

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 111/TL/2016**

**Coram:  
Shri Gireesh B. Pradhan, Chairperson  
Shri A.K.Singhal, Member  
Shri A.S.Bakshi, Member  
Dr. M.K.Iyer, Member**

**Date of Hearing: 24.8.2016  
Date of Order: 06.9.2016**

**In the matter of**

Application under Section 14 read with Section 15(1) of the Electricity Act, 2003 for grant of Transmission Licence to Warora-Kurnool Transmission Limited (WKTL).

**And  
In the matter of**

Warora-Kurnool Transmission Limited  
5<sup>th</sup> Floor, 18, Ramnath House,  
Community Centre, Yusuf Sarai,  
New Delhi-110 049

..... **Petitioner**

**Vs**

1. Tamil Nadu Generation & Distribution Corporation Limited  
NPKRR Malligai,  
144 Anna Salai, Chennai – 600 002
2. Kerala State Electricity Board Limited  
Vaidyuthi Bhawanam, Pattom,  
Thiruvananthapuram – 695004
3. Southern Power Distribution Company of Andhra Pradesh Limited  
D. No:19-13 – 65/A, Srinivasapuram,  
Tiruchanoor Road, Tirupati – 517 503
4. Eastern Power Distribution Company of Andhra Pradesh Limited  
P&T Colony, Seethammadhara,  
Visakhapatnam-530 017

5. Southern Power Distribution Company of Telangana Limited  
#6-1-50, Mint Compound,  
Hyderabad – 500 063, Telangana

6. Northern Power Distribution Company of Telangana Limited  
#2-5-31/2, Vidyut Bhawan, Nakkalgutta,  
Hanamkonda, Warangal – 506 001

7. Bangalore Electricity Supply Company Limited  
KR Circle, Bangalore – 560 001

8. Gulbarga Electricity Company Limited Station  
Main Road, Gulbarga – 585 102

9. Hubli Electricity Supply Company Limited,  
Navanagar, PB Road, Hubli-580 025.

10. Mangalore Electricity Supply Company Limited  
Paradigm Plaza, AB Shetty Circle,  
Mangalore – 575 001 7

11. Chamundeshwari Electricity Supply Company Limited  
#927, LJ Avenue, Ground Floor,  
New KantharajUrs Road, Sarawathipuram Mysore – 570 009

12. Electricity Department, Govt. of Puducherry Electricity  
137, NSC Bore Road, Electricity Department, Puducherry – 605 001

13. Electricity Department, Govt. of Goa,  
Vidyut Bhawan, Panaji, Goa – 605 001

.....Respondents

**The following were present:**

Shri Neerja Kumar Verma WKTL

Shri Mohit Jain, WKTL

Shri N.C.Gupta, PFCCL

Shri Kumar Ritu Raj, PFCCL

**ORDER**

The petitioner, Warora-Kurnool Transmission Limited (WKTL), 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 Transmission System for "Additional inter-Regional AC link for import

into Southern Region i.e. Warora-Warangal and Chilakaluripeta-Hyderabad-Kurnool 765 kV link” (hereinafter referred to as "Transmission System") comprising the following elements:

S. No	Name of the transmission elements	Completion Target	Conductor per Phase
1.	<p>Establishment of 765/400 kV sub-stations at Warangal (New) with 2x1500 MVA transformers and 2x240 MVAR bus reactors</p> <p>Transformers: 765/400 kV, 7x500 MVA (Single-Phase units with one spare unit)</p> <p><b>765 kV bay requirements (in Warangal)</b></p> <p>Line bays: 6 nos Transformer bays: 2 nos Space for future line bays: 6 nos</p> <p><b>400 kV bay requirements (in Warangal)</b></p> <p>Line bays: 2 nos Transformer bays: 2 nos Space for future line bays: 8 nos</p>	<b>40 months</b>	
2.	<p>Warora Pool-Warangal (New) 765 kV D/C line with 240 MVAR switchable line reactor at both ends of each circuit</p> <p>(The line bays and reactors at both ends to be in the scope of TSP)</p>	<b>40 months</b>	<p>Hexagonal ACSR Zebra or hexagonal AAAC (equivalent to ACSR Zebra)</p> <p>The transmission lines shall have to be designed for a maximum operating conductor temperature of 85 deg C for both ACSR as well as AAAC</p>

3.	<p>Warangal (new)- Hyderabad 765 kV D/C line with 240 MVAR switchable line reactor at Warangal end of each circuit.</p> <p>(The line bays and reactor at Warangal end to be in the scope of TSP and the line bays at Hyderabad end in the scope of CTU)</p>	<b>40 months</b>	<p>Hexagonal ACSR Zebra or hexagonal AAAC (equivalent to ACSR Zebra)</p> <p>The transmission lines shall have to be designed for a maximum operating conductor temperature of 85 deg C for both ACSR as well as AAAC</p>
4.	<p><b>Warangal (New)-Warangal (Existing) 400 kV D/C (quad) D/C line</b></p> <p>(The line bays and at Warangal (New) end to be in the scope of TSP and the line bays at Warangal(Existing) end in the scope of CTU)</p>	40 months	<p><b>Quad ACSR Moose or Quad AAAC (equivalent to ACSR Moose)</b></p> <p>The transmission lines shall have to be designed for a maximum operating conductor temperature of 85 deg C for both ACSR as well as AAAC</p>
5.	<p>Hyderabad- Kurnool 765 kV D/C line with 240 MVAR switchable line reactors at Kurnool end of each circuit.</p> <p>(The line bays and reactor in the scope of CTU)</p>	<b>40 months</b>	<p>Hexagonal ACSR Zebra or hexagonal AAAC (equivalent to ACSR Zebra)</p> <p>The transmission lines shall have to be designed for a maximum operating conductor temperature of 85 deg C for both ACSR as well as AAAC</p>
6.	<p><b>Warangal (New)- Chilakaluripeta 765 kV D/C line with 240 MVAR switchable line reactor at both ends</b></p> <p>(The line bays and reactor at both ends to be in the scope of TSP)</p>	<b>40 months</b>	<p>Hexagonal ACSR Zebra or hexagonal AAAC (equivalent to ACSR Zebra)</p> <p>The transmission lines shall have to be designed for a maximum operating conductor temperature of 85 deg C for both ACSR as well as AAAC</p>

7.	240 MVAr Switchable line Reactors at Warora Pool end in each circuit of Warora Pool-Rajnandgaon 765 kV D/C line with NGR (700 Ohm)	<b>November 2018</b> (This reactor is to be commissioned matching with Warora pool-Rajnandgaon 765 kV D/C line which is already awarded with scheduled commissioned of November, 2018)	
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2. The petitioner has made the following prayers:

- “ (a) Grant Transmission Licence to the Applicant;
- (b) Allow Transmission System “Warora-Kurnool Transmission Limited” to be part of the Transmission Service Agreement approved by the Hon’ble Commission under POC Charges Regulations CERC (Sharing of Inter State Transmission Charges and Losses) Regulations, 2010; and
- (c) Pass such other order/orders, as may be deemed fit and proper in the facts & circumstances of the case.”

3. The petitioner has submitted that in accordance with "Guidelines for encouraging competition in development of Transmission Projects and competitive bidding for Transmission Service" and "Tariff based competitive bidding guidelines for Transmission Service"(hereinafter referred to as “the Guidelines”) issued by Government of India, Ministry of Power under Section 63 of the Act, PFC Consulting Limited (hereinafter referred to as PFCCL) was notified by Government of India, Central Electricity Authority, Ministry of Power vide Notification No. 329, dated 6.2.2015 as the Bid Process Coordinator (hereinafter referred to as "BPC") for the purpose of selection of bidder as Transmission Service Provider (TSP) to establish the transmission system for “Additional inter-Regional AC link for import into Southern Region i.e. Warora-

Warangal and Chilakaluripeta-Hyderabad-Kurnool 765 kV link” through tariff based competitive bidding process.

4. PFCCL in its capacity as the BPC initiated the bid process on 11.9.2015 and completed the process on 6.7.2016 in accordance with the Guidelines. M/s Essel Infraprojects Limited was selected as the successful bidder having quoted the lowest levelized transmission charges of Rs. 3834.00 million/annum in order to establish the Transmission System for “Additional inter-Regional AC link for import into Southern Region i.e. Warora-Warangal and Chilakaluripeta-Hyderabad-Kurnool 765kV link” and provide transmission service to the following identified long-term transmission customers (LTTCs) of the project:

<b>S No.</b>	<b>Name of the Long Term Transmission Customer</b>
1.	Southern Distribution Company of Andhra Pradesh Limited
2.	Eastern Distribution Company of Andhra Pradesh Limited
3.	Southern Distribution Company of Telangana Limited
4.	Northern Distribution Company of Telangana Limited
5.	Bangalore Electricity Supply Company Limited
6.	Gulberga Electricity Supply Company Limited
7.	Hubli Electricity Supply Company Limited
8.	Mangalore Electricity Supply Company Limited
9.	Chamundeswari Electricity Supply Company Limited
10.	Kerala State Electricity Board Limited
11.	Tamil Nadu Generation and Distribution Corporation Limited
12.	Electricity Department, Govt. of Puducherry
13.	Electricity Department, Govt. of Goa

5. The petitioner has submitted that four bidders submitted their offers at RfP stage. RfP (non-financial) bids of all the four bidders were opened on 9.2.2016 in the presence of Bid Evaluation Committee and the representatives of the Bidders. Bid Evaluation Committee recommended all four bidders for opening the financial bids. After opening the financial bids, as per the Bid Evaluation Report dated 24.2.2016, M/s Essel Infraprojects Limited emerged as the

successful bidder with the lowest levelized transmission charges of Rs. 3834.00 million per annum.

6. Consequent to its selection as the lowest bidder, Letter of Intent (LoI) was issued to M/s Essel Infraprojects Limited by the BPC on 29.2.2016 which was accepted by it. Under the terms of Request for Proposal (RfP) and the Letter of Intent, the successful bidder is obligated to accomplish the following tasks:

- (a) Provide contract performance guarantee in favour of Long Term Transmission Customers (LTTCs);
- (b) Execute Share Purchase Agreement;
- (c) Acquire, for the Acquisition Price, 100% share equity share holding of Warora-Kurnool Transmission Limited from PFCCCL along with all its related assets and liabilities;
- (d) To execute RfP project document including Transmission Service Agreement (TSA) with LTTC;
- (e) Make an application to the Central Commission for adoption of transmission charges, as required under Section 63 of the Electricity Act, 2003;
- (f) To apply to the Central Commission for grant of transmission licence.

7. The petitioner has submitted that M/s Essel Infraprojects Limited has acquired one hundred percent equity holding in Warora-Kurnool Transmission Limited on 6.7.2016. The petitioner has further submitted that the TSA executed between the TSP and the LTTCs who are the beneficiaries of the transmission project has

become effective on the date of acquisition of the petitioner by Essel Infraprojects Limited.

8. Section 14 of the Act provides that the Appropriate Commission may, on an application made under Section 15 of the Act, grant a licence to any person to transmit electricity as a transmission licensee in any area as may be specified in the licence. The word “person” has been defined in Section 2(49) of the Act to include any company or body corporate or association or body of individuals whether incorporated or not or artificial juridical person. The petitioner has been incorporated under the Companies Act, 1956. The main object of the petitioner company is as under:

*“To plan, promote and develop an integrated and efficient power transmission system network in all its respects including planning, investigations, research, design and engineering, preparation of preliminary, feasibility and definite project reports, construction, operation and maintenance of transmission lines, substation, load dispatch stations and communication facilities and appurtenant works, coordination of integration operation of regional and national grid system, execution of turn-key jobs for other utilities/organizations, wheeling of power, purchase and sale of power in accordance with the policies, guidelines and objectives laid down by the Central Government from time to time”.*

9. Section 15 (1) of the Act provides that every application under Section 14 shall be made in such manner and in such form as may be specified by the Appropriate Commission and shall be accompanied by such fees as may be prescribed. The Central Commission has specified the Central Electricity Regulatory Commission (Procedure, Terms and Conditions of Transmission License and other related matters) Regulations, 2009 (hereinafter referred to as “Transmission Licence Regulations”). Regulation 3 of the Transmission Licence Regulations provides that the Empowered Committee shall identify the projects



included in the transmission plan to be developed under the guidelines for competitive bidding. Regulation 4 of Transmission License Regulations provides that in case of projects identified by the Empowered Committee for development under the guidelines for competitive bidding, selection of the project developer shall be made in accordance with the procedure laid down in the guidelines. The transmission project under consideration has been identified by the Empowered Committee. The Government of India, Ministry of Power, Central Electricity Authority vide its letter dated 8.6.2015 had issued prior approval to the project under Section 68 of the Act. Based on the request of the BPC, CEA vide its letter dated 22.3.2016 has again accorded approval to the project under Section 68 of the Electricity Act, 2003. The selection of the project developer, WKTL, has been made in accordance with the guidelines for competitive bidding.

10. Regulation 7 of the Transmission Licence Regulations provides for the procedure for grant of transmission licence as under:

“(1) The application for grant of transmission licence shall be made to the Commission in Form-I appended to these regulations and shall be accompanied by such fees as may be prescribed by the Central Government from time to time.

(2) In case of the person selected for implementation of the project in accordance with the guidelines for competitive bidding, the application shall also contain such additional information, as may be required under these guidelines.

(3) The application shall be supported by affidavit of the person acquainted with the facts stated therein.

(4) Before making an application, the applicant shall serve a copy of the application on each of the long-term customers of the project and shall submit evidence to that effect along with the application and shall also post the complete application along with annexures and enclosures on its website, the particulars of which shall be given in the application.

(5) The application shall be kept on the website till such time the licence is issued or the application is rejected by the Commission.

(6) Immediately on making the application, the applicant shall forward a copy of the application to the Central Transmission Utility.

(7) The applicant shall, within 7 days after making the application, publish a notice of its application in Form-II attached to these regulations, in at least two daily newspapers, one in English language and one in vernacular language, having circulation in each State or Union Territory where an element of the project or a long-term customer is situated, in the same language as of the daily newspaper in which the notice of the application is published.

(8) As far as possible, within 7 days of receipt of the application the Secretariat of the Commission shall convey defects, if any, if noticed on preliminary scrutiny of the application for rectification and the defects conveyed shall be rectified by the applicant in such time as may be indicated in the letter conveying the defects.

(9) In the notice published in the newspapers under clause (7) it shall be indicated that the suggestions and objections, if any, on the application, may be filed before the Secretary, Central Electricity Regulatory Commission, Third Floor, Chanderlok Building, Janpath, New Delhi-110001 (or the address where the office of the Commission is situated) with a copy to the applicant, by any person, including the long-term customers, within 30 days of publication of the notice.

(10) The applicant shall within 15 days from the date of publication of the notice as aforesaid submit to the Commission on affidavit the details of the notice published, indicating the newspapers in which the notice has been published and the date and place of their publication and shall also file before the Commission the relevant copies of the newspapers, in original, in which the notice has been published.

(11) The Central Transmission Utility shall send its recommendations, if any, to the Commission on the proposal made in the application within a period of thirty days from the date of receipt of application by it:

Provided that copy of the recommendations, if any, made by the Central Transmission Utility shall always be forwarded to the applicant; Provided further that these recommendations of the Central Transmission Utility shall not be binding on the Commission.

(12) The applicant may file its comments, duly supported by an affidavit, on the recommendations made by the Central Transmission Utility and the suggestions and objections, if any, received in response to the public notice published by him, within 45 days of serving copy of the application on the Central Transmission Utility or the person who has filed the suggestions and objections on the proposal made in the application, as the case may be.

(13) The Commission after considering the suggestions and objections received in response to the public notice published by the applicant and the recommendations, if any, of the Central Transmission Utility may, propose to grant transmission licence or for reasons to be recorded in writing, reject the application.”

11. The petitioner has approached the Commission by a separate application for adoption of transmission charges in respect of the transmission system which is presently under consideration of the Commission and order in that petition will be issued separately. The petitioner has filed the present application for grant of transmission licence in accordance with the Transmission Licence Regulations. The petitioner has submitted proof of service of the copies of the application on the LTTCs and Central Transmission Utility and proof of web posting of the complete application. The petitioner has further undertaken to pay the applicable licence fee upon the grant of Transmission Licence in terms of Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012. The petitioner has prayed for grant of transmission licence to Warora-Kurnool Transmission Limited with respect to the transmission system as per details given in para 1 above.

12. The petitioner has made the application as per Form-1 and paid the fee of Rs. one lakh as prescribed by the Central Government. On perusal of the application, it is noted that the petitioner has served copy of the application on the Long Term Transmission Customer (LTTCs) for the project. The levelised tariff charges quoted by the petitioner which have been recommended by the Bid Evaluation Committee for acceptance, is Rs. 3834.00 million/annum. The petitioner has also enclosed copies of the recommendations of the Bid Evaluation Committee and proof of making the evaluation report public by the BPC as per the Guidelines.

13. The petitioner, vide its affidavit dated 25.7.2016, has placed on record the relevant copies of the newspapers published on 13.7.2016 in English Language (Times of India and The Hindu), Marathi Language (Maharashtra Times) and Telegu Language (Sakshi) published in the States of Telangana, Andhra Pradesh and Maharashtra respectively.

14. No reply has been filed by the respondents. No objection has been received from the general public in response to the public notice.

15. The petition was heard on 24.8.2016. The representative of the petitioner submitted the petitioner has complied with all the requirements for grant of transmission licence and requested to grant transmission licence to the petitioner.

16. The petitioner has served a copy of the application on the Central Transmission Utility (CTU) on 8.7.2016 as required under Section 15(3) of the Act and Regulation 7(6) of the Transmission Licence Regulations. CTU in its letter dated 19.8.2016 has recommended for grant of transmission licence to the petitioner. Relevant portion of the said letter dated 19.8.2016 is extracted is as under:

“The subject transmission system was agreed by the Southern Region constituents in the 37<sup>th</sup> meeting of the Standing Committee on Power System Planning of Southern Region held on 31.07.2014. Further, the transmission scheme has also been agreed in 26<sup>th</sup> Meeting of SRPC held on 20.12.2014. The 33<sup>rd</sup> meeting of the Empowered Committee (EC) on Transmission held on 30<sup>th</sup> September, 2014 recommended the implementation of the above transmission elements through TBCB route.

PFC Consulting Limited was notified as Bid Process Coordinator (BPC) by Government of India for the purpose of selection of Transmission Service

Provider (TSP) to establish the above referred project on BOOM basis. As per the application submitted by the applicant, Bid Evaluation Committee appointed by the BPC has certified M/s Essel Infraprojects Limited as the successful bidder. M/s Essel Infraprojects Limited has acquired M/s. Warora-Kurnool Transmission Limited on 6<sup>th</sup> July 2016. Scheduled COD for the overall project is 40 months from the effective date (i.e. 6<sup>th</sup> July 2016). However, schedule COD for 240 MVAR Switchable line reactors at Warora Pool end in each circuit of warora Pool-Rajnandgaon 765 kV D/c line with NGR (700 Ohm) is November, 2018 i.e. matching with the commissioning of line.

In line with Section 15(4) of the Electricity Act, 2003 and details as by M/s Warora-Kurnool Transmission Limited, POWERGRID as CTU recommends grant of transmission license to M/s Warora-Kurnool Transmission Limited for the scope mentioned below:

S. No.	<b>"Additional inter-Regional AC link for import into Southern Region i.e. Warora-Warangal and Chilakaluripeta-Hyderabad - Kurnool 765 kV link"</b>
1.	Establishment of 765/400kV substations at Warangal (New) with 2x1500 MVA transformers and 2x240 MVA bus reactors. Transformers: 765/400 kV, 7x500 MVA (Single-Phase units with one spare) 765 kV & 400 kV Bay Requirements (in Warangal) (i) 765 kV line bays : 6 nos. (ii) 765 kV Transformer bays : 2 no. (iii) 400kV Transformer bays : 2 no. (iv) 400 kV line bays : 2 no. (v) Space for future 765 kV line bays : 6 no. (vi) Space for future 400 kV line bays : 8 no
2.	Warora Pool - Warangal (New) 765kV D/c line with 240 MVA switchable line Reactor at both ends of each circuit (The line bays and reactors at both ends to be in the scope of TSP)
3.	Warangal (New) -Hyderabad 765 kV D/c line with 240 MVA switchable line reactor at Warangal end of each circuit. (The line bays and reactors at Warangal end to be in the scope of TSP and the line bays at Hyderabad end in the scope of CTU)
4.	Warangal (New) -Warangal (Existing) 400 kV (quad) D/c line (The line bays at Warangal (New) end to be in the scope of TSP and the linebays at Warangal (Existing) end in the scope of CTU)
5.	Hyderabad - Kurnool 765 kV D/C line with 240 MVA switchable line reactor at Kurnool end of each circuit (The line bays and reactors in the scope of CTU)
6.	Warangal (New) - Chilakaluripeta 765kV D/c line with 240 MVA switchable line reactor at both ends of each circuit. (The line bays and reactors at both ends to be in the scope of TSP)
7.	240 MVA Switchable line reactors at Warora Pool end in each circuit of warora Pool - Rajnandgaon 765 kV D/c line with NGR(700 Ohm)

17. We have considered the submissions of the petitioner 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. M/s Essel Infraprojects Limited has been selected on the basis of the tariff based competitive bidding as per the Guidelines issued by Government of India, Ministry of Power. Lol has been issued to M/s Essel Infraprojects Limited by the BPC on 29.2.2016. BPC vide letter dated 6.7.2016 extended the last date of completion of various activities up to 12.7.2016. Accordingly, M/s Essel Infraprojects Limited has acquired 100% stake in the Warora-Kurnool Transmission Limited which has been transferred to the petitioner on 6.7.2016 after execution of Share Purchase Agreement. 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 22.9.2016.

18. In order to ensure that the project is implemented within the time schedule as provided in the TSA, the licensee should not approach the Commission for extension of time for execution of the project or for increase in the transmission charges over and above what is permissible under the provisions of the TSA.

Accordingly, the petitioner is directed to file an affidavit by 15.9.2016 to the effect that the execution of the transmission project shall not be delayed due to time taken in obtaining statutory clearances required under the RfP and or adjudication of any claim of the petitioner arising under the TSA.

19. It is observed that as per Article 5.1.1 of the TSA, the TSP at its own cost and expense, shall be responsible for designing, constructing, erecting, completing and commissioning each element of the project by Scheduled COD in accordance with the various regulations of the Central Electricity Authority regarding Technical Standards and Grid Standards, Prudent Utility Practices and other applicable laws. Further Article 5.4 of the TSA provides that the TSP shall ensure that the project is designed, built and completed in a good workman like manner using sound engineering and construction practices and using only materials and equipment that are new and of international utility grade quality such that the useful life of the project will be till the expiry date. Further, the design, construction and testing of all equipment, facilities, components and systems of the project shall be in accordance with Indian Standards and Codes issued by Bureau of India Standards. Accordingly, the petitioner is directed to submit the information by 15.9.2016 with regard to quality control mechanism available or to be put in place by to ensure the compliance of the requirements stipulated in Article 5.1.1 and Article 5.4 of the TSA.

20. The petition shall be listed for hearing on 27.9.2016.

Sd/-  
**(Dr. M. K. Iyer)**  
Member

sd/-  
**(A.S. Bakshi)**  
Member

sd/-  
**(A.K. Singhal)**  
Member

sd/-  
**(Gireesh B.Pradhan)**  
Chairperson