

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 169/TL/2013

Coram:

**Shri Gireesh B.Pradhan
Shri M.Deena Dayalan, Member
Shri A.K.Singhal, Member**

Date of Hearing: 29.10.2013

Date of Order: 07.11.2013

In the matter of

Application for grant of Transmission Licence to Aravali Power Company Private Limited, New Delhi.

**And
in the matter of**

Aravali Power Company Private Limited, New Delhi ... **Petitioner**

Vs

1. Tata Power Delhi Discom Limited, New Delhi
2. BSES Rajdhani Power Limited, New Delhi
3. BSES Yamuna Power Limited, Delhi
4. Andhra Pradesh Transmission Co. Ltd., Hyderabad
5. Kerala State Electricity Board, Thiruvnantpuram
6. Uttar Pradesh Power Corporation Ltd, Lucknow
7. Power Development Department, Jammu & Kashmir, Jammu

Respondents

The following were present:

1. Shri N.N.Sadasivan, APCPL
2. Shri S.K.Sharma, APCPL
3. Shri Ajay Dua, APCPL
4. Shri B.S.Rajput, APCPL

ORDER

The petitioner, Aravali Power Company Private Limited has filed this petition under sections 14 and 15 of the Electricity Act, 2003 read with Regulation

6 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions of Transmission Licence and other related matters) Regulations, 2009 (hereinafter "Transmission Licence Regulations") for grant of transmission licence for the dedicated transmission line comprising the following elements:

Transmission Line:

Name	Voltage Class (kV)	Length(Km)	Type (S/C or D/C)
Jhajjar-Mundaka	400 kV	65.69 kms	D/C

2. We had examined the application of the petitioner in the light of the provisions of the Electricity Act, 2003 and the provisions of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009 (hereinafter referred to as 'the transmission licence regulations') and had come to the following conclusion in our order dated 30.9.2013;

"16. The Commission vide its order dated 8.6.2013 had directed the petitioner to file appropriate application for grant of transmission licence. In compliance with Commission's direction, the petitioner has filed present application for grant of transmission licence. The petitioner has complied with the provisions of the Act and Transmission Licence Regulations for grant of licence. The petitioner is also engaged in the business of generation of power. During the course of hearing, the representative of the petitioner submitted that the petitioner shall maintain separate accounts for each business in terms of Regulation 15 of the Transmission Licence Regulations. Considering all the materials on record, we are *prima facie* of the view that the petitioner satisfies the conditions for grant of inter-State transmission licence for the transmission line as described in para 1 of this order. We, therefore, direct that a public notice under clause (a) of sub-section (5) of Section 15 of the Act be published to invite suggestions or objections from the public to grant of transmission licence to Aravali Power Company Limited."

3. The public notice under Section 15 (5) of the Act was published on 5.10.2013 in all editions of Hindustan Times and Amar Ujala (Hindi). In response

to the public notice, no suggestions/objections have been received. During the hearing, the representative of the petitioner confirmed that the copy of the petition has been served on all the respondents. None of the respondent have filed reply to the petition and none appeared on behalf of the respondents. The representative of the petitioner also confirmed that separate accounts are being maintained for the generation and transmission activities by the petitioner.

4. We have considered the application of the petitioner for grant of transmission licence. Clauses (15) and (16) of Regulation 7 of transmission licence regulations provide as under:

“(15) The Commission may after consideration of the further suggestions and objections, if any, received in response to the public notice aforesaid, grant licence as nearly as practicable in Form-III attached to these regulations or for reasons to be recorded in writing, reject the application if such application is not in accordance with the provisions of the Act, the rules or regulations made thereunder or any other law for the time being in force or for any other valid reasons.

(16) The Commission may, before granting licence or rejecting the application, provide an opportunity to the applicant, the Central Transmission Utility, the Long-term customers, or the person who has filed suggestions and objections, or any other person:

Provided further that the applicant shall always be given a reasonable opportunity of being heard before rejecting the application.”

5. In the order dated 8.6.2013, the petitioner was directed to file appropriate application for grant of transmission licence as the dedicated transmission line fulfills the condition for being treated as an ISTS. Accordingly, we proposed to grant transmission licence to the applicant company and directed for issue of public notice. In response to the public notice, no suggestions/objections have been received. We are satisfied that the applicant company meets the

requirements of the Act and the Transmission Licence Regulations for grant of transmission licence for the subject transmission system mentioned at para 1 of this order. Accordingly, we direct that a transmission licence be granted to Aravali Power Company Limited for the operation and maintenance of the Jhajjar-Mundaka transmission line as per the details given in para 1 above.

6. The grant of transmission licence to the petitioner is subject to the fulfillment of the following conditions throughout the period of licence:

(a) The transmission licence shall, unless revoked earlier, remain in force for a period of 25 years;

(b) The transmission licensee shall comply with the provisions of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009 or any subsequent enactment thereof during the period of substance of the licence.

(c) Useful life of the transmission system as per the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 is 35 years. The present licence is granted for 25 years. Accordingly, it is directed that the applicant shall approach the Commission in the 23rd year of the present licence for grant of licence for another term in accordance with Regulation 13 (2) of the Transmission Licence Regulations.

(d) The petitioner shall not enter into any contract for or otherwise engage in the business of trading in electricity during the period of subsistence of the transmission licence;

(e) The petitioner shall have the liability to pay the license fee in accordance with the provisions of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, as amended from time to time or any other regulations in force. Delay in payment or non-payment of licence fee or a part thereof for a period exceeding sixty days shall be construed as breach of the terms and conditions of licence;

(f) The petitioner shall comply with the directions of the National Load Despatch Centre under section 26 of the Act, or the Regional Load Despatch Centre under sections 28 or 29 of the Act, as may be issued from time to time for maintaining the availability of the transmission system;

(g) The petitioner shall remain bound by the Central Electricity Regulatory Commission (Standard of performance of inter-State transmission licensees) Regulations, 2012.

(h) The petitioner shall provide non-discriminatory open access to its transmission system for use by licensees, or generating company or any other person in accordance with the Act, Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 and Central Electricity Regulatory Commission (Grant of Connectivity,

Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 as amended from time to time;

(i) The petitioner shall not undertake any other business for optimum utilization of the transmission system without prior intimation to the Commission and shall comply with the provisions of the Central Electricity Regulatory Commission (Sharing of revenue derived from utilization of transmission assets for other business) Regulations, 2007, as amended from time to time;

(j) The petitioner shall remain bound by the Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2010 as amended from time to time;

(k) The petitioner shall remain bound by the provisions of the Act, the rules and regulations framed thereunder, in particular the Transmission Licence Regulations, the Grid Code, the Standards specified by the Central Electricity Authority, orders and directions of the Commission issued from time to time.

(l) The petitioner shall maintain separate accounts for each business in terms of Regulations 15 of the Transmission Licence Regulations.

7. The petitioner during the hearing submitted that after the grant of transmission licence, direction may be issued to CTU/RLDC to shift the energy meter from Mundka sub-station to the bus bar of the generating station. In this connection, it is clarified that after grant of transmission licence, the transmission licensee will be considered as an Inter-State transmission System and accordingly, the metering shall be done in accordance with Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 as amended from time to time.

8. Petition No. 169/TL/2013 is disposed of in terms of the above. We direct that copies of this order shall be endorsed to all the respondents.

sd/-
(A.K.Singhal)
Member

sd/-
(M. Deena Dayalan)
Member

sd/-
(Gireesh B.Pradhan)
Chairperson