

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 9/SM/2018

Coram:

**Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member**

Date of Order: 3rd of December, 2018

In the matter of

Non-compliance of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012.

**And
In the matter of**

DGEN Transmission Company Limited
305-306, 3rd Floor,
Eros Corporate Tower, Nehru Place,
New Delhi- 110019.

.....**Respondent**

ORDER

By order dated 24.6.2015, DGEN Transmission Company Limited (hereinafter referred to as "the licensee") was granted transmission licence to establish "Transmission System associated with DGEN TPS (1200 MW) of Torrent Power Limited" (hereinafter referred to as "Transmission System") on Build, Own, Operate and Maintain (BOOM) basis comprising the following element:

S.No.	Scheme/ Transmission Works	Completion Target	Conductors per phase
1.	DGEN TPS-Vadodara 400 kV D/C line-114 kms	38 months from the effective date	Twin ACSR Moose or equivalent AAAC be designed for a maximum operating conductor temperature of 85°C



2.	Navsari-Bhestan 220 kV D/C line-21 kms	38 months from the effective date	ACSR Zebra or equivalent AAAC be designed for a maximum operating conductor temperature of 85°C
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2. As per Regulation 10(7) of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009 (hereinafter referred to as “Transmission Licence Regulations”), the licensee is required to pay the licence fee regularly in accordance with the Payment of Fee Regulations or such other Regulations as may be in force from time to time.

3. The Commission in its order dated 24.6.2015 in Petition No. 104/TL/2015, had granted the transmission licence to the licensee subject to the fulfillment of certain conditions including payment of licence fee throughout the period of licence. The relevant portion of the said order is extracted as under:

“10.....

(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;....”

4. Under clause (4) of Regulation 7 of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012 (hereinafter referred to as “Payment of Fee Regulations”), the licensees are required to pay licence fee within thirty days of the date of grant of licence and thereafter, annually by 30th April of each year. It has been brought to our notice by the staff of the Commission that the respondent has not paid the licence fee for the year 2017-18, which was payable by 30.4.2017 despite the issuance of reminders

dated 8.9.2017 and 3.11.2017 and for the year 2018-19 which was payable by 30.4.2018.

5. In accordance with Section 19 of the Electricity Act, 2003 (hereinafter referred to as "the Act"), where the licensee in the opinion of the Commission, makes willful and prolonged default in doing anything required of him by or under the Act or the Rules or the Regulations, the Commission may revoke the licence after serving a notice of not less than three months. Under the Payment of Fee Regulations, the licensee is required to pay the licence fee for the year 2017-18 and 2018-19 by 30.4.2017 and 30.4.2018, respectively. The respondent has failed to deposit the licence fee within the stipulated period and therefore, has made willful default in complying with the requirement of Transmission Licence Regulations read with Payment of Fee Regulations and the terms of its licence.

6. In view of the failure on the part of respondent to comply with the provisions of relevant Regulations and in terms of licence with regard to payment of licence fee, we direct the respondent to file its response by 31.12.2018 as to why its transmission licence granted for establishment of "Transmission System associated with DGEN TPS (1200 MW) of Torrent Power Limited" should not be revoked for willful default in depositing the licence fee.

7. The petition shall be listed for hearing the respondent after receipt of its reply.

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

Sd/-
(P. K. Pujari)
Chairperson

