

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**I.A. No. 23/2019 in
Petition No.194/MP/2017**

Subject :Petition under Sections 61, 63, 79(1)(c) and 79(1)(f) of the Electricity Act, 2003 read with Article 16 of TSA and the tariff based competitive bidding guidelines for transmission service, for claiming relief under TSA dated 14.3.2016 relating to implementation of the transmission Project Elements.

Date of Hearing : 27.2.2019

Coram : Shri P.K. Pujari, Chairperson
Dr. M.K. Iyer, Member
Shri I.S. Jha, Member

Applicant : North Karanpura Transco Limited (NKTL)

Respondents : Jharkhand Bijli Vitran Nigam Limited and Others

Parties present :Shri Sanjay Sen, Senior Advocate, NKTL
Shri Hemant Singh, Advocate, NKTL
Shri Tushar Srivastava, Advocate, NKTL
Ms. Ankita Bafna, Advocate, NKTL
Shri Jagdeep Dhankar, Senior Advocate, CCL and MoC
Shri Anshuman, Advocate, CCL and MoC
Shri K. Vajpayee, Advocate, CCL and MoC
Shri Anshuman, Advocate, CCL and MoC
Shri Karan Singh Bhati, Advocate, CMPDI
Ms. Poorva Saigal, Advocate, NTPC
Shri Shailendra Singh, NTPC
Shri A. Babu Roy, NTPC
Shri A.S. Pandey, NTPC

Record of Proceedings

Learned senior counsel for the Applicant, North Karanpura Transco Limited submitted that present IA has been filed for seeking to quash the tender dated 25.1.2019 issued by Power Grid Corporation of India Limited (PGCIL). Learned senior counsel further submitted as under:

- (a) While the Petition No. 194/MP/2017 is sub-judice before the Commission due to non-grant of NOC to the Applicant by Government authorities, PGCIL published a Tender Notice on 25.1.2019 for transmission lines associated with 400 kV D/C (Quad) North Karanpura-Chandwa transmission line under Consultancy services to NTPC.
- (b) NTPC, being a respondent in the present proceedings, ought to have taken leave of the Commission before taking such unilateral action.
- (c) The Applicant is best placed to complete the Project on a fast track basis as it has already completed number of activities.
- (d) There is no justification as to how NTPC can complete this project without

NoC from Ministry of Coal.

2. Learned counsel for NTPC submitted that the generating station is in advanced stage of completion and need evacuation system to achieve commissioning. Learned counsel submitted that 40 km transmission line to be constructed by NTPC. Learned counsel requested for week's time to file reply to the IA.

3. The Commission observed that despite participating in the proceedings of the present matter, NTPC did not inform the Commission about the tendering process. In response, learned counsel for NTPC submitted that NTPC had informed the Commission during the hearing held on 12.12.2018 that in the meeting convened by Ministry of Power on 28.11.2018, it was decided that PGCIL shall take up construction of one D/C North Karanpura-Chandwa line on priority basis to match with the commissioning time lines considering it as dedicated line of North Karanpura-Chandwa project.

4. In response to the Commission's query regarding status of NoC, learned senior counsel for Ministry of Coal (MoC) and Central Coal Fields (CCL) submitted that he has no information in this regard. Learned senior counsel further submitted that the Petitioner was supposed to file an affidavit in response to issues raised on the qualified affidavit filed by the Applicant on 29.1.2019. However, the Petitioner has filed the affidavit only on 26.2.2019. Learned senior counsel submitted that MoC shall respond to the affidavit filed by the Petitioner and shall submit the status of NoC in the shortest possible time.

5. Learned senior counsel for the Applicant submitted that the involvement of MoC/CCL in the present matter is limited to grant of NoC and the qualification relating to time and cost over-run is not concerned with MoC/CCL.

6. After hearing the learned senior counsels for Petitioner, MoC and CCL and learned counsel for NTPC, the Commission directed MoC and CCL to submit within a week status of NoC and response to the affidavit filed by the Petitioner. The Commission directed NTPC to file its reply on the IA, by 6.3.2019 with an advance copy to the Applicant who may file its rejoinder, if any, by 7.3.2019. The Commission directed NTPC to file the following information, on or before 6.3.2019:

(a) Status of the Petitioner's line;

(b) Information as to whether the proposed dedicated transmission line of NTPC would pass through the same route or different route?

(c) If the proposed line is being constructed to replace the NK-C line of the Applicant, what is the way forward for the project which has been awarded to NKTL considering it has been granted licence after competitive bidding. How the Applicant shall be compensated in case the proposed dedicated transmission system is constructed by NTPC? and

(d) Status of NoC from MoC for NTPC or any other step taken with regard to approval taken/applied for.

7. The I.A shall be listed for hearing on 8.3.2019.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Law)**