

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 10/SM/2017**

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

**Date of Order: 21<sup>st</sup> of February, 2019**

**In the matter of**

Non-compliance of the provision of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009

**And**

**In the matter of**

Teestavellay Power Transmission Limited  
2nd Floor, Vijaya Building  
17, Barakhamba Road  
New Delhi-110 001

**....Respondent**

**Parties present:**

- 1) Sh. Tarun Johri, Advocate, TPTL
- 2) Shri Ankur Gupta, Advocate, TPTL
- 3) Ms. Swapna Seshadri, Advocate Dans Energy
- 4) Shri Piyush Shandilya, TPTL
- 5) S. K. Bhowmick, TPTL

**ORDER**

The Commission, vide order dated 22<sup>nd</sup> June, 2017 in Petition No. 10/SM/2017, observed as under:

“By order dated 14.5.2009 in Petition No. 116/2008, Teestavalley Power Transmission Ltd. (the licensee), an SPV, and a joint venture between POWERGRID and Teesta Urja Ltd. (TUL) was granted transmission license to execute the following transmission system:

Sl. No.	Description	Length
1.	400 kV D/C transmission line with quad Moose conductor from Teesta-III generating station to Mangan Pooling Station.	2 km
2.	400 kV D/C transmission line with quad Moose conductor from Mangan to new pooling station at Kishanganj including 2 line bays and 2 nos. 63 MVAR Reactors at Kishanganj switchyard	204 km

2. As per Annexure 2 of BPTA dated 24.2.2010 entered into between POWERGRID and seven LTTCs for LTA, Teesta III-Mangan and Mangan-Kishanganj 400 kV D/C with quad moose conductor along with associated line bays was required to be completed on or before August, 2011 along with Teesta-III generation project. Teesta-III generation project has been declared under commercial operation as under:

Unit	Scheduled CoD	Actual CoD
Unit-II, III & IV	August, 2011	23.2.2017
Unit- I, V & VI		28.2.2017

3. However, the transmission assets as given in the table under para 1 have not been commissioned completely even after 8 years of grant of transmission licence.

4. TPTL has filed the Petition No. 108/TT/2016 for determination of transmission tariff for 400 kV D/C Teesta III HEP– Rangpo Section upto LILO Point at Rangpo in Eastern Region. From perusal of the said petition, it emerges that the scheduled commissioning of the Teesta III - Kishanganj 400 kV D/C transmission line was 36 months from the date of financial closure which was achieved on 31.3.2010. Accordingly, as per the investment approval of TPTL, the scheduled date of commercial operation of the transmission system was 28.2.2013.

5. As per the minutes of meeting to review the limit of maximum power flow through 400 kV Rangpo-Siliguri D/C line in respect of Rangpo SPS held on 29.3.2017 at ERPC, Kolkata, the progress of Rangpo-Kishanganj 400 kV D/C (Quad) line is as under:

Description	Total	Completed
Locations/Foundation	591	521
Erection	591	511
Stringing	215 km	145 km

6. In the above said meeting dated 29.3.2017, TPTL informed that the entire line is expected to be completed by October, 2017. In the 12th Joint Co-ordination Committee (JCC) meeting of Generation Projects granted Connectivity/LTA in Eastern Region (ER) held on 27.3.2017, the status of generation and transmission projects were reviewed. As per the minutes of meeting of above 12th JCC meeting held on 27.3.2017, Rangpo-Kishanganj 400 kV D/C (Quad) transmission line is expected to be commissioned by March, 2018.

7. In accordance with Regulation 10 (2) of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009, the licensees are required to build the project in a time-bound, efficient, coordinated and economical manner. It is the responsibility of the licensee to ensure that the project is completed as per the schedule given in the BPTA. In the present case, not only the scheduled commissioning mentioned in the BPTA has been missed, but the commissioning of the transmission system has not been kept at par with the commissioning of the various units of the Teesta-III generation project of Teesta Urja Ltd. As a result, the power for the full capacity of Teesta-III generation project cannot be evacuated.

8. In view of the above, Teestavalley Power Transmission Ltd. (TPTL) is directed to explain, latest by 14.7.2017, the reasons for inordinate delay and the remedial measures being taken by it to implement the project within the scheduled time. TPTL is further directed to explain as to why the licensee should not held liable for loss suffered by Teesta-III generation project and the generation projects in the region on account of non-availability of the transmission line for evacuation of power.

.....

10. A copy of this order shall be endorsed to all LTTCs of the project who shall be present before the Commission to render necessary assistance.”

2. As per direction of the Commission vide order dated 22.6.2017, TPTL vide affidavit dated 20.7.2017 submitted its reply as under:

(a) 400 kV D/C Teesta III - Kishanganj Transmission Line has been divided into four parts as mentioned below:

(i) Teesta III - Rangpo Section (36 Ckt km)- Circuit #2: This section was successfully commissioned on 17.1.2017 .

(ii) Teesta III - Dikchu Section (14 Ckt km)- Circuit #1(a): This section was successfully commissioned on 14.4.2017.

(iii) Dikchu - Rangpo Section (22 Ckt km)- Circuit #1(b): Work on Dikchu- Rangpo Section is physically completed, but has not yet been energized due to resistance by a section of persons near the tower location 36(A), which is in

the proximity of a church in East Sikkim. TPTL has requested the District Collector (East Sikkim) in this regard. However the matter remains unresolved till now. Resolving of Right of way issue is under process after seeking assistance from Government of Sikkim Authorities.

(iv) Rangpo to Kishanganj D/C transmission line (179 km)- Circuit #3 This section of 400 kV D/C Teesta III - Kishanganj Transmission Line is expected to be commissioned by 31.3.2018.

(b) Reasons for delay in completion of the transmission line:

(i) For approval under Section 164 of the Electricity Act, 2003, application was filled by TPTL before CEA on 8.12.2009. Subsequently, TPTL also complied with necessary requirements based on laid down procedure and submitted the compliance to CEA on 14.01.2010. The approval under Section 164 was granted vide letter dated 11.5.2010.

(ii) Delay in accord of Forest Clearance by MOEF:

Region	Date of submission of proposal	Stage-I clearance	Stage-II Clearance
Sikkim	7.9.2009 (North Sikkim) 21.12.2009 (East Sikkim) 11.1.2010 (South Sikkim)	10.1.2011	7.9.2011
West Bengal	5.4.2010 (S-I)	28.5.2013	4.1.2017

(iii) Out of the total locations of 591 nos., 138 locations in the Darjeeling hills and covered within the Gorkhaland Territorial Authority (GTA), suffered heavily because of non-commencement of works on account of Gorkha

land agitation prior to formation of GTA with effect from November 2009 and even past formation of GTA in 2012 till August, 2015. The work commenced in this area only from September, 2015 after TPTL became a Govt, of Sikkim Enterprise. Since 9th June 2017, GJM Committee blocked National Highway 31A in Darjeeling district. Thus work came to standstill in Darjeeling and Sikkim areas.

- (iv) There were large numbers of trees in the corridor of transmission line in Darjeeling Hills in the non-forest area of private land and in these private lands, tree cutting was not permitted by the Forest Department during rainy season. In addition to this, even after obtaining the Stage-II forest clearance in West Bengal, TPTL applied for demand note for depositing money to enable the forest department and GTA to take up tree cutting in the forest areas on 30.11.2016. However, the GTA Forest Department has delayed the submission of estimate of tree cutting in the GTA administered area.
- (v) Some locations of the transmission line are falling in Changa Basti in Darjeeling District foothills which is a completely encroached habitat and villagers in this area are not allowing TPTL to enter the area even for survey works. Matter has been continuously taken up with the local authorities and also district authorities. Though continuous efforts are being made by TPTL, ROW issue in this area is yet to be resolved for last many years.
- (vi) On 18.09.2011, a severe earthquake of 6.8 magnitudes on the Richter scale was experienced in the State of Sikkim covering the entire route of the line

and resulting in heavy casualties and damage to life and property. In addition, heavy slides caused other damages to roads, paralyzing normal life and bringing works to a complete standstill. The Contractor could resume normal activities effectively only after 3 months from the date of Earthquake i.e. by Dec 2011.

(vii) Rangchang Khola Bridge linking Singtham and Mangan collapsed on 19.12.2011 during the transportation of transformer of Teesta III HEP. Due to this mishap, supply of essential items, such as cement, steel, tower material, conductor and other associated materials required for the tower locations AP1 to 55 falling under Teesta III -Rangpo Section of Transmission Line. Thereafter a parallel bridge was constructed for movement of light/small loads capacity. The proper bridge could finally be constructed in August, 2013 only. The entire work of transmission line was completely stopped for 1 month and resumed on a restricted basis due to limitation of temporary bridge for a period of about 21 months.

(viii) The construction activity was seriously affected due to ROW issue(s) in the states of Sikkim, West Bengal (Darjeeling) and Bihar at most of the tower locations falling within Teesta III -Rangpo Section.

(ix) The stay granted by the High Court of Delhi and Sikkim to maintain status quo following termination of tower packages (services and supply contract) due to non-performance by the contractor, has resulted in delay of more than 6 months (about 185 days). As a result of the stay order of the High

Courts, the new contractor appointed by TPTL could not commence the work at site.

(x) Difficult hilly and inaccessible terrain in Sikkim contributed to slow progress of work in the hilly region. Further, due to earthquake witnessed in September 2011, slope stabilization measures and cut slopes required for the foundation works were relooked. Further, due to undulation of area, as high as 20 meter, foundations with chimney extensions were required to be casted in all the locations in hilly region falling under Sikkim. In some locations chimney extensions as high as 12m were required to be constructed, after providing leg extensions up to 9m which was not envisaged in the DPR. Construction of chimney extensions in all locations in hilly areas required considerable extension of time period. Further, the movement of machines was also difficult because of the remote locations which were not easily accessible by road and hence many times, work had to be carried out manually. This resulted in delay in foundation work of towers.

(xi) The 220kV Jorthang HEP to New Melli Pooling Station dedicated transmission lines of Dans Energy without maintaining required Electrical phase clearances as per IE rules.

(xii) TPTL is unable to charge Dikchu - Rangpo Section of this transmission line due to illegal construction of church by the local people in location no. 37 as

the statutory electrical clearance as per the Indian Electricity Rules, 1956 is not available between the declared church and the transmission line.

(xiii) Theft of conductor and tower material in Bihar.

(c) Following steps have been taken/to be taken for expeditious completion of 400kV Teesta III-Kishanganj transmission line:

- (i) Based on the decisions taken in the MoP meeting dated 27<sup>th</sup> - 28<sup>th</sup> November, 2014 chaired by Minister of State (IC) for Power, Coal & NRE, the Government of Sikkim (GoS) increased its shareholding in TUL to 51% after executing Share Purchase Agreement (SPA) on 6.8.2015. Accordingly, GoS with its new management and POWERGRID are trying to complete the balance Rangpo to Kishanganj Transmission line as expeditiously as possible.
- (ii) TPTL had given main contract to DCIL - AIPL JV to execute the Project. However, due to the slow progress of the project, the above contract was terminated in May, 2014 and thereafter TPTL engaged multiple reputed agencies to complete the balance works of the project.
- (iii) The subject transmission line is passing through the Kishanganj District of Bihar which is adjacent to Uttar Dinajpur District of West Bengal as well as Bangladesh and Nepal. This area is highly theft prone and there were repeated theft of conductor already strung in tower locations in areas falling under jurisdiction of Police Stations in Kishanganj District. TPTL had already



taken up the above issue with Govt of Bihar. A separate tender for the restringing of the stretches where theft has taken place has been issued by TPTL. TPTL have planned section-wise charging of the line.

(iv) Chief Minister of West Bengal, Forest Secretary West Bengal, and GTA Administration have been requested for helping in sorting out issues like ROW, clearance on tree falling, etc., on faster pace.

(d) TPTL should not be held liable for loss suffered by Teesta-III HEP and other generation projects because:

(i) An Implementation Agreement between TUL and TPTL in respect of 1200 MW Teesta-III HEP was signed on 6.8.2008, which was amended on 29.10.2016. Further, following the CERC Order dated 03.12.2014 in Petition No. 157/MP/2014, an Implementation Agreement dated 11.3.2016 was entered into between TPTL and Sneha Kinetic Power Projects Pvt. Ltd., for the short term evacuation of Dikchu HEP.

(ii) TPTL is responsible for wheeling out long term power of only Teesta-III HEP and in the short /medium term, for Dikchu HEP only. Hence, TPTL is responsible for compensation for loss of generation at Teesta - III only as per the Implementation Agreement dated 6.8.2008 entered into between TUL and TPTL and its amendment dated 29.10.2016.

3. The matter was heard on 27.7.2017 wherein the counsel appearing on behalf of TPTL submitted that TPTL filed its reply to the quires raised by the Commission vide

order dated 22.6.2017. The Commission directed TPTL to serve the copy of its reply on all the LTTCs and LTTCs to file their responses with advance copy to the TPTL.

4. As per direction of the Commission vide RoP of the hearing held on 27.7.2017, DANS Energy vide affidavit dated 10.8.2017 submitted its reply to the response filled by TPTL as under:

- (a) One of the reasons claimed by TPTL for the delay in the transmission line is the power line crossing of 220 kV transmission line constructed by the answering Respondent, DANS Energy Private Limited (DANS Energy).
- (b) The said claim is misconceived, baseless and wrong. DANS Energy has constructed and commissioned the DANS Energy Transmission Line in the State of Sikkim with due clearance under Section 68 of the Electricity Act and also with due approvals from the concerned authorities including CEA, Power Grid and ERPC.
- (c) Even though TPTL states that it had been awarded the contract of construction in 2009, the subject transmission line was nowhere in sight even till January 2016. The SCOD of the subject transmission line was in 2011, and that even after 5 years from the Scheduled COD, the subject transmission line had not even reached a preliminary stage of construction.
- (d) Both the Commission as well as the APTEL has held that a generating company establishing a dedicated transmission line does not require any other permission other than the permission under Section 68 of the Electricity Act.

- (e) DANS Energy had been allowed the Loop-in Loop-out (LILO) for evacuation of power by the Standing Committee constituted by POWERGRID and CEA only till March 2016 and had been directed to commission the 220 kV DANS Energy transmission line by March, 2016. In pursuance to the said direction, DANS Energy proceeded to complete the construction of the Dedicated Transmission Line as expeditiously as possible and to complete the construction by March, 2016. At such point of time, there was no line or activity of TPTL in the vicinity of the Dedicated Transmission Line being constructed by DANS Energy.
- (f) By the time TPTL had contacted DANS Energy in January, 2016 to conduct a joint survey about the issue of power line crossing, the Dedicated Transmission Line was at the final stages of completion with all towers having been erected and the stringing work also being completed. The dedicated transmission line has been constructed and commissioned by DANS Energy with all due permissions and approvals including the approval for charging the line by CEA, the approval given by the ERLDC, ERPC and the CTU, POWERGRID.
- (g) It has rendered full cooperation to TPTL and all other stakeholders. Immediately upon the request of TPTL, DANS Energy vide email dated 21.1.2016 had stated as under:

"Reference to your trailing mail DANS ENERGY had surveyed this route and Sikkim Government Gazette was issued on 26<sup>th</sup> November, 2013, which is attached indicating the villages through which the transmission line was to pass.

Thereafter the construction was started.

Now the erection and stringing of the transmission line is in progress. At this stage as the work is in finishing stages, the matter may be out of our control. However, as desired, joint inspection can be carried out on mutually agreed date.

Kindly indicate the date so that we can place requisition for our surveyor and carry out the survey."

5. TPTL has vide affidavit dated 5.9.2017 submitted its response to the reply of DANS Energy Private Limited as under:

- (a) DANS Energy was granted approval under Section 68 of the Act on 15.7.2011 by Govt. of India, accorded forest clearance in February, 2017 and applied to the Govt. of Sikkim vide letter dated 3.8.2015 for accord of Section 164 approval. DANS should have approached Gol for approval under section 164 of the Act as they were accorded approval under section 68 of the Act by Gol.
- (b) Approval under section 164 was sought much later in August 2015 only while the work had commenced before and was stated to be completed in August, 2015. The approval of the Govt. of Sikkim under Section 164 has not been obtained by M/s DANS Energy till date even after the line has been completed. As such, the contention of M/s DANS Energy that they have obtained all due approvals from the concerned authorities, is not correct. Further, M/s DANS Energy has not submitted any documentary approval for grant of approval under section 164 of the Act.
- (c) DANS Energy has not co-operated with TPTL for conducting joint survey for the said crossing.

(d) The contention of M/s DANS Energy that they have complied with all the approvals and permissions for charging the line is also not correct because of the fact that M/s DANS Energy were allowed to wheel out their power through interim arrangement which excluded the portion of 220 kV line under TPTL crossing.

6. TPTL vide affidavit dated 25.9.2017 submitted additional submission to the reply of DANS Energy Private Limited as under:

(a) TPTL requested Energy & Power Department, Sikkim to instruct Dans Energy to construct their 220kV transmission line keeping electrical clearances from 400kV Teesta III- Kishanganj transmission line. Subsequently a meeting was called by Principal Chief Secretary and it was decided that a joint survey would be undertaken by TPTL & DANS Energy and Dans Energy would construct under-pass gantry for the above power lines crossing to maintain statutory electrical clearances, but DANS Energy neither carried out joint survey nor constructed under-pass gantry. Thus PCE-cum-Principal Secretary referred the matter to CEA.

(b) TPTCL requested CEA to look into the matter. Accordingly, CEA conducted a meeting on 28.06.2017 and asked for a joint survey by TPTL & DANS Energy. Further to which CEA conducted a second meeting on 21.07.2017 and again asked for a joint survey. A joint survey was conducted between the parties from 24.07.2017 to 27.07.2017. Four options suggested as a result of survey are mentioned below:-

- OPTION -1 (Tower Body extension by +30 Meters for location 142 at same location with 10 Meters shifting of tower center towards hill site).
- OPTION -2 (Tower Body extension by +30 Meters for location 142 by shifting of tower center around 40 Meters towards TPTL location 143 within the same alignment).
- OPTION -3 (Line passing Gantry between DEPL location 19 to 20).
- OPTION -4 (Installation of Insulated cable between DEPL location 19 to 20).

(c) During the joint survey it was decided that costing of OPTION -1 & OPTION -2 shall be made by TPTL and costing of OPTION -3 & OPTION -4 shall be made by DANS Energy.

(d) TPTL prepared the cost estimate for OPTION -1 & OPTION -2 which is Rs 6,05,85,095/- & 5,45,17,143/- respectively and submitted to CEA & DANS Energy via a letter dated 22.08.2017. The cost estimate of the other two Options (3 & 4) is not submitted by DANS Energy yet. TPTL line is getting delayed because of the delay in estimation of cost by DANS Energy.

7. TPTL vide affidavit dated 27.9.2017 submitted the status of the project as under:

- (i) Teesta-III to Rangpo (Circuit-2) and Teesta-III to Dikchu (Circuit 1A) are in commercial operation from 16.1.2017 and 13.04.2017 respectively.

(ii) Dikchu to Rangpo (Circuit IB) could not be charged due to ROW issue at AP 36A in the vicinity of ELIM Church.

(iii) For Rangpo to Kishanganj section of the subject line, all the statutory clearances (i.e. Forest, Railway & PTCC) have been obtained. Forest clearance (Stage-2) for Darjeeling portion (i.e. 28 Locations) was obtained on 4.1.17:

Name of Activity	Total	Balance Work (As on 12 <sup>th</sup> December, 2017)		
		Total	West Bengal	Bihar & Sikkim
Foundation	492 nos.	43 nos.	42 nos.	1 nos.
Erection	492 nos.	61 nos.	59 nos.	2 nos.
Stringing	178 Km	48.37 km	41.91 km	6.46 km

(iv) The work has been suspended in Darjeeling district due to Gorkha JanMukti Morcha agitation since 9.6.2017. The construction activity of 48 nos. foundations, 64 nos. erections & 38 km of stringing are adversely affected in this region. Further, repeated theft of conductors in Bihar is also a major hindrance and the matter has been taken up with Govt. of Bihar.

(v) ROW issues at tower no. AP 36A in the vicinity of ELIM Church has delayed the charging of Dikchu - Rangpo Section of the transmission line. The matter is being pursued with Govt. of Sikkim for resolution. The entire project is scheduled to be completed by 31<sup>st</sup> March, 2018.

8. The matter was again heard on 27.9.2017. After hearing the parties, the Commission directed TPTL to furnish the following information:

(a) The present status of 400 kV D/C Teesta III-Kishanganj transmission line;

- (b) Year wise progress of the 400 kV D/C Teesta III-Kishanganj transmission line from the date of grant of licence;
- (c) Details of time over-run along with documentary evidence and asset-wise activities in chronological order as per the following format:

Asset	Activity	Period of Activity				Reason(s) for Delay along with reference to supporting documents
		Planned		Achieved		
		From	To	From	To	

- (d) With regard to Forest clearance pertaining to West Bengal submit:
- (i) The Forest Clearance proposal copy pertaining to West Bengal and;
  - (ii) TPTL has obtained Stage-I clearance on 28.5.2013 and stage-II clearance on 4.1.2017. The justification of delay from Stage I to Stage II pertaining to West Bengal.
- (e) Copy of approval under Section 164 of the Electricity Act, 2003;
- (f) With regard to approval for tree cutting in private land and forest land of Darjeeling Hills, the date when the petitioner applied for tree cutting and when the final approval for tree cutting was received;
- (g) How many tower locations are covered under Forest area (West Bengal, North Sikkim, East Sikkim & Darjeeling hills);
- (h) With regard to RoW problem, whether the Petitioner has resolved the RoW problems at location Numbers AP-36, 169C-169 C/1, 169D-169-E, 169-F,



location No.271, 309, 310 & 310/2, 316 & 317 and documentary evidence in support of RoW problems at above locations;

- (i) Documentary evidence in support of the delay in erection, stringing and civil works including foundation due to geological surprise.

9. TPTL vide affidavit dated 20.12.2017 submitted its reply to the queries asked vide RoP of the hearing held on 27.9.2017 as under:

- (a) Work on Dikchu- Rangpo Section is physically completed, but has not yet been energized due to resistance by a section of persons near the tower location 36(A), which is in the proximity of a church in East Sikkim. After prolong deliberations, the entire Church members agree to the solution proposed by PCE cum Secretary, Power Department and PCE cum Secretary (PWD Roads). The line is expected to be commissioned by February, 2018.

- (b) Rangpo to Kishanganj section of 400 kV D/C Teesta III-Kishanganj transmission line is expected to be commissioned by 31.3.2018. The status of Rangpo to Kishanganj section of 400 kV D/C Teesta III-Kishanganj transmission line as on 12.12.2017 is as under:

Sl. No.	Region	Status as on 12.12.2017								
		Foundation (Nos.)			Erection (Nos.)			Stringing (Km.)		
		Total	Completed	Balance	Total	Completed	Balance	Total	Completed	Balance
1	South Sikkim	65	64	1	65	63	2	21.6	18.24	3.36
2	Darjeeling	136	101	35	136	87	49	50.2	19.53	30.67
3	West Bengal Plains	91	84	7	91	81	10	34	22.76	11.24

4	Bihar Plains	200	200	0	200	200	0	71.7	68.6	3.1
	TOTAL	492	449	43	492	431	61	177.5	129.13	4S.37

(c) The proposal for Forest Clearance was submitted to respective Divisional Forest Officers (DFOs) vide letter dated 5.4.2010 for obtaining Stage-I clearance. MOEF, after the recommendation of Forest Advisory Committee (FAC), accorded Stage-I clearance vide letter dated 28.5.2013. In the meanwhile, MOEF issued a circular dated 11.7.2014 wherein it was stipulated that for linear projects like transmission line, the user agency could pay the amount of twice the degraded forest land cost to the forest department for compensatory afforestation without having to go for the lengthy process of acquiring non-forest land for doing compensatory afforestation. Thus the matter was taken up with the respective DFO's of the forest department vide letter dated 4.8.2014. Vide the said letter dated 4.8.2014, a request was made to allow TPTL to adopt the new process for transmission line as envisaged in the MOEF circular dated 11.7.2014. MOEF New Delhi vide letter dated 24.2.2015, however did not allow TPTL to follow the procedure laid down in the above mentioned 11.7.2014 guideline and opined that the TPTL Stage-I forest clearance was guided by old rules and regulations the same would be regulated as per the applicable conditions stipulated in the Stage I clearance and as such the revised process as per 11.7.2014 circular of MOE&F cannot be adopted in TPTL's case. Subsequently, after compliance of all conditions of Stage-I approval including transfer of land for Compensatory Afforestation, Stage-II approval of forest clearance for West Bengal Portion of the transmission line was accorded by MOE&F on 4.1.2017.

- (d) TPTL filed Application before CEA on 8.12.2009 for approval under Section 164 of the Electricity Act 2003. Subsequently, TPTL also complied with necessary requirements based on laid down procedure and submitted the compliance to CEA on 14.1.2010. Copy of the said Application letter was submitted to Ministry of Power (MOP) on 18.1.2010. The approval of MOP was granted and notification under Section 164 of the Electricity Act, 2003 was issued vide letter dated 11.5.2010.
- (e) Application for demand note for tree cutting was submitted to the principal secretary, GTA on 3<sup>rd</sup> December, 2016 and finally the demand note of GTA forest department was obtained on 05.05.2017 and funds were deposited by TPTL with GTA on 06.05.2017.
- (f) TPTL has submitted year wise progress of the 400 kV D/C Teesta III-Kishanganj transmission line from the date of grant of license, details of time over-run along with documentary evidence and asset-wise activities in chronological order, details of tower locations covered under forest area, details of RoW problem along with documentary evidence and documentary evidence in support of the delay in erection, stringing and civil works Including foundation due to geological surprise.

10. The matter was again heard on 11.1.2018. After hearing the parties, the Commission directed TPTL to furnish the monthly progress report of implementation of 400 kV D/C Teesta III- Kishanganj transmission line and action plan to complete the said transmission line.

11. As per direction of the Commission vide RoP of the hearing held on 11.1.2018, TPTL vide affidavit dated 30.1.2018 submitted the status of the project as under:

- (i) The progress report of implementation of 400 kV D/C Teesta III - Kishanganj transmission line up to 29<sup>th</sup> January, 2018 is as under:

Description	Progress	Sikkim	West Bengal	Bihar	Total
Foundation	Total	163	227	200	590
	Completed	163	195	200	558
	<b>Balance</b>	<b>0</b>	<b>32</b>	<b>0</b>	<b>32</b>
Erection	Total	163	227	200	590
	Completed	161	174	200	535
	<b>Balance</b>	<b>2</b>	<b>53</b>	<b>0</b>	<b>55</b>
Stringing	Total	56.465	83.875	72	212.34
	Completed	53.996	44.121	68.633	166.84
	<b>Balance</b>	<b>2.469</b>	<b>39.754</b>	<b>3.367</b>	<b>45.5</b>

- (ii) Rangpo to Kishanganj section of 400 kV D/C Teesta III - Kishanganj transmission line is expected to be commissioned by 31.03.2018 in case the ROW constraints in the State of Sikkim, West Bengal and Bihar are resolved in time.

- (iii) The consolidated status of Rangpoo to Kishanganj 400kV D/C line is as under:

SI. No	Activity	Total Quantity	Progress up to 29.1.2018	Balance
1.	Tower Foundation	493 nos.	461 nos.	32 nos.
2.	Tower Erection	493 nos.	438 nos.	55 nos.
3.	Stringing	177.8 km	132.3 km	45.5 km

- (iv) Action plan to complete the 400kV Teesta III- Kishanganj line is as under:

SI. No	Activity	Total Quantity	Balance	Jan., 2018	Feb., 2018	March, 2018
1.	Tower Foundation	493 nos.	32 nos.	13 nos.	19 nos.	
2.	Tower Erection	493 nos.	55 nos.	15 nos.	25 nos.	15 nos.
3.	Stringing	177.8 km	45.5 km	8.1 km	20 km	17.4 km

12. The matter was again heard on 6.9.2018 wherein the learned counsel appearing on behalf of TPTL submitted that pursuant to the intervention of the Central Government, Ministry of Environment, Forest and Climate Change has granted forest clearance for the portion of line passing through forest in the State of West Bengal which was intimated to the Petitioner on 2.9.2018. He submitted that Teesta III-Kishanganj transmission line is likely to be completed by October, 2018. Learned counsel sought permission to place all the relevant documents on record. After hearing the learned counsel, the Commission directed TPTL to submit the progress report of implementation of 400 kV D/C Teesta III Kishanganj transmission line including all documents.

13. As per direction of the Commission vide RoP of the hearing held on 6.9.2018, TPTL vide affidavit dated 10.9.2018 submitted status of implementation of 400 kV D/C Teesta III - Kishanganj transmission line:

(a) The status of the 400kV Teesta III-Kishanganj Transmission Line as on 30<sup>th</sup> August, 2018 is as under:

States	Status as on 30 <sup>th</sup> August, 2018								
	Foundation (no)			Erection (no)			Stringing (km)		
	Total	Completed	Balance	Total	Completed	Balance	Total	Completed	Balance
Sikkim	163	163	Nil	163	163	Nil	57.3	57.3	Nil
West Bengal	227	220	7	227	214	13	84.2	61.18	23.02
Bihar	200	200	Nil	200	200	Nil	72	72	Nil
Total	590	583	7	590	577	13	213.5	190.48	23.02

- (b) The construction works in the States of Sikkim and Bihar have been completed. However, construction of a small portion of transmission line falling in the State of West Bengal is yet to be completed.
- (c) In the PRAGATI meeting taken by the Prime Minister on 25.04.2018, it was informed by TPTL that ROW issue for six (6) tower locations in Darjeeling District were pending for resolution. It was directed in the meeting that the proposal for minor deviation of five (5) tower locations in Goke & Manjha Forest was to be submitted by TPTL and approval for the same would be accorded by the Forest Department at the earliest. Also one (1) tower at Lakpatara, Bijanbari block issue was sought to be sorted out by District Administration. The Prime Minister also directed all concerned to resolve the issue so that the line is completed by September, 2018.
- (d) Foundation at 5 nos. location could not be taken up due to minor deviation in Goke forest & Manjha forest. The revised proposal for minor deviation was submitted to respective DFOs on 30.4.2018. The approval for the revised forest proposal was conveyed to the Principal Secretary, Forest Deptt., Govt. of West Bengal by the Ministry of Environment & Forest, Govt. of India on 28.8.2018. Forest Dept., Govt. of West Bengal granted its approval on 31.8.2018 and the same has been received by TPTL on 2<sup>nd</sup> September, 2018.
- (e) Foundation works at tower location no. 190 falling in Lakpatara Village under Pulbazar Police Station in Bijanbari Block of Darjeeling District could not be taken up due to hindrance created by the land owner. The land owner was not

permitting TPTL to carry out construction works and was not accepting the compensation for crops as assessed by District Administration. TPTL had approached Block/ District Administration several times for intervention and had also lodged a complaint vide letter dated 30.4.2018, in the Pulbazar Police Station intimating the same. TPTL is in continuous touch with District Administration and the location is expected to be cleared shortly.

(f) All foundations and tower erections are complete in the stretch of 5.5 km in Naxalbari Block. Locals are not allowing the stringing work and demanding high compensation. TPTL has sought the intervention of District Administration and the ROW issue is expected to get resolved soon.

(g) The construction of Transmission Line is nearing completion and it is expected to get completed /commissioned by 31<sup>st</sup> October, 2018.

**Analysis and decision:**

14. We have heard the representative of TPTL and perused documents on record. TPTL was granted transmission license vide order dated 14.5.2009 in Petition No. 116/2008 to execute the following transmission system:

<b>Sl. No.</b>	<b>Description</b>	<b>Length</b>
1.	400 kV D/C transmission line with quad Moose conductor from Teesta-III generating station to Mangan Pooling Station.	2 km
2.	400 kV D/C transmission line with quad Moose conductor from Mangan to new pooling station at Kishanganj including 2 line bays and 2 nos. 63 MVAR Reactors at Kishanganj switchyard	204 km

15. As per the tariff Petition No. 108/TT/2016 filed by TPTL for determination of transmission tariff for 400 kV D/C Teesta III HEP– Rangpo Section up to LILO Point at Rangpo in Eastern Region, it emerged that the scheduled commissioning of the Teesta III - Kishanganj 400 kV D/C transmission line was 36 months from the date of financial closure which was achieved on 31.3.2010. Accordingly, as per the investment approval of TPTL, the scheduled date of commercial operation of the transmission system was 30.3.2013. Since, Teesta III - Kishanganj 400 kV D/C transmission line could not be commissioned even by June, 2017, the Commission vide order dated 22.6.2017 initiated the instant suo-motu proceedings against the Respondent in view of the inordinate delay in completion of transmission system from 400kV D/C transmission line from Teesta-III HEP to Kishanganj by TPTL and directed TPTL to explain the reasons for inordinate delay in completion of subject transmission system along with remedial measures taken by the transmission licensee to implement the project within the scheduled time.

16. TPTL has made elaborate submission regarding reasons of inordinate delay in completion of the subject transmission line. TPTL has submitted that the main reasons for delay in completion of subject transmission line are delay in approval of forest clearance, force majeure events viz. earthquake, collapse of Ranchang Khola Bridge causing disruption in movement of construction material, blockage of National Highway 31A due to Gorkhaland Movement, delay in approval for tree cutting in Darjeeling Hills, severe RoW issues in the state of Sikkim, West Bengal (Darjeeling) and Bihar, stay granted by hon'ble High Court of Delhi and Hon'ble High Court of Sikkim, crossing of



220kV line by DANS Energy Private Ltd without maintaining required electrical clearance and theft of conductor and tower material.

17. As per the submission by TPTL vide affidavit dated 10.9.2018, portion of the transmission line falling in the State of Sikkim and State of Bihar have been completed whereas some portion in West Bengal (Foundations- 7 nos., Erection-13 nos. and Stringing-23.02km) are still to be completed. TPTL has submitted that out of 7 pending tower locations, RoW issues for 6 tower locations in Darjeeling District were pending for resolutions. TPTL has further submitted that they have received approval for minor deviation in Goke Forest and Manjha Forest for 5 tower locations from Forest Department, Govt. of West Bengal on 2.9.2018 and for one tower location in Bijanbari Block of Darjeeling District; they are in continuous contact with District Administration to resolve the RoW issues created by the land owners. TPTL has submitted that balance portion was expected to be completed by 31<sup>st</sup> October, 2018.

18. Respondent (TPTL) vide its letter dated 10.1.2019 has informed that COD of 400 kV Kishanganj – Teesta III Line (up to Rangpo LILO Point) along with 63 MVAR Line Reactor and associated bays (no 410) at Kishanganj has been declared with effect from 6.1.2019.

19. The subject transmission line is a very important link for evacuation of power from the hydro stations in the State of Sikkim. We note that one circuit of the subject transmission line has been declared commercial.

20. In the light of COD of the one circuit of the said transmission line, we find no need to continue with this suo-motu petition. However, we direct that other circuit of the transmission line should be declared under commercial operation expeditiously. Accordingly, we close the suo-motu proceedings and withdraw the notice under Section 142 of the Act against the Respondent. It is clarified that we are not expressing any opinion about the cost and time over-run of the subject transmission system which shall be dealt with in the respective tariff petitions.

21. The Petition No. 10/SM/2017 is disposed of accordingly.

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

Sd/-  
**(P.K. Pujari)**  
**Chairperson**