

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 526/MP/2014**

**Coram:**

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

**Date of Hearing: 24.3.2015**

**Date of Order : 15.9.2015**

**In the matter of**

Petition under Regulation 7 read with Regulation 12 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term Open Access and Medium Term Open Access in inter-State Transmission and related matters) Regulations, 2009 seeking Long Term Access in terms of LTA Application No. P-90G/112 dated 10.12.2013 for importing power from inter-State sources.

**And**

**In the matter of**

Noida Power Company Limited  
Commercial complex, Block-H,  
Alpha-II, Sector, Greater Noida-201310

**Petitioner**

**Vs**

1. Power Grid Corporation of India Ltd.  
Saudamini, Plot No. 2  
Sector-29, Near IFFCO Chowk  
Gurgaon-122 001
2. Uttar Pradesh Power Transmission Corporation Ltd.  
Shakti Bahwan,  
14, Ashok Marg, Lucknow-226 001
3. Central Electricity Authority  
Sewa Bhawan, R.K.Puram,  
New Delhi 110 066

**.....Respondents**

**Parties Present:**

**For the Petitioner:** Shri M.G. Ramachandran, Advocate  
Shri Vishal Gupta  
Shri Sanket Srivastava  
Shri Rajiv Goyal

**For the Respondents:** Ms. Suparna Srivastava, Advocate, PGCIL  
Ms. Jyoti Prasad, PGCIL  
Shri Swapnil Verma, PGCIL

### **ORDER**

The petitioner, Noida Power Company Limited, has filed the present petition seeking direction to CTU to grant long term access for importing power from inter-State sources. The petitioner has made the following prayers:

- “(a) Direct the Respondent No. 1 to grant long term access to the petitioner for 500 MW as per its application dated 10.12.2013;
- (b) Direct the Respondent No. 1 and 3 to resume the bid process for construction of 400 400/220 kV GIS sub-station and Ballabgarh-Greater Noida 400 kV line; and
- (c) Pass any other or further order/s as this Hon`ble Commission may deem fit and proper in facts and circumstances of the present case.”

#### **Submission of the petitioner:**

2. The petitioner has been granted licence for the distribution of electricity in the area of Greater Noida under Section 3 of the erstwhile Indian Electricity Act, 1910 by the State Government of Uttar Pradesh. The petitioner applied on 27.6.2011 to CTU for connectivity to ISTS for a capacity of 500 MW with request to conduct a holistic study to ascertain the requirement of augmentation of existing CTU network including setting up of a new 400 kV sub-station at Greater Noida to evacuate the power from inter-State sources which was followed by the letter dated 6.9.2011. In the meeting of the Standing Committee of Power System Planning in Northern Region for connectivity

and long term access held on 19.12.2011, CTU proposed LILO of Dadri-Greater Noida 400 kV circuit at Greater Noida (New) along with establishment of a new 2x500 MVA, 400/220 kV sub-station at Greater Noida. Subsequently, the petitioner vide its letter dated 26.12.2012 informed CTU that Greater Noida Authority by its letter dated 21.12.2012 has confirmed availability of land at Sector Knowledge Park-V in Surajpur area for construction of sub-station. The petitioner's application dated 27.6.2011 for grant of connectivity was again discussed in the 31<sup>st</sup> Standing Committee meeting of Power System Planning of Northern Region held on 2.1.2013. In the said meeting it was also agreed that this new 400/220 kV sub-station would be catering to both Uttar Pradesh and M/s NPCL and would be taken up as an ISTS strengthening scheme. In the said meeting, the following was agreed with the consent of the representative of UPPTCL:

- (a) Ballabgarh-Greater Noida (New) 400kV D/C Line.
- (b) Establishment of 2x500 MVA, 400/220kV GIS substation at Greater Noida with a short circuit rating of 50 kA.
- (c) Considering the RoW constraints near Ballabgarh it was agreed to provide 5 km of line on Multi Circuit towers from Ballabgarh end.

3. Pursuant to the above decision, the Central Government vide notification dated 20.5.2013 appointed PFC Consulting Ltd as the Bid Process Coordinator for the transmission project in terms of para 3.3.2 of the Guidelines notified under Section 63 of the Electricity Act, 2003. On 16.8.2013, CTU granted connectivity to the petitioner from the date of commissioning of the transmission system, namely Ballabgarh-Greater Noida (New) 400 kV D/C line and 2x500 MVA, 400/220 GIS sub-station at Greater Noida with a short circuit rating of 50 kA. CTU informed that

downstream network to draw power from the proposed 400/220 kV GIS sub-station needs to be constructed by the petitioner at its own cost.

4. In the 32<sup>nd</sup> Standing Committee on Power System Planning in Northern Region held on 31.8.2013, the petitioner stated that it would bear the transmission charges and it may be treated as a direct ISTS customer. Meanwhile, Central Electricity Authority vide its letter dated 11.10.2013 informed that the implementation of 400 kV Greater Noida GIS sub-station (New) and 400 kV D/C line from Ballabgarh to Greater Noida (New) has been suspended till resolution of the PPA dispute with Essar Power (Jharkhand) Limited (EPJL). In response, the petitioner vide its letter dated 14.10.2013 informed CEA that it would definitely require 500 MW capacity from the proposed project of 400 kV Greater Noida (New) GIS sub-station irrespective of the fact that power supplier could be EPJL or any other Generator/company. The petitioner in its said letter dated 14.10.2013 also committed that the transmission charges would be paid as per the applicable regulations. Subsequently, the petitioner vide its letter dated 19.11.2013 requested the CEA to direct Bid Process Coordinator to expedite the bid process for constructing and commissioning of the project irrespective of the supplier/source of the power.

5. On 10.12.2013, the petitioner applied to CTU for grant of Long Term Open Access (LTOA) from 1.10.2017 for a period of 25 years. The petitioner also informed the CTU that it had received connectivity and had identified WR and ER as its target regions for procurement of long term power with a target quantum of 400 MW and 100 MW respectively. In the 33<sup>rd</sup> meeting of the Standing Committee on Power System

Planning of Northern Region, it was decided that after obtaining NOC from STU, the LTA application would be processed. Accordingly, the petitioner vide its letter dated 30.12.2013 requested the UPPTCL to issue concurrence/no objection to enable the CTU to grant LTA to the petitioner. UPPTCL vide its letter dated 11.4.2014 informed the petitioner that since the petitioner was trying to import power from outside the State, it should apply for LTA to CTU. The petitioner vide its letter dated 18.4.2014 informed the CTU that STU letter dated 11.4.2014 be considered as 'No Objection' of STU and its case be processed accordingly. The grievance of the petitioner is that despite its request vide dated 18.4.2014, CTU has not taken any action for grant of LTA to the petitioner.

6. In the 34<sup>th</sup> Standing Committee meeting on Power System Planning in Northern Region held on 8.8.2014, UPPCL stated that 400/220 kV GIS sub-station in Greater Noida (New) was not required for the use of UPPTCL and UPPCL since UPPTCL was constructing 765/400/220 kV sub-station for evacuation of power. In the said meeting, members were of the view that since UPPTCL was not agreeing for the creation of New Noida sub-station under ISTS and is declining to grant NOC to the petitioner for LTA from CTU, the petitioner should take up the matter with the Commission for clarification and necessary directions to the respondents.

7. Against this backdrop, the petitioner has filed the present petition under Regulation 7 read with Regulations 12 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term Open Access and Medium Term Open Access in inter-State Transmission and related matters) Regulations, 2009 (Connectivity Regulations). The petitioner has submitted that on 10.12.2013, the petitioner applied to

CTU for grant of LTA for 500 MW and CTU was required to process the said application within 180 days from the last day of December 2013 in terms of Regulation 7 of the Connectivity Regulations. However, till date CTU has failed to grant LTA to the petitioner. The petitioner has further submitted that Regulation 13 of Connectivity Regulations provides that the nodal agency, in consultation and through coordination with other agencies involved in inter-State transmission network to be used, including State Transmission Utility, if the State network is likely to be used, process the application for grant of LTA within prescribed time limit. The petitioner has submitted that as per the Regulation 13 of the Connectivity Regulations, nodal agency is not under obligation to consult with STU as State transmission network is not to be used by PGCIL or by the petitioner for the applied 500 MW LTA at 400 kV Greater Noida GIS sub-station (New) to be constructed and implemented by PGCIL under the system strengthening scheme.

8. The matter was heard on 6.2.2015. The respondents were directed to file their replies. CTU has filed reply to the petition. No reply has been filed by UPPTCL despite several notices.

**Reply of the CTU:**

9. CTU in its reply affidavit dated 20.2.2015 has submitted as under:

(a) Under Section 39 of the Electricity Act, 2003, STU has been designated as the nodal agency to undertake transmission of electricity through intra-State transmission system and to discharge all functions of planning and co-ordination relating to intra-State transmission system with the distribution licensees.

(b) As per CEA`s Manual on Transmission Planning Criteria, STU is responsible on behalf of the all intra-State entities for evacuation of power from their State`s generating stations, meeting requirement of distribution licensees and drawing power from ISTS commensurate with the ISTS plan. Therefore, the power requirement of a distribution licensee is to be met through the STU to which the licensee is connected and any direct connection with the ISTS is permissible for a distribution licensee in exceptional circumstances on the recommendations of STU subject to the distribution licensee continuing as an intra-State entity for the purpose of all jurisdictional matters and energy accounting.

(c) As per the CEA`s draft procedure dated 9.10.2013 for coordinated transmission planning through the Regional Standing Committee for Power System Planning, the import-export requirements through the ISTS have been envisaged to be within the planning realm of STU and the system strengthening schemes of STU for delivery of power from ISTS grid points up to the level of distribution licensee is also envisaged to be planned by STU.

(d) Regulation 10 (1) of the Connectivity Regulations provides that whenever an intra-State entity is applying for long-term access, concurrence of the State Load Despatch Center is required to be obtained in advance and submitted alongwith the application to the CTU. Clause 23.3 of the Detailed Procedure provides that in case an intra-State entity is applying for long term access, the concurrence of concerned STU of States having injection and drawal points is necessarily to be obtained in advance in the prescribed format

and attached with the application. In the absence of such concurrence/no-objection, the application for long term access cannot be processed.

(e) In the 31<sup>st</sup> Standing Committee Meeting of NRPC, the matter was reviewed by CEA and CTU in which it was proposed to establish a new 2x500 MVA, 400/220 kV sub-station at Greater Noida (New) along with construction of a new Ballabgarh-Greater Noida 400 kV D/C line. In the said meeting it was also agreed that this sub-station was to cater to both Uttar Pradesh and the petitioner and was to be taken up as an ISTS strengthening scheme.

(f) CEA vide its letter dated 11.10.2013 informed that the 400 kV Greater Noida (new) GIS Sub-station and 400 kV D/C line from Ballabgarh to Greater Noida (new), which had been planned in response to the petitioner's request for drawing power against its long term power purchase arrangement with Essar Power Ltd. has been suspended. However, the petitioner insisted that it would be requiring additional power irrespective of its power supplier and the project was therefore required to be implemented.

(g) The intimation of STU dated 11.4.2014 could not under any circumstances be construed as an NOC from STU as neither the same by way of its contents, communicated any "concurrence" or "no objection" as is reasonably understood in common English parlance, nor was it in the format as was required under clause 23.3 of the Detailed Procedure.



10. During the course of hearing on 12.3.2015, learned counsel for the petitioner submitted that no response has been received from UPPTCL despite notices. He requested to issue an interim direction to CTU to consider the petitioner's application in accordance with the provisions of Connectivity Regulations for grant of LTA for 500 MW. Learned counsel for CTU submitted that Connectivity Regulations clearly provide that whenever an intra-State entity is applying for LTA, concurrence of the SLDC is necessarily to be obtained in advance and submitted along with application of the CTU. In the absence of such concurrence, the application for LTA cannot be processed. Vide Record of the proceedings for the hearing dated 12.3.2015, UPPTCL was directed to submit the time frame of commissioning of the 765/400/200 kV sub-station at Greater Noida and reason as to why this information was not provided to the petitioner when he applied for connectivity and NOC for grant of LTA. No response has been filed by UPPTCL in this regard.

**Analysis and Decision:**

11. We have considered the submissions of the petitioner and the CTU. The issue for consideration is whether the CTU is prevented from granting LTA to the petitioner because UPPTCL has not granted its approval/concurrence for the same. Only objection of CTU is that since the petitioner is a distribution licensee in Greater Noida, Uttar Pradesh, therefore the approval/concurrence of UPPTCL is required before granting connectivity to the ISTS. On 27.6.2011, the petitioner made an application to CTU for grant of connectivity of 500 MW. CTU vide its letter dated 16.8.2013 granted connectivity of 500 MW to the petitioner from the date of commissioning of the transmission system i.e. Ballabgarh-Greater Noida (New) 400 kV D/C line and 2x500

MVA, 40/220 kV GIS sub-station with a short circuit rating of 50 kA. CEA vide its letter dated 11.10.2013 informed the petitioner that due to the PPA dispute with EPJL, implementation of 400kV Greater Noida GIS Sub-station (New) and 400 kV D/C line from Ballabgarh to Greater Noida (New) has been suspended. In response, the petitioner vide letter dated 19.11.2013 confirmed that it would require 500 MW capacity as proposed and remain committed to pay transmission charges for the said company as per the for the project as per applicable regulations.

12. Under Regulation 4 of the Connectivity Regulations, Central Transmission Utility has been designated as the nodal agency for grant of connectivity, long term access and medium term open access to the inter-State transmission system. Regulation 7 of the Connectivity Regulations provides for the timeline for processing of application. It provides that the timelines of 60 days for grant of connectivity, 120 days for grant of long term access where augmentation of transmission system is not required and 180 days where augmentation of transmission system is required. Regulation 10 of the Connectivity Regulations provides as under:

**“10. Relative priority**

(1) Applications for long-term access or medium-term open access shall be processed on first-come-first-served basis separately for each of the aforesaid types of access:

Provided that applications received during a month shall be construed to have arrived concurrently;

Provided further that while processing applications for medium-term open access received during a month, the application seeking access for a longer term shall have higher priority;

Provided also that in the case of applications for long-term access requiring planning or augmentation of transmission system, such planning or augmentation, as the case may be, shall be considered on 30th of June and 31st of December in each year in order to develop a coordinated transmission plan, in accordance with the perspective

transmission plans developed by the Central Electricity Authority under section 73 of the Act;

**Provided also that if an intra-State entity is applying for long-term access or medium-term open access, concurrence of the State Load Despatch Centre shall be obtained in advance and submitted along with the application to the nodal agency. The concurrence of the State Load Despatch Centre shall be in such form as may be provided in the detailed procedure.**

(2) Where necessary infrastructure required for energy metering and time-blockwise accounting already exists and required transmission capacity in the State network is available, the State Load Despatch Centre shall convey its concurrence to the applicant within ten working days of receipt of the application.

(3) In case SLDC decides not to give concurrence, the same shall be communicated to the applicant in writing, giving the reason for refusal within the above stipulated period....”

Further, Regulation 13 of the Connectivity Regulations further provides as under:

“On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in inter-State transmission system to be used, including State Transmission Utility, if the State network is likely to be used, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant long-term access is arrived at within the timeframe specified in regulation 7:

Provided that in case the nodal agency faces any difficulty in the process of consultation or coordination, it may approach the Commission for appropriate directions.....”

Also, Clause 23.3 of the Detailed Procedure issued under the Connectivity Regulations provides as under:

“23.3.....In case an intra-State entity is applying for LTA, concurrence of concerned State Transmission Utilities of states having injection and drawl points shall be obtained in advance in the prescribed format [**FORMAT-LTA-3**] and attached with the application.....”

13. The above provisions clearly establish that concurrence of SLDC is necessary for grant of LTA whose an intra-State entity is applying for LTA to CTU under the Connectivity Regulations. The petitioner is a Distribution Company in the State of Uttar

Pradesh and is therefore an intra-State entity. The petitioner is required to submit NOC from SLDC/STU along with the application for grant of LTA to CTU in terms of fourth proviso to Regulation 10 (1) of Connectivity Regulations. On 10.12.2013, the petitioner applied to CTU for grant of LTA for 500 MW for a period of 25 years till 30.9.2042 and indicated in the said application that the petitioner had identified WR and ER as its target regions for procurement of long term power with a target quantum of 400 MW and 100 MW respectively. In the 33<sup>rd</sup> meeting of the Standing Committee on Power System Planning of NR, the petitioner was informed that its LTA application would be processed after receipt of NOC/concurrence from the STU. The petitioner vide letter dated 30.12.2013 requested UPPTCL to grant NOC for seeking LTA for 500 MW from CTU. However, UPPTCL has not granted the NOC/concurrence to the petitioner. In response UPPTCL, vide letter dated 11.4.2014 informed as under:

“since you are trying to import power from outside the State hence it is advised that as per regulatory provisions please apply for LTA with CTU”.

14. As per Regulation 10 (2) of the Connectivity Regulations, SLDC is required to convey its concurrence to the applicant within 10 working days where necessary infrastructure for energy metering and time-block wise accounting already exist, and required transmission capacity in the State network is available. In accordance with Regulation 10 (3), in case SLDC decides not to give concurrence, the same shall be communicated to the applicant in writing, giving reason for refusal within the stipulated time.

15. In accordance with Regulation 7 of the Connectivity Regulations, it is the responsibility of CTU to process the application within 180 days. However, CTU could

not take any action on the petitioner`s application as per the regulations in the absence of concurrence from SLDC, UP. In the 34<sup>th</sup> Standing Committee meeting on Power System Planning in Northern Region held on 8.8.2014, UPPTCL stated that 400/220 kV GIS sub-station at Greater Noida (New) was not required for the use of UPPTCL and UPPTCL was constructing 765/400/220 kV sub-station to evacuate power. It is noted that UPPTCL had agreed earlier for implementation of the assets as ISTS. Subsequently, UPPTCL has stated that these assets are no longer required to be developed in view of construction of 765/400/220 kV sub-station by it.

16. Regulation 13 (1) of the Connectivity Regulations provides that if nodal agency faces any difficulty in the process of consultation or coordination it should have approached the Commission, for appropriate directions. However, CTU in this has not approached the Commission for appropriate directions under Regulation 13 (1) of the Connectivity Regulations.

17. It is noted that the petitioner has been trying to get connectivity to ISTS since June 2011. However, it was granted on 16.8.2013. The petitioner claims that its case stands on a similar footing as the cases decided in order dated 21.9.2012 in Petition No.158/MP/2012 in which the Commission directed the CTU to ensure that the applications for connectivity and long term access and medium term open access are processed and decisions on the applications are conveyed within the time line specified in the Connectivity Regulations.

18. UPPTCL has neither filed its reply to the petition despite repeated notices nor appeared before the Commission. We express our displeasure at the conduct of UPPTCL to ignore the notices of the Commission, especially in such a matter where its views are essential to take a decision on the issue raised in the petition.

19. Section 38 of the Act deals with function of the Central Transmission Utility and Section 39 deals with the function of the State Transmission Utility. Both the Sections are extracted as under:

**“Section 38. Central Transmission Utility and functions: ---** (1) The Central Government may notify any Government company as the Central Transmission Utility:

Provided that the Central Transmission Utility shall not engage in the business of generation of electricity or trading in electricity:

Provided further that the Central Government may transfer, and vest any property, interest in property, rights and liabilities connected with, and personnel involved in transmission of electricity of such Central Transmission Utility, to a company or companies to be incorporated under the Companies Act, 1956 to function as a transmission licensee, through a transfer scheme to be effected in the manner specified under Part XIII and such company or companies shall be deemed to be transmission licensees under this Act.

(2) The functions of the Central Transmission Utility shall be -

- (a) to undertake transmission of electricity through inter-State transmission system;
- (b) to discharge all functions of planning and co-ordination relating to inter-State transmission system with -
  - (i) State Transmission Utilities;
  - (ii) Central Government;
  - (iii) State Governments;
  - (iv) generating companies;
  - (v) Regional Power Committees;
  - (vi) Authority;
  - (vii) licensees;
  - (viii) any other person notified by the Central Government in this behalf;
- (c) to ensure development of an efficient, co-ordinated and economical system of inter-State transmission lines for smooth flow of electricity from generating stations to the load centres;

(d) to provide non-discriminatory open access to its transmission system for use by-

- (i) any licensee or generating company on payment of the transmission charges; or
- (ii) any consumer as and when such open access is provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the Central Commission:

Provided that such surcharge shall be utilised for the purpose of meeting the requirement of current level cross-subsidy:

Provided further that such surcharge and cross subsidies shall be progressively reduced in the manner as may be specified by the Central Commission:

Provided also that the manner of payment and utilisation of the surcharge shall be specified by the Central Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.

**Section 39. State Transmission Utility and functions:**(1) The State Government may notify the Board or a Government company as the State Transmission Utility:

Provided that the State Transmission Utility shall not engage in the business of trading in electricity:

Provided further that the State Government may transfer, and vest any property, interest in property, rights and liabilities connected with, and personnel involved in transmission of electricity, of such State Transmission Utility, to a company or companies to be incorporated under the Companies Act, 1956 to function as transmission licensee through a transfer scheme to be effected in the manner specified under Part XIII and such company or companies shall be deemed to be transmission licensees under this Act.

(2) The functions of the State Transmission Utility shall be –

(a) to undertake transmission of electricity through intra-State transmission system;

(b) to discharge all functions of planning and co-ordination relating to intra-State transmission system with -

- (i) Central Transmission Utility;
- (ii) State Governments;
- (iii) generating companies;
- (iv) Regional Power Committees;
- (v) Authority;
- (vi) licensees;
- (vii) any other person notified by the State Government in this behalf;

(c) to ensure development of an efficient, co-ordinated and economical system of intra-State transmission lines for smooth flow of electricity from a generating station to the load centres;

(d) to provide non-discriminatory open access to its transmission system for use by-

- (i) any licensee or generating company on payment of the transmission charges ;
- or
- (ii) any consumer as and when such open access is provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the State Commission:

Provided that such surcharge shall be utilised for the purpose of meeting the requirement of current level cross-subsidy:

Provided further that such surcharge and cross subsidies shall be progressively reduced in the manner as may be specified by the State Commission:

Provided also that the manner of payment and utilisation of the surcharge shall be specified by the State Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.”

A close reading of these sections reveals that both CTU and STU have been vested with the functions of planning and coordination relating to inter-State transmission system and intra-State transmission system respectively. While carrying out the planning, CTU and STU are not only required to co-ordinate with each other but also with the Central Govt., State Govt. Further both CTU and STU have been vested with the responsibility to ensure development of efficient, coordinated and economical system of transmission lines for smooth flow of electricity from the generating station to the load centers. Both CTU and STUs are also under obligation to provide non-discriminatory open access to their transmission system for use by any licensee or generating company. Thus, the functions of the CTU and STU are complementary to each other and the purpose of both is to ensure smooth flow of electricity from the generating stations to the load centers. Though ‘load center’ has not been defined in the



Act, it is commonly understood as the distribution licensees which aggregate the load on behalf of the consumers. Given their statutory responsibility to facilitate smooth flow of electricity from the generating station to the load centre, both CTU and STU have to work in tandem to achieve their common objective. Seen in this context, the approach of UPPTCL appears to be less than encouraging. UPPTCL is under the statutory obligations to meet the requirement of the petitioner for transmission facility not only for transmission of power from the generating station located within the State but also from the generating stations located outside the State by providing facility upto the sub-stations of the CTU.

20. PGCIL has submitted that the power requirements of a distribution licensee are to be met through the STU to which the licensee is connected and any direct connection with the ISTS being operated by CTU can be permitted for a distribution licensee in exceptional circumstances and on the recommendations of STU and that too, subject to the distribution licensee continuing as an intra-State entity for the purpose of all jurisdictional matters and energy accounting. In our view, the present situation is one of the exceptional circumstances where on account of the non-cooperation of UPPTCL, the petitioner is prevented from meeting anticipated load of its consumers.

21. In our view, the consumers to be served by the petitioner should not suffer on account of non-co-operation of UPPTCL to convey its no-objection or concurrence to the request of the petitioner. If UPPTCL is making a sub-station at Greater Noida, then it should clearly state that its sub-station is capable of catering to the import of 500 MW power by the petitioner and grant concurrence accordingly. This will facilitate CTU to grant LTA to the petitioner for the transmission system which is required to be

developed for import of 500 MW of power. If the sub-station developed by STU is insufficient to meet the requirement of the petitioner, then STU should grant concurrence to enable the CTU to develop the transmission system as planned. Since UPPTCL vide its letter dated 11.4.2014 had advised the petitioner to apply for LTA to CTU while not responding to the application of the petitioner dated 23.12.2013 for grant of non-objection, we consider it appropriate to give a final opportunity to UPPTCL/SLDC to convey its decision on the LTA application of the petitioner dated 23.12.2013 by 31.10.2015. The decision should clearly indicate whether STU will develop the transmission line and sub-station connecting the petitioner with the nearest sub-station of CTU including the timeframe within which it will be developed or whether CTU should develop the transmission line including the sub-station at Greater Noida to cater to the load requirement of the petitioner. If UPPTCL/SLDC fails to give their decision within the stipulated time, then UPPTCL's letter dated 11.4.2014 shall be considered as deemed concurrence by UPPTCL to the LTA application of the petitioner.

22. We direct the CTU to process the application of the petitioner for grant of LTA in accordance with the Connectivity Regulations within two weeks from the date of receipt of NOC or from the date of expiring of the time granted to the STU for grant of NOC, whichever is earlier.

23. The petition No. 526/MP/2014 is disposed of with above directions.

Sd/-

**(A.S.Bakshi)**  
Member

sd/-

**(A.K. Singhal)**  
Member

sd/-

**(Gireesh B. Pradhan)**  
Chairperson