

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 69/MP/2015
With IA. No. 2/2015**

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

**Date of Hearing: 2.6.2015
Date of Order : 9.3.2016**

In the matter of

Petition under Section 38 (2) of the Electricity Act, 2003 read with Regulation 79 (1) (c) and Section 79 (1) (k) of the Act, along with (i) Central Electricity Regulatory Commission (Grant of Regulatory Approval for execution of Inter-State Transmission Scheme to Central Transmission utility) Regulations, 2010; (ii) Regulation 111 and 114 of the Central Electricity Regulatory Commission Conduct of Business Regulations, 1999 (iii) Central Electricity Regulatory Commission (Grant of Connectivity, Long Term Access and Medium Term Access in inter-State transmission and related matters) Regulations, 2009 (iv) Central Electricity Regulatory Commission (Sharing of IST Charges and Losses) Regulations, 2010 and for directions for signing of LTA agreement for transmission system for evacuation of power from NKSTPP and grant of regulatory approval for execution of the associated transmission system.

**And
In the matter of**

Power Grid Corporation of India Ltd.
B-9, Qutab Institutional Area, Katwaria Sarai,
New Delhi- 110016.

....Petitioner

Vs

1. Executive Director (Commercial)
NTPC Ltd.
Core-7, Scope Complex,
Lodhi Road, New Delhi-110 003.

2. Chief Engineer (Commercial)
North Bihar Distribution Company Ltd.
Vidyut Bhawan, Bailey Road,
Patna, Bihar-800 001

3. Chief Engineer (Commercial)
Southern Bihar Distribution Company Ltd.
Vidyut Bhawan, Bailey Road,
Patna, Bihar-800 001
4. Chief Engineer (Commercial and Revenue)
Jharkhand State Electricity Board
In front of main secretariat,
Doranda, Ranchi-834 002
5. Superintending Engineer
Ajmer Vidyut Vitran Nigam Limited
Old Power House, Hathi Bhata, Jaipur Road,
Ajmer, Rajasthan
6. Director (Finance)
Jaipur Vidyut Vitran Nigam Ltd.
Vidyut Bhawan, Janpath, Jaipur-302 005
7. Superintending Engineer
Jodhpur Vidyut Vitran Nigam Ltd.
400 k V GSS Building,
Ajmer Road, Heerapura, Jaipur,
Rajasthan
8. Himachal Pradesh State Electricity Board
Vidyut Bhawan, Kumar House complex Building-II
Shimla.
9. Superintending Engineer (Inter-State Billing)
Punjab State Power Corporation Limited
Shed No. T-1A, Thermal design, Near 22 No. Phatak
Punjab State Power Corporation Ltd, Patiala
10. Chief Engineer/SO and Commercial
Haryana Power Purchase Centre,
Shakti Bhawan, Energy Exchange,
Room No.4446, Top Floor,
Sector-6, Panchkula-134 109
11. Chief Engineer
Power Development Department,
Govt. of Jammu and Kashmir,
SLDC, Building, 1st Floor,
Gladani Power House, Narwal, Jammu
12. UTC-Chandigarh
DIV-11, Opposite Transport Nagar
INDL. PH-1, Chandigarh

13. General Manager (Finance)
Madhya Pradesh TRADECO
Shakti Bhawan, Vidyut Nagar,
Rampur,
Jabalpur-482 008 (MP)

14. General Manager (PP)
Maharashtra State Electricity Distribution Co. Ltd.
Prakashgad, 4th Floor,
Bandra (East), Mumbai-400 052

15. Chief Finance Manager
Gujarat Urja Vikas Nigam Ltd.
Vidyut Bhawan, Race Course,
Baroda-390 007

16. Executive Engineer
Electricity Department
Administration of Daman and Diu
Daman-396 210

17. Superintending Engineer
Electricity Department,
Administration of Dadra Nagar Haveli
UT, Silvassa, 236 230.

...Respondents

Following were present:

Ms. Suparna Srivastava, Advocate, PGCIL
Shri A.M. Pavgi, PGCIL
Ms. Jyoti Prasad, PGCIL
Shri Rakesh Prasad, PGCIL
Shri Manju Gupta, PGCIL
Ms. Poorva Saigal, Advocate, NTPC
Ms. Anushree Bardhan, Advocate, NTPC
Shri V.K. Jain, NTPC
Shri Umesh Ambali, NTPC
Shri Nishant, NTPC

ORDER

The petitioner, Power Grid Corporation of India Limited, has filed the present petition seeking directions to the respondents to sign Long Term Access Agreements for transmission system for evacuation of power from North Karanpura Thermal Power Project (generating station) and grant of Regulatory Approval for execution of the associated transmission system.

2. Gist of the submission of the petitioner is as under:

(a) In December 2004, NTPC Ltd. planned to set up a 1980 MW (3X660 MW) thermal power project at North Karanpura in the State of Jharkhand. NTPC identified the tentative beneficiaries of the power project in Eastern, Western and Northern Regions as under:

Beneficiaries	Allocated/unallocated capacity (MW)
Dadra and Nagar Haveli	10
Daman and Diu	9
Madhya Pradesh	234
Maharashtra	100
Gujarat	264
Punjab	177
Haryana	96
Rajasthan	195
Himachal Pradesh	100
Jammu and Kashmir	20
Chandigarh(UTC)	13
Bihar	190
Jharkhand	275
Unallocated	297
Total	1980

(b) The Government of India constituted an Empowered Committee to identify the transmission scheme for execution by the private sector through competitive tariff based bidding. Based on the recommendations of Empowered Committee, the transmission system for North Karanpura was earmarked to be implemented through private sector route.

(c) In the 22nd and 27th meeting of Standing Committee on Power System Planning of Northern, Western Region and Eastern Regions held on 12.3.2007, 30.7.2007 and 5.5.2007 respectively, the transmission system for

thermal power project was finalised. Subsequently, the transmission system was also discussed and agreed in the 5th, 4th and 10th Western, Eastern Northern and Regional Power Committees meetings held on 19.6.2007, 6.10.2007 and 30.9.2008 respectively.

(d) On 13.12.2007, a meeting regarding execution of associated transmission system for North Karanpura was held in Ministry of Power under the Chairmanship of Joint Secretary (Transmission) wherein after detailed examination of the commissioning schedule of generating station and the time required for execution of transmission system, it was decided that the associated transmission system for North Karanpura be split and the critical line of 400 kV from North Karanpura to Ranchi and Gaya pooling stations be entrusted to POWERGRID as under:

Transmission Line

- NKSTPP-Gaya 400 kV D/C (Quad) line
- NKSTPP-Ranchi (New) 400 kV D/c (Quad) line

Sub-station

- 2 nos. of 400 kV line bays at Gaya
- 2 nos. of 400 kV line bays at Ranchi

Note: 4 nos. 400 kV Line bays and 2 nos. 125 MVAR Bus Reactors at generation switchyard shall be under the scope of NTPC.

(e) Subsequently, NTPC vide its letter dated 25.6.2013 informed PGCIL that the Government of India has cleared the implementation of North Karanpura generation project along with conditions stipulated by the Ministry of Power vide letter dated 4.3.2013 indicating that the

transmission/evacuation lines shall be aligned appropriately to suit the mining activities in accordance with the mining development.

(f) Since the generation project was delayed, the implementation of the transmission system was put on hold to match with the commissioning schedule of generation project. NTPC vide its letter dated 9.7.2014 informed the petitioner that units-I, II and III of the generating station are expected to be commissioned by June, 2018, December, 2018 and June, 2019 respectively.

(g) The project in question was one of the early projects taken up for evolution of transmission system, no formal application was received for grant of Long Term Access from NTPC. However, the transmission of power was planned in line with Central Sector Projects as carried out prior to the issuance of the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term Access and Medium Term Access in inter-State transmission and related matters) Regulations, 2009 (Connectivity Regulations). Moreover, as per the current regulatory regime, access to the ISTS network can only be granted upon receipt of an application for access.

(h) As per Regulation 2 (1) (l) of the Connectivity Regulations, the right to use the inter-State transmission system to facilitate such transfer of power can only be accorded after seeking LTA by making of application to CTU. Regulation 8 (6) of the Connectivity Regulations provides that the grant of connectivity shall not entitle an applicant to interchange any power with the

grid unless it obtains LTA, MTOA or STOA. However, in the present case, no such application has been made by NTPC. Therefore, no connectivity or LTA can be granted to the respondents to facilitate power to the beneficiaries from the generating station. In absence of LTA applications from NTPC and the beneficiaries, the petitioner would not be in a position to proceed with the development of the Associated Transmission System.

(i) The petitioner vide its letter dated 18.12.2014 requested Ministry of Power to convene a meeting with CEA, NTPC and the petitioner to facilitate timely implementation of ATS with generating station. Ministry of Power vide its letter dated 9.10.2013 has already accorded approval under Section 68 of the Act for implementation of the scheme.

(j) The petitioner has made consistent efforts to co-ordinate the development of transmission system in line with the upcoming generation. However, NTPC has consistently ignored its requests for making the LTA Application. NTPC has also overlooked the petitioner`s requests for signing the Implementation Agreement as mandated under the current regulatory regime.

(k) NTPC has informally informed the petitioner that the beneficiaries have signed the PPA to avail power from the generation project. It appears that NTPC is not coming up with an LTA application, since the alleged PPA does not impose any obligation on NTPC to do the same on behalf of the beneficiaries. However, it ought to be kept in mind that the PPAs are a contract between the beneficiaries and NTPC and as such have no bearing on the development of the ATS. In sharp contrast, the duty of a generator to

coordinate with CTU is a statutory obligation, which must be discharged for the efficient and timely development of the required transmission system.

(l) The petitioner is facilitating the discharge of the contractual obligations of the respondents *inter se* and therefore, this facilitation by CTU must be reciprocated with an LTA application so that the development of the transmission system may be taken up.

3. Against the above background, the petitioner has made the following prayers:

“(a) List the matter for urgent hearing in light of the grounds raised above;

(b) Admit the petition and issue notice to the respondents.

(c) Direct Respondent-1 NTPC to apply for grant of connectivity and LTA

(d) Also direct NTPC to comply with Regulation 15 of CERC Connectivity 2009 Regulations and sign the LTA Agreement

(e) Alternatively, direct the Respondents 2 to 17 to sign LTA agreement as per Regulations and Procedure

(f) Grant the Regulatory Approval for execution of the transmission system entrusted to the petitioner.

(g) Grant approval for inclusion of the asset for which transmission charges are to be recovered through the CERC (Sharing of Transmission charges and losses for ISTS), 2010.”

4. The petitioner has filed Interlocutory Application seeking urgent hearing in the light of the fact that the first unit of the generating station is scheduled for commissioning in June 2018 with synchronization in December 2017.

5. The matter was admitted on 26.2.2015 and notice was issued to the respondents to file their replies. The petitioner was directed to file list of the beneficiaries with whom PPA has been signed, copy of the PPA and status of the project.

6. No reply has been filed by the respondents.

7. The petitioner, vide its affidavit dated 20.3.2015, has submitted the status of the project as under:

S. No	Description	Status of the project
1	Acquisition of land	1144.33 acres of land in physical possession
2	Water linkage	Water linkage from Garhi Dam
3	Environmental clearance	Revalidated in February 2014
4	Forest clearance	Available
5	Status of award	Awarded to BHEL on EPC basis. With first unit COD in June,2018
6	Requirement of start-up power	By June 2017
7	Commissioning schedule	1 st Unit COD : June,2018 2 nd Unit : December,2018 3 rd Unit : July,2018

8. NTPC, vide its affidavit dated 30.4.2015, has submitted that after establishment of preliminary feasibility, NTPC took up the development of the generating station in the State of Jharkhand. Accordingly, the PPAs for sale and purchase of power from the project were discussed and signed with various beneficiaries located in Eastern, Northern Region and Western Region. NTPC has placed on record a copy of the PPA signed with Bihar State Electricity Board. NTPC has submitted that the following utilities are beneficiaries of the project and has entered to PPAs with them for sale and purchase of power from the generating station:

S. No	Name of the Beneficiary
1	M.P Power management Company Ltd.

2	Chhattisgarh State Power Distribution Company
3	Maharashtra State Electricity Distribution Company Limited
4	Gujarat Electricity Board
5	Electricity Department, DNH
6	Electricity Department, Administration of Daman and Diu
7	Uttar Pradesh Power Corporation Limited
8	Uttaranchal Power Corporation Limited
9	Delhi Transco Limited
10	Haryana Power Generation Company Limited
11	Punjab State Electricity Board
12	Rajasthan Rajya Vidyut Prasaran Nigam Limited
13	HPSEB Ltd.
14	Power Development Department(J&K)
15	Electricity Department, Union Territory of Chandigarh
16	West Bengal State Electricity Distribution Company Limited
17	Grid Corporation of Orissa Ltd
18	Jharkhand State Electricity Board
19	Power Department, Govt. of Sikkim
20	Bihar State Electricity Board

9. NTPC has submitted the status of principal activities of the generating station as under:

S. No	Description	Status of the generating station
1	Investment approval	Investment approval accorded on 28.1.2014 by the Board of Directors
2	Water	Firm Water Linkage obtained from WRD, Govt. of Jharkhand
3	Fuel	Coal requirement(Total-10.24 MTPA) Coal linkage restored from Magadh Block by Ministry of Coal vide letter dated 9.5.2013
4	Feasibility Report	Approved by Project Sub-Committee on 25.6.2013
5	Main Plant Award	EPC package awarded to BHEL on 28.2.2014
6	Associated Transmission System	Approved in following meetings of Standing Committee on Power System planning(SCM) ER SCM on 5.5.2007 22 nd NR-SCM on 12.3.2007 27 th WR-SCM on 30.7.2007 Discussed and agreed in following meetings of Regional Power Committee 4 th ERPC on 19.6.2007 10 th NRPC on 30.9.2008 5 th WRPC on 6.10.2007 MoP,Gol accorded approval for construction of

		lines from NKSTPP to Ranchi& gaya to be implemented by Powergrid vide letter dated 9.4.2008. The approval was re-granted vide letter dated 9.10.2013.
7	Connectivity	Applied vide letter dated 23.2.2015
8	Power Allocation	Requested MoP, Gol for allocation of power vide letters dated 20.1.2015 and 22.4.2015
9	Schedule Cod of Unit 1	June 2018
10	Schedule Cod of Unit 2	December 2018
11	Schedule Cod of Unit 3	June 2019
Clearances		
12	NOC from AAI	Available(13.2.2009)
13	Defense Clearance	Available(9.10.2001)
14	SPCB Clearance	Available(31.12.2001)
15	CWC Clearance	Available(14.1.2003)
16	MOEF Clearance	Available (21.3.2000) and Revalidation accorded in February 2014.

10. During the next hearing on 2.6.2015, learned counsel for the petitioner submitted that the beneficiaries have not signed the LTA agreements so far. NTPC in its application dated 23.2.2015 for grant of connectivity, had undertaken that it would submit the LTA application for the project shortly. However, LTA application has not been submitted so far. Learned counsel requested to direct NTPC to apply for LTA and sign the LTA agreement.

11. Learned counsel for NTPC submitted that beneficiaries would come forward to sign the LTA application only after the Central Sector allocation is made and the undertaking given in the application for grant of connectivity was subject to the allocation by Ministry of Power.

12. NTPC vide its letter dated 10.2.2016 has submitted that all the beneficiary States have authorised NTPC to make an application for grant of LTA on their behalf. NTPC has further submitted that Ministry of Power, Govt. of India vide its

letter dated 7.9.2015 has allocated power from North Karanpura Super Thermal Power Project to the beneficiary States of Eastern Region.

Analysis and Decision:

13. We have considered the submissions of the petitioner and NTPC and perused documents in record. The following issues arise for our consideration:

- (a) Who should sign LTA Agreement in the present case?
- (b) Whether CTU is entitled for grant of Regulatory Approval in the present case?
- (c) Whether assets covered in the present petition should be considered for inclusion in PoC under the Central Electricity Regulatory Commission (Sharing of Inter-State transmission and losses) Regulations, 2010 (Sharing Regulations)?

The above issues have been dealt with as under:

Issue No.1: Who should sign LTA Agreement in the present case?

14. NTPC Ltd. planned to set up a 1980 MW (3x660MW) Thermal Power Project at North Karanpura in the State of Jharkhand in December, 2004. PGCIL has been entrusted to undertake necessary action for development of associated transmission system matching with commissioning of generating unit at North Karanpura STPP for evacuation of power from this project. NTPC vide its letter dated 25.6.2013 informed the petitioner that the Govt. of India has cleared the implementation of generation project along with certain conditions indicating that the transmission/evacuation lines shall be aligned appropriately to suit the mining activities in accordance with the mining development plan. NTPC vide its letter dated 9.7.2014 informed the petitioner that unit-I, II and III of the generating station are likely to be commissioned by June, 2018, December, 2018 and June, 2019 respectively.

15. During the course of hearing on 2.6.2015, learned counsel for NTPC submitted that the beneficiaries would come forward to sign the LTA application only after the Central Sector allocation is made. He further submitted that the undertaking given in the application for grant of connectivity was subject to the allocation by Ministry of Power. On 23.2.2015, NTPC made an application to CTU for grant of connectivity. CTU vide its letter dated 17.8.2015 granted connectivity to NTPC. Subsequently, Government of India, Ministry of Power, vide its letter dated 7.9.2015 allocated the power from the generating station to 4 States with unallocated share of 15%. Relevant portion of the said letter is extracted as under:

“I am directed to state that power generated from the North Karanpura Super Thermal Power Project (3x660 MW) in Jharkhand, being implemented by NTPC, is allocated with effect from the date of commercial operation of the plant as per the details given below:

S. No.	Name of State	Total Allocation (in MW) (rounded off)	Share in installed capacity %
1.	Bihar	688	34.75
2.	Jharkhand (including Home State share)	500	25.25
3.	Orissa	396	20.00
4.	West Bengal	99	5.00
5.	Unallocated (15%)	297	15.00
	Total	1980	100.00

2. The aforesaid allocation will be operative for pro-rata distribution to the quantum of electricity mentioned above based on auxiliary consumption planned outage, forced outage, availability of fuel/water, etc. and after taking into account transmission losses.

3. The above allocation will further be subject to the Power Purchase Agreements (PPAs) entered into by NTPC Limited with State Power Utilities and will further be subject to the beneficiaries ensuring compliance with the financial and commercial terms (including coverage for Letter of Credit) of the PPA signed with NTPC Ltd., the tariff notification, any tripartite/bi-partite agreement signed with NTPC and any other directives/guidelines issued by the Government of India/Central Electricity Regulatory Commission from time to time.

3. This issues with the approval of the Hon`ble Minister of State (I/C) for Power, Coal and NRE.”

16. NTPC made an application on 1.10.2015 on behalf of the beneficiaries of the generating station to CTU for grant of LTA. Relevant portion of the application dated 1.10.2010 is extracted as under:

“The drawls of various beneficiaries, considered in the application are as per MoP allocation letter dated 7.9.2015. NTPC is making this application on behalf of the beneficiaries of NKSTPS and all beneficiaries have authorised NTPC to file LTA application on behalf of them. It is requested that the enclosed application may be processed at your end.”

17. NTPC entered into PPAs with the beneficiaries of the project on various dates for sale or purchase of power from the generating station. NTPC has placed on record the copy of PPA entered with Bihar State Electricity Board (BSEB) on 22.8.2006. Article 3 of the PPA provides as under:

“3.0 Transmission /Wheeling of Power

3.1 Power shall be made available by the NTPC at the Bus bars of the Station and it shall be the obligation and responsibility of BSEB to make the required arrangement for evacuation of power from such delivery points of the NTPC.

3.2 BSEB shall coordinate with the appropriate authorities/agencies including Power grid or any Transmission Licensee or other Licensees for power evacuation from the above delivery point.

3.3 BSEB shall be responsible to coordinate with the Power grid or any Licensee or other agencies for implementation of the transmission system for evacuation of power from the Station matching with the commissioning schedule

3.4 For wheeling of the power beyond Bus bar of the Station, charges for utilization of transmission system(s) owned by the Power grid/other agency (ies) shall be paid directly by BSEB to the Power grid or Licensee or other agency(ies) by the BSEB. NTPC shall not be responsible for payment of such charges.”

As per above provisions of the PPA, NTPC is required to made available power at the bus bar of the generating station and BSEB is responsible to arrange evacuation of power beyond bus bar of the generating station.

18. The Commission in order dated 31.1.2013 in Petition No. 133/MP/2012 (Power Transmission Corporation of Uttarakhand V/S NTPC and others) had observed and directed as under:

"25. We have considered the submissions of the petitioner and Respondent No.1. It is noted that the transmission system from the generation bus-bar till the pooling point is being developed by the petitioner and beyond pooling point for evacuation power outside the State is being developed by CTU. Since, both the systems are part of the inter-state transmission system, necessary agreements are required to be signed as per the Regulations 15 of the Connectivity Regulations which is extracted below:

"15. The applicant shall sign an agreement for long-term access with the Central Transmission Utility in case long-term access is granted by the Central Transmission Utility, in accordance with the provision as may be made in the detailed procedure. While seeking long-term access to an inter State transmission licensee, other than the Central Transmission Utility, the applicant shall sign a tripartite long-term access agreement with the Central Transmission Utility and the inter-State transmission licensee....."

The above provisions were implemented through the Detailed Procedures dated 31.12.2009 issued under the Connectivity Regulations with the approval of the Commission. Para 24.1.2(b)(ii)(vi) of the Detailed Procedures is extracted as under:-

"In case of applicants who have already firmed up the entity or entities to whom electricity is proposed to be supplied or from whom electricity is proposed to be procured for the entire quantum of power for which LTA has been sought through signing of PPA or, in the case of inter-State generating stations owned by the Central Government or Ultra Mega Power Projects coming up through the initiative of the Central Government, allocation of power to various beneficiaries as notified by it, then the applicant shall not be required to submit Bank Guarantee (BG) with the application form or the Construction Stage BG. In such cases, however, the augmentation of the transmission system as identified for grant of LTA shall be undertaken only after agreement of the beneficiaries in Standing Committee on Power System Planning/Regional Power Committee for bearing its transmission charges. The applicant shall submit a copy of PPA or notification made by Govt. of India, whichever is applicable. The long-term access agreement, may, in such cases, be directly signed by the beneficiaries with the CTU or tripartite agreement with the CTU and ISTS, as the case may be."

Though under Regulation 15 of the Connectivity Regulation, the applicant is required to sign the tripartite agreement with the CTU and the other inter-State transmission licensee, it has been clarified in the procedure that where allocation of power to various beneficiaries from the Central Sector Generating Station has been made by the Central Government, the long-term access agreement shall be signed by the beneficiaries with the CTU or the tripartite agreement with the CTU and ISTS, if another inter-State transmission licensee is involved. Since the power from the Tapovan Vishnugad and Lata Tapovan generating stations of the NTPC has been allocated by the Central Government in December, 2010, the long-term access

agreements shall be signed by the beneficiaries of the generating stations and not by NTPC.”

19. The Commission in the said order has clarified that in case of inter-State generating stations owned by Central government where power has been allocated by Central Government, the long term agreements shall be signed by beneficiaries of the generating stations.

20. In the present case, the Government of India, Ministry of Power vide its letter dated 7.9.2015 has allocated the power from the generating station to the beneficiaries of Eastern Region. Accordingly, as per the provisions of Regulation 15 of the Connectivity Regulations and Clause 27.3 of the Detailed Procedure approved thereunder, and in our finding in order dated 31.1.2013 in Petition No. 133/MP/2012, the beneficiaries of the generating station are directed to sign the LTA Agreement with CTU within one month from the issue of the order.

Issue No. 2: Whether CTU is entitled for grant of regulatory approval in the present case?

21. Regulation 3 of the Central Electricity Regulatory Commission (Grant of Regulatory Approval for execution of Inter-State Transmission Scheme to Central Transmission Utility) Regulations, 2010, as amended from time to time (Regulatory Approval Regulations) provides as under:

"3 Scope and applicability

(1) These regulations shall apply to:

(i) an ISTS Scheme proposed by Central Transmission Utility, for which generators have sought long-term access as per the Central Electricity Regulatory Commission (Grant of Connectivity, Long-Term Access and Medium-Term Open Access to the Inter-State Transmission and Related Matters) Regulations, 2009, and for which consultation with Central Electricity Authority and beneficiaries if already identified has been held for setting up the ISTS Scheme, but for which Power Purchase Agreements with all the beneficiaries have not been signed on the date of application.

(ii) an ISTS Scheme for system strengthening/up-gradation, identified by Central Transmission Utility to enable reliable, efficient, co-ordinated and

economical flow of electricity within and across the region for which consultation with Central Electricity Authority and beneficiaries if identified has been held. Grant of Regulatory Approval for execution of Inter-State Transmission Scheme to Central Transmission.

(iii) ISTS Scheme proposed by CTU, for which the Central Government authorized Solar Power Park Developer has sought long term access, and for which consultation with CEA and beneficiaries wherever identified has been held for setting up the ISTS scheme and the Solar Power Park Developer undertakes to bear all liabilities on behalf of the solar power generators to be set up in the Solar Park.”

As per the above provisions, regulatory approval can be granted for a system strengthening scheme or an ISTS scheme proposed by Central Transmission Utility, for which generators have sought long-term access as per the provisions of the Connectivity Regulations but for which Power Purchase Agreements with all the beneficiaries have not been signed.

22. Though on the date of filing of the application, all beneficiaries had not signed the PPA, NTPC vide its affidavit dated 30.4.2015 has confirmed that all beneficiaries have subsequently signed the PPAs with the North Karanpura Super Thermal Power Station. Therefore, the present case is not covered under the provisions of Regulation 3 of the Regulatory Approval Regulations. There is no necessity for according regulatory approval in this case. Prayer at para 31 (f) is disposed of accordingly.

Issue No. 3: Whether assets covered in present petition shall be considered for inclusion in PoC under Sharing Regulations?

23. Since the assets being implemented by the petitioner are ISTS in nature, the same shall be considered for inclusion of PoC under the provisions of Sharing Regulations after the commercial operation of the said assets.

24. The petition along with IA is disposed of with the above.

Sd/-
(A.S. Bakshi)
Member

sd/-
(A.K. Singhal)
Member

sd/-
(Gireesh B. Pradhan)
Chairperson