

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 94/TL/2014**

**Coram:**

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

**Date of Hearing: 28.8.2014**

**Date of Order: 04.9.2014**

**In the matter of**

Application under Section 14 read with section 15 (1) of the Electricity Act, 2003 for grant of transmission license to NRSS XXXI (A) Transmission Limited (A 100% wholly owned subsidiary of Power Grid Corporation of India Limited).

**And**

**In the matter of**

NRSS XXXI (A) Transmission Limited  
B-9, Qutab Institutional Area, Katwaria Sarai,  
New Delhi 110 016

.....**Petitioner**

**Vs**

1. U.P. Power Corporation Limited (UPPCL)  
Import Export Payment Circle, 14th Floor,  
Shakti Bhawan Extn. Building,  
14 Ashok Marg, Lucknow, UP
2. AD Hydro Power Limited  
Bhilwara Towers, A-12,  
Sector-1, Noida - 201 301
3. Haryana Power Purchase Centre  
Shakti Bhawan Energy Exchange Room No. 446,



- Top Floor, Sector - 6,  
Panchkula - 134 109, Haryana
4. Punjab State Power Corporation Limited  
Shed No. T-1 A, Thermal Design,  
Near 22 No. Phatak, Patiala, Punjab
  5. Himachal Sorang Power Pvt. Ltd.  
901 B, 9th Floor, Time Tower,  
M. G. Road, Gurgaon – 122009, Haryana
  6. Adani Power Limited,  
Mundra, 3<sup>rd</sup> Floor, Achalraj, Opp. Mayors Bungalow,  
Law Garden, Ahmedabad - 380006
  7. Jaipur Vidyut Vitran Nigam Limited  
Vidyut Bhawan, Janpath,  
Jaipur - 302 005
  8. Ajmer Vidyut Vitran Nigam Limited  
Vidyut Bhawan, Panchsheel Nagar,  
Makarwali Road, Ajmer – 305004
  9. Jodhpur Vidyut Vitran Nigam Limited  
New Power House, Industrial Area,  
Jodhpur – 342003
  10. Lanco Anpara Power Limited  
Plot No. 397, Udyog Vihar, Phase 3,  
Gurgaon – 122016
  11. Power Development Deptt., Govt. of Jammu and Kashmir  
SLDC Building, 1st Floor, Gladani Power House,  
Narwal, Jammu
  12. North Central Railway  
Subedar Ganj, Allahabad
  13. Jaiprakash Power Ventures Limited  
A Block, Sector -128, Noida - 201 304, UP
  14. BSES Yamuna Power Limited  
2nd Floor, B Block, Shakti Kiran Building,  
Karkardooma, New Delhi – 110092



15. BSES Rajdhani Power Limited  
BSES Bhawan, 2<sup>nd</sup> Floor, B Block,  
Nehru Place, New Delhi - 110 019
16. Tata Power Delhi Distribution Limited  
NDPL House, Hudson Lines, Kingsway Camp,  
Delhi - 110 009
17. New Delhi Municipal Corporation  
NDMC, Palika Kendra, Sansad Marg,  
New Delhi – 110 001
18. Electricity Wing of Engineering Department  
Union Territory of Chandigarh,  
Electricity OP Circle, UT, Chandigarh
19. Power Grid Corporation of India Limited  
“Saudamini”, Plot No. 2, Sector 29, Near IFFCO Chowk,  
Gurgaon - 122 001, Haryana
20. PTC India Limited  
2nd Floor, NBCC Tower,  
15, Bhikaji Cama Place,  
New Delhi
21. Uttarakhand Power Corporation Limited  
UPCL, Urja Bhawan, Dehradun, Uttarakhand
22. Lanco Budhil Hydro Power Pvt. Limited  
Plot No. 397, Udyog Vihar, Phase 3,  
Gurgaon – 122016, Haryana
23. Himachal Pradesh State Electricity Board Limited  
Vidyut Bhawan, Kumar House Complex Building II,  
Shimla - 171 004,  
Himachal Pradesh

.....**Respondents**

1. CEO  
REC Transmission Projects Company Limited  
Core-4, SCOPE Complex, 7, Lodi Road,  
New Delhi 110003



2. CEO, CTU  
Power Grid Corporation of India Limited.  
Saudamini, Plot No.2, Sector -29,  
Gurgaon 122001

...Proforma Respondents

**The following were present:**

Shri V. Vamsi, PGCIL  
Shri S.T.Thomas, PGCIL  
Shri Vivek Agarwal, RECTPL

**ORDER**

The petitioner, NRSS XXXI (A) Transmission Limited, has filed the present petition for grant of transmission licence under Section 14 read with Section 15(1) of the Electricity Act, 2003 (hereinafter referred to as "the Act") to establish a Transmission System for 'Northern Region System Strengthening Scheme, NRSS-XXXI (Part-A) (hereinafter referred to as "Transmission System") on Build, Own, Operate and Maintain (BOOM) basis comprising of the following elements:

S.N.	Scheme/ Transmission Works	Conductors per Phase	Completion Target
1.	<p>Establishment of a 7 x 105 MVA (1- ph.), 400/220 kV GIS sub-station at Kala Amb</p> <p>400 kV</p> <ul style="list-style-type: none"> <li>- Line Bays: 4 No.</li> <li>- 400/220 kV ICT: 7 x 105 (1-ph)</li> <li>- ICT bays: 2 no.</li> <li>- Bus Reactor (80 MVAR): 2 no.</li> <li>- Bus Reactor Bay: 2 no.</li> <li>- Space for line/ICT bays: 4 no.</li> <li>- Space for ICT: 1 no.</li> </ul> <p>220 kV</p> <ul style="list-style-type: none"> <li>- Line Bays: 6 no.</li> <li>- ICT bays: 2 no.</li> <li>- Space for line/ICT bays: 4 no.</li> </ul>		38 months from the effective date i.e 12.5.2014



2.	LILO of both circuits of Karcham Wangtoo – Abdullapur 400 kV D/C (Quad Moose) line at Kala Amb (on multi Ckt towers)	Quad Moose or equivalent AAAC	
3.	40% Series Compensation on 400 kV Karcham Wangtoo – Kala Amb quad D/C line at Kala Amb ends		

2. Based on the competitive bidding carried out by REC Transmission Projects Company Limited (RECTPCL) in accordance with the Guidelines issued by Ministry of Power, Govt. of India under Section 63 of the Act, M/s Power Grid Corporation of India Limited (PGCIL) emerged as the selected bidder with the lowest levelized transmission charges of ₹ 594.34 million.

3. As per para 2.4 of the RfP, the selected bidder shall make an application to the Appropriate Commission for grant of transmission licence within ten days of issuance of LOI or signing of the TSA, whichever is later. The proviso to para 2.4 of the RfP further provides that "if for any reason attributable to the BPC, the above activities are not completed by the Selected Bidder within the period of ten (10) days as mentioned in this clause, such period of 10 days shall be extended, on a day for day basis till the end of the Bid validity period". In the present case, the Lol was issued on 26.2.2014. However, in terms of proviso to para 2.4 of the RfP, the Bid Process Coordinator extended the last date for completion of various activities from time to time and the last date was finally extended till 15.5.2014 vide letter No. RECTPCL/P-11/NRSS-31A/2014-15 dated 9.5.2014. Accordingly, the last date of filing the petition for grant of



transmission licence stood extended till 15.5.2014. The TSP on behalf of the selected bidder filed the application for grant of transmission licence on 15.5.2014.

4. The Commission after considering the application of the petitioner in the light of the provisions of the Electricity Act, 2003 and 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') *prima facie* proposed to grant licence to the petitioner. Relevant para of our order dated 7.8.2014 is extracted as under:

"21. We have considered the submissions of the petitioner and BPC and perused documents on record. As per para 12.1 of the Guidelines as amended from time to time, finally selected bidder shall make an application for grant of transmission licence within ten days of selection. PGCIL has been selected on the basis of the tariff based competitive bidding as per the Guidelines issued by Government of India, Ministry of Power. LoI has been issued to PGCIL by the BPC and PGCIL has acquired 100% stake in the NRSS XXXI (A) Transmission Limited which has been transferred to the petitioner on 12.5.2014 after execution of Share Purchase Agreement. Thus, the petitioner has complied with the requirements of RfP and Transmission Service Agreement. CTU has also recommended grant of transmission licence to the petitioner. Considering the material on record, we are *prima facie* of the view that the petitioner satisfies the conditions for grant of inter-State transmission licence under Section 15 of the Act read with Transmission Licence Regulations for construction, operation and maintenance of the transmission system 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 to grant of transmission licence aforesaid. The objections or suggestions, if any, be filed by any person before the Commission by 26.8.2014.

5. A public notice under Section 15 (5) of the Act was published on 15.8.2014 in all editions of The Indian Express and Hindustan (Hindi). No suggestions/objections have been received from the members of the public in response to the public notice. During



the hearing on 28.8.2014, none appeared on behalf of any of the respondents despite notice.

6. The representative of the petitioner submitted during the hearing that no objections have been received from the public to the proposal of the Commission to grant of transmission licence to the petitioner. He further submitted that CTU has recommended for grant of licence to the petitioner. He prayed for grant of transmission licence to the petitioner.

7. We have considered the submission of the representative of the petitioner and perused the documents on record. 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.”



8. In our order dated 8.7.2014, we had proposed to grant transmission licence to the petitioner company and directed for issue of public notice. In response to the public notice, no suggestions/objections have been received. CTU in its letter dated 30.5.2014 has recommended under Section 15 (4) of the Act for grant of transmission licence to the petitioner. We are satisfied that the petitioner 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 transmission licence be granted to the petitioner, NRSS XXXI (A) Transmission Limited, to establish the transmission system for "Northern Region System Strengthening Scheme, NRSS-XXXI (Part-A) " on BOOM basis as per the details given in para 1 above.

9. 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 Transmission Licence Regulations or any subsequent enactment thereof during the period of subsistence of the licence.

(c) Since the expiry date as per the TSA is 35 years from the scheduled COD of the project, the petitioner may make an application, two years before the expiry of initial licence period, for grant of licence for another term in





accordance with Regulation 13 (2) of the Transmission Licence Regulations which shall be considered by the Commission in accordance with law;

(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 subsequent enactment thereof. 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 the 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 sub-section (3) of section 28 or sub-section (1) of section 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 or subsequent enactment thereof.

(h) The petitioner shall provide non-discriminatory open access to its transmission system for use by any other licensee, including a distribution licensee or an electricity trader, 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 and Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 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; and

(l) The petitioner shall ensure execution of the project as per the Schedule 3 of the TSA and shall remain bound by the provisions of Article 16.4 of the TSA and its affidavit dated 11.7.2014.

10. Central Electricity Authority shall monitor the execution of the project and bring to the notice of the Commission any lapse on the part of the licensee to meet the schedule for further appropriate action in accordance with the provisions of the Act and Transmission Licence Regulations.

11. Petition No. 94/TL/2014 is disposed of in terms of the above.

Sd/-	sd/-	sd/-	sd/-
<b>(A.S.Bakshi)</b> Member	<b>(A.K.Singhal)</b> Member	<b>(M.Deena Dayalan)</b> Member	<b>(Gireesh B.Pradhan)</b> Chairperson

