hon'ble Supreme Court in respect of projects, where the REIA is the intermediary procurer & for which transmission infrastructure lies wholly or partly in the priority or potential area; the land has been procured and the project commissioning is delayed due to non-completion of project transmission infrastructure on account of the aforesaid Order of the Hon'ble Supreme Court.

2. In the meantime, on 16.01.2023, the Hon'ble Supreme Court appointed a Three Members Committee in the GIB case, filed a Status Report in the Hon'ble Supreme Court, as per which, it is observed that the Supreme Court appointed Committee has ratified / approved many of the applications made to it. In the light of the Orders of the Hon'ble Supreme Court; the open-ended extension in Scheduled Commissioning (*to a date which is 30 days after the date of judgement by the Hon'ble Supreme Court in the IA filed by MNRE*) as per MNRE's O.M No. 283/26/2021-GRID SOLAR-Part(1) dated 03.02.2022, stands revoked. In each case where a Developer needs extension for good and valid reasons, the Developer will apply for extension of time and the Renewable Energy Implementing Agencies (REIAs) shall take a decision on merits. Where there are good grounds for extension, such extension shall be granted, but only for the period strictly necessary.
3. Any Developer who has not tied up land in the GIB area cannot claim to be affected by GIB. Therefore, the REIAs shall verify as to when and how much land the Developer has tied up in the area affected by GIB.
4. In the GIB case, where some Developer has not applied to the Committee for clearance of the line, they will not qualify for extension. A grace period of 15 days be given from the date of issuance of this Order for applying to the Committee constituted by the Hon'ble Supreme Court.
5. Where a Developer has not been able to apply to the Committee for a valid reason, they should apply to the Government i.e. MNRE, indicating the reasons therefor, and if the reasons are valid, then the Government will grant time-extension.
6. Where the Developer has applied for clearance of his transmission line before the Three Members Committee constituted by the Hon'ble Supreme Court and the line has been approved by the Committee, the Developer shall be given necessary time to complete the project by REIAs. The necessary time shall be calculated strictly.



7. In case where the RE Developer has made an application before the Three Members Committee constituted by the Hon'ble Supreme Court and the decision from the Committee is awaited, in such a case no coercive action shall be taken against the Developer, whose application is pending before the Committee and the Developer will be granted time-extension till the decision of the Committee and thereafter time-extension to complete the project.

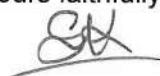
8. In case where the RE Developer has applied before the Three Members Committee constituted by the Hon'ble Supreme Court and the Committee has rejected the application for transmission line, the Developer may apply to Government of India i.e., MNRE, which will examine the merits of the case, and if a case for sanction is made out, the REIA may approach the Committee to have a relook at it.

9. In each case, the REIA should examine whether the Developer has taken due steps to implement the project in all sincerity or not, and whether they have not been able to progress the project for reasons beyond their control. Where it is seen that the Developer has not taken steps to progress the project to the extent possible, the Developer shall not qualify for extension.

10. Similarly, MNRE conveyed to REIAs vide letters dated 29.12.2022 and 25.01.2023 that they may grant extension in Scheduled Commissioning Dates. It is clarified that the extension be granted only if the Developer can demonstrate that they took sincere steps to implement the project, and the project could not be implemented for reasons beyond their control. It should be seen whether the Developer has taken steps to tie up the land, apply for connectivity, placed orders for equipment, etc. If it is seen that the Developer has not taken steps to progress the project he shall not qualify for extension.

11. This issues with the approval of Hon'ble Minister of Power & NRE.

Yours faithfully,



(Sanjay G. Karndhar)

Scientist-D

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To:

1. **The Managing Director**, Solar Energy Corporation of India (SECI), Plate-B, 6th Floor, Tower 2, NBCC Office Block, East Kidwai Nagar, New Delhi-110023
2. **The Chairman & Managing Director**, NTPC Ltd., NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi.
3. **The Chairman & Managing Director**, NHPC Limited, N.H.P.C Office Complex, Sector-33, Faridabad, Haryana.

Copy to:

The Chairman & Managing Director, SJVN Limited, Shakti Sadan, Shanan, Shimla-171006, Himachal Pradesh

Copy for internal circulation to:

PS to Hon'ble Minister (Power & NRE) / PS to MoS (NRE) / PSO to Secretary / All Joint Secretaries / Advisers / Group Heads in MNRE