

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.244/TL/2023

Subject : Application under Section 14, 15 and 79(1)(e) of the Electricity Act, 2003 read with the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2009 with respect to Grant of Transmission License to Fatehgarh IV Transmission Limited.

Petitioner : Fatehgarh IV Transmission Limited (FIVTL)

Respondents : Central Transmission Utility of India Limited (CTUIL) and 35 Ors.

Petition No.246/TL/2023

Subject : Application under Sections 14, 15 and 79(1)(e) of the Electricity Act, 2003 read with the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission Licence and other related matters) Regulations, 2009 with respect to Grant of Transmission License to Fatehgarh III Transmission Limited.

Petitioner : Fatehgarh III Transmission Limited (FIITL)

Respondents : Central Transmission Utility of India Limited and 35 Ors.

Date of Hearing : **8.12.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Parties Present : Shri Md. Aman Sheikh, Advocate, FIVTL and FIITL
Ms. Archita Kashyap, Advocate, FIVTL and FIITL
Shri Yatin Sharma, CTUIL
Shri Ranjeet Singh Rajput, CTUIL
Ms. Priyansi Jadiya, CTUIL
Ms. Kavya Bhardwaj, CTUIL

Record of Proceedings

Learned counsel for the Petitioners submitted that vide orders dated 22.11.2023 and 26.11.2023 in Petition No. 244/TL/2023 and Petition No. 246/TL/2023 respectively, the Commission has proposed to issue the transmission licence to the Petitioners herein and also proceeded to issue public notice under Section 15(5)(a) of the Electricity Act, 2003 inviting the suggestions or objections to the grant of transmission licences to the Petitioners. Learned counsel submitted that in response to the said notices, no suggestions/objections have been received and the Commission may accordingly grant the transmission licences to the Petitioners.

2. In response to the specific query of the Commission with regard to the mismatch in Scheduled Commercial Operation Date (SCOD) of Fatehgarh III– Bhadla



III 400 kV line, part of the Transmission Project involved in Petition No.246/TL/2023, and Bhadla III PS, the representative of CTUIL submitted that the SCOD of Fatehgarh III- Bhadla III 400 kV D/c line is 1.2.2025 whereas the expected SCOD of Bhadla III PS, being implemented under Phase-III Part B1 Scheme, is 14.3.2025. Thus, there is gap/mismatch of about 1-1/5 month(s) in the commissioning of these elements. The representative of the CTUIL further submitted that this has occurred with respect to certain elements; while the Lols to the successful bidders were issued, the transfer of SPVs was delayed due to administrative issues and GIB aspects. He submitted that in this regard, a meeting was convened in July 2023 wherein it was noted that this mismatch may be avoided/managed by continuously monitoring the progress of these projects during the construction phase.

3. The representative of PFCCL confirmed and reiterated the submissions made by the representative of the CTUIL.

4. The Commission directed CTUIL to submit on an affidavit within a week a copy of the approval of the Central Government as required under the Electricity (Transmission System Planning, Development and Recovery of Inter-state Transmission Charges) Rules, 2021 notified by the Ministry of Power on 1.10.2021,

5. Considering the submissions of the learned counsel for the Petitioners and the representative of CTUIL & PFCCL, the Commission directed the CTUIL to submit on an affidavit within a week a copy of the approval of the Central Government as required under the Electricity (Transmission System Planning, Development and Recovery of Inter-state Transmission Charges) Rules, 2021 notified by the Ministry of Power on 1.10.2021,

6. The Commission further directed CTUIL to file on an affidavit, in Petition No. 246/TL/2023, within a week, the following information/clarifications:

(a) In what manner the notification for appointment of the BPC by MOP can be considered as the approval of the 'Central Government' required for the transmission scheme in terms of sub-clause 3 of clause 5 of Electricity (Transmission System Planning, Development and Recovery of Inter-state Transmission Charges) Rules, 2021 notified by the Ministry of Power on 1.10.2021.

(b) Actual date of the transfer of SPV in respect of the "Transmission scheme for evacuation of Power from REZ in Rajasthan (20GW) under Phase-III Part B1", in which the "Bhadla III" is covered, which was expected to be transferred on 15.9.2023 as per the recommendation of CTUIL 8.9.2023 in the instant scheme?

(c) As per the recommendation of CTUIL dated 08.09.2023, the completion schedule of the Fatehgarh-III - Bhadla III 400 kV D/c line which is covered under the present petition, is 1.2.2025. The commissioning schedule of Fatehgarh-III PS (Section-II) is 1.2.2025, and the expected completion schedule of Bhadla III S/s is 14.3.2025 (considering 18 months' timeline from the transfer of the SPV which was expected by 15.9.2023). Since one end of the Fatehgarh-III - Bhadla III 400 kV D/c line is being terminated at Bhadla III S/s, clarify how the said line will be utilized on 1.2.2025, without the availability of Bhadla III S/s (whose SCOD date is not clear yet) and liability of the transmission charges in case of mismatch

thereof. Further, clarify how CTUIL takes care of SCOD dates of linked schemes so that mismatch at the planning stage is avoided, the details of the process thereof and reasons for mismatch in schedule dates in the instant case in the light of said process.

7. Subject to the above, the Commission reserved the matters for orders.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**