

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 61/TL/2025

Coram:

Shri Jishnu Barua, Chairperson

Shri Ramesh Babu V., Member

Shri Harish Dudani, Member

Date of order: 21st February, 2025

In the matter of:

Application under Sections 14 & 15 of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission Licence and other related matters) Regulations, 2024 for grant of separate Transmission Licence for Augmentation of Transformation Capacity at KPS3 (GIS) S/s under Khavda Phase-V Part B3 Scheme under Regulated Tariff Mechanism (RTM) route.

And

In the matter of

Khavda IVA Power Transmission Limited,

C-105, Anand Niketan,

New Delhi-110021.

Petitioner

.....

Vs.

1. Central Transmission Utility of India Limited,

Saudamini, Plot No.2, Sector-29,

Gurgaon-122001.

2. Madhya Pradesh Power Management Company Limited,

Block No. -11, Ground Floor,

Shakti Bhavan, Vidhyut Nagar, Rampur,

Jabalpur- 482008, Madhya Pradesh.

3. Chhattisgarh State Power Distribution Company Limited,

P.O. Sunder Nagar, Dangania,

Raipur- 492013, Chhattisgarh.

4. Maharashtra state Electricity Distribution Company Limited,

Prakashgad, 4th Floor,
Bandra (East), Mumbai- 400051.

5. Gujarat Urja Vikas Nigam Limited,
Vidhyut Bhavan, Racecourse Road,
Vadodara-390007.

6. DNH Power Distribution Corporation Limited
66 kV, Amii Ind. Estate,
Silvasa-396230, Dadar Nagar Haveli.

7. Electricity Department, Government of Goa
Vidyut Bhavan, Near Mandvi Hotel,
Panaji-403001, Goa.

**8. Dadra and Nagar Haveli and Daman and
Diu Power Distribution Corporation Limited,**
1st & 2nd Floor, Vidyut Bhavan, Silvassa -396230,
Dadra & Nagar Haveli.

Respondents

Parties present:

Shri Prashant Kumar, KIVAPTL
Shri Shashank Singh, RECPDCL
Shri Akshayvat Kislay, CTUIL

ORDER

The Petitioner, Khavda IVA Power Transmission Limited, (hereinafter referred to as 'the Petitioner/KTL'), has filed the present Petition under Sections 14 and 15 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') read with the provisions of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2024 for the grant of a separate Transmission Licence for "Augmentation of transformation capacity at KPS3 (GIS) S/s under Khavda Phase- V Part B3" on the RTM route (hereinafter referred to as the 'transmission scheme/project'). The scope of the project for which a transmission

licence has been sought is as follows:

S. No.	Name of the scheme and Implementation timeframe	Estimated Cost (₹ crores)	Remark
1	Augmentation of transformation capacity at KPS3 (GIS) S/s under Khavda Phase-V Part B3 Scheme Tentative Implementation timeframe: 24 months	252	Approved to be implemented under RTM by Khavda IV A Power Transmission Limited

Detailed scope of the Scheme is as under:

S. No.	Scope of the Transmission Scheme	Capacity/ km
1	Augmentation of transformation capacity at KPS3(GIS) by 1x1500 MVA, 765/400 kV ICT on Bus section-II (8 th) along with 1 No. 400 kV line bay for termination of 1 st ckt out of 400 kV D/c line being implemented by AGEL (Appl. No. 2200000953) for 1530 MW	<ul style="list-style-type: none"> • 765/400 kV ICT- 1 (1x1500 MVA) • 765 kV ICT bay- 1 (+1 no. bay for dia completion with Switchable Line Reactor (SLR) provision in future bay) on Bus section-II • 400 kV ICT bay- 1 (+ 1 no. bay for dia completion and termination of the proposed Line for RE interconnection) on Bus section-II
2	1 Nos. 400 kV line bay on KPS3 400 kV Bus Section-II for termination of 2 nd ckt out of 400 kV D/c line being implemented by AGEL (Appl. No. 2200000953) for 1530 MW	400 kV line bays- 1 no. (+ 1 no. bay for dia completion with the provision to terminate future 400/220 kV ICT)
<i>Note: TSP of KPS3 (GIS) shall provide space for above scope of work.</i>		

2. The Petitioner in its Petition has made the following prayers:

“(a) Grant Separate Transmission Licence to the Applicant for implementation of “Augmentation Grant Separate Transmission Licence to the Applicant for implementation of “Augmentation of transformation capacity at KPS3 (GIS) S/s under Khavda Phase – V Part B3 Scheme” under Regulated Tariff Mechanism (RTM) with detailed scope as per para 8.

(b) Allow the Applicant liberty to approach the Commission for determination of transmission charges for the additional scope of work in the proposed Transmission license in this petition in accordance with Sections 61, 62 of the Electricity Act, 2003.

(c) *Condone any inadvertent errors omissions/ errors / shortcomings and permit the Petitioner to add/change/modify/alter these filings and make further submissions as may be required at a future date.*

(d) *Pass any such other order / orders, as may be deemed fit and proper in the facts and circumstances of the case.”*

3. The Petitioner company, was incorporated as a special purpose vehicle by REC Power Development and Consultancy Limited (hereinafter referred to as 'RECPDCL') as part of the Tariff Based Competitive Bidding (TBCB) process for implementing the transmission project *“Transmission scheme for evacuation of power from potential renewable energy zone in Khavda area of Gujarat under Phase-IV (7GW): Part A”* on a Build, Own, Operate, and Transfer (BOOT) basis. Adani Energy Solutions Limited (hereinafter referred to as 'AESL') participated in the competitive bidding process conducted by RECPDCL, and upon emerging as the successful bidder, a Letter of Intent (Lol) was issued by RECPDCL to AESL on 7.8.2024. In accordance with the bidding documents, AESL acquired 100% of the shareholding in the Petitioner Company by executing a Share Purchase Agreement with RECPDCL on 30.8.2024. The Commission, vide its order dated 27.12.2024 in Petition No. 338/TL/2024, granted a transmission licence to the Petitioner for the aforesaid TBCB Project consisting of the following scope of the work:

S.No	Name of the Transmission Element	Scheduled COD in months from Effective Date
1.	<i>Creation of 765 kV bus section-II at KPS3 (GIS) along with 765 kV Bus Sectionaliser and 1x330 MVAR, 765 kV Bus Reactors on Bus Section-II Bus section - II shall be created at 765 kV and 400 kV level both with 3x1500 MVA, 765/400 kV ICTs at Bus Section-II Bus Section-II at KPS3 765 kV Bus Sectionaliser - I set</i>	<i>24 months (30.8.2026)</i>

S.No	Name of the Transmission Element	Scheduled COD in months from Effective Date
	1500 MV A, 765/400 kV JCT - 3 Nos. 330 MV AR, 765 kV Bus Reactor - 1 No. 765 kV reactor bay - 1 No. 765 kV JCT bay - 3 Nos.	
2.	Creation of 400 kV bus Section-I I at KPS3 (GIS) along with 400 kV Bus Sectionaliser and 1x125 MVAR, 420 kV Bus Reactors on Bus Section-II and 3 Nos. 400 kV bays at Bus Section-II for RE interconnection. Bus Section-II at KPS3 400 kV Bus Sectionaliser - 1 set 125 MV AR, 420 kV Bus Reactors - 1 No. 400 kV reactor bay - 1 No. 400 kV ICT bays - 3 Nos. (for [CTs at Sl. 1 above) 400 kV line bays - 3 Nos. (for RE interconnection)	
3.	KPS3 (GIS) - Lakadia (AIS) 765 kV D/C line	
4.	2 Nos. of 765 kV line bays each at KPS3 (GIS) and Lakadia (AIS) for KPS3 (GIS) - Lakadia (AIS) 765 kV D/C line <ul style="list-style-type: none"> • 765 kV line bays (GIS)-2 Nos. (at KPS3 end Bus section-II) • 765 kV line bays (AIS) -2 Nos. (at Lakadia end) 	
5.	±300MVAR STATCOM with 1x125 MVAR MSC, 2x125 MVAR MSR at KPS3 400 kV Bus section-II <ul style="list-style-type: none"> • ±300 MVAR STATCOM (with 1x125 MVAR MSC, 2x125 MVAR MSR). 400 kV bay - 1 No 	
6.	KPS1 (GIS) - Bhuj PS 765 kV 2nd D/C line	
7.	2 Nos. of 765 kV line bays each at KPS1 (GIS) and Bhuj PS for KPS1 (GIS) - Bhuj PS 765 kV D/C Line <ul style="list-style-type: none"> • 765 kV line bays (GIS) - 2 Nos. (at KPS1 end Bus section-II) • 765 kV line bays (AIS) - 2 Nos. (at Bhuj end) 	
8.	330 MVAR switchable line reactors at KPS3 end of KPS3 (GIS) -Lakadia 765 kV D/C line (with NGR bypass arrangement) <ul style="list-style-type: none"> • 330 MV AR, 765 kV switchable line reactor- 2 Nos. • Switching equipment for 765 kV line reactor- 2 Nos. • 1x 110 MVAR spare switchable reactor unit at KPS3 (GIS) end 	

Note:

i) Bay(s) required for completion of diameter (GIS) in one-and-half breaker scheme, shall also be executed by TSP.

ii) TSP of KPS3 shall provide space for work envisaged at Sl. 1, 2, 4 and 8.

iii) The TSP of the present scheme shall arrange for additional land for installation of STATCOM (with MSC/MSR) as specified at Sl. No.5 at KPS3 and TSP of KPS3 shall provide space for 1 No. 400 kV bay for termination of STATCOM.

iv) TSP of KPSJ and Bhuj PS shall provide space for work envisaged at SL. No. 7.

v) The TSP of the present scheme shall arrange for additional land adjoining Lakadia S/s for creation of 2 Nos. 765 kV diameter consisting of 1 Main bay and 1 Tie bay (for each diameter) in one-and-half breaker AIS scheme, towards implementation of 2 Nos. 765 kV line bays at Lakadia S/s (at Sl. No. 4) associated with KPS3 - Lakadia 765 kV Die line and the same shall be extendable in future for integration of 2nd main bay (future line with switchable line reactor) for diameter completion.”

4. Subsequently, NCT approved the Augmentation of transformation capacity at KPS3 (GIS) S/s under Khavda Phase-V Part B3 Scheme under Regulated Tariff Mechanism (RTM) to Khavda IVA Power Transmission Limited in line with the Ministry of Power office order dated 28.10.2021. Thereafter, Central Transmission Utility of India Limited (hereinafter referred to as 'CTUIL') has issued an Office Memorandum dated 25.11.2024 to the Petitioner wherein CTUIL has approved and nominated the Petitioner to implement the transmission scheme Augmentation of transformation capacity at KPS3 (GIS) S/s under Khavda Phase-V Part B3 Scheme.

5. Further, the Consultation Meeting for Evolving Transmission Schemes (hereinafter referred to as 'CMETS') in the Western Region, as recorded in the Minutes of the 31st & 32nd CMETS-WR meetings held on 3.8.2024 & 24.9.2024 respectively, approved the Augmentation of transformation capacity at KPS3 (GIS) S/s under Khavda Phase - V Part B3 Scheme under the Regulated Tariff Mechanism (RTM) to Khavda IV-A Power Transmission Limited. This approval was granted in accordance with the Ministry of Power

(MoP) office order dated 28.10.2021, which referenced the reconstitution of the National Committee on Transmission (NCT) and its Terms of Reference. In this context, the CTUIL also approved the Augmentation of transformation capacity at KPS3 (GIS) S/s under Khavda Phase - V Part B3 Scheme under the RTM to Khavda IV-A Power Transmission Limited. Thereafter, CTUIL, vide its letter dated 25.11.2024, requested the Petitioner to initiate the necessary actions for implementation of the aforementioned transmission scheme.

6. The Petitioner has submitted that after the grant of a separate transmission licence, the Petitioner shall proceed to implement the transmission scheme under RTM mode. The estimated cost of the transmission scheme as per 24th meeting of NCT dated 23.10.2024 is Rs.252 crores. After completion of the transmission scheme, the Petitioner shall approach the Commission for determination of transmission charges in accordance with Sections 61 and 62 of the Act and Tariff Regulations in vogue as per Regulation 8 (2) of the Transmission Licence Regulations.

Hearing dated: 28.1.2025

7. During the course of the hearing, the representative of the Petitioner submitted that the Petitioner has complied with the requirements prescribed in the Transmission Licence Regulations and requested to grant a separate transmission licence. Vide Record of Proceedings for the hearing dated 28.1.2025, the parties were directed to file their respective replies and rejoinder. However, no reply has been filed by the Respondents despite notice.

Analysis and Decision

9. We have considered the submissions of the Petitioner and CTUIL. The Petitioner has filed the present Petition for the grant of a separate transmission licence for 'Augmentation of transformation capacity at KPS3 (GIS) S/s under Khavda Phase-V Part B3 Scheme' on RTM route.

10. The Ministry of Power, Government of India, vide its letter dated 28.10.2021, issued terms of reference to the NCT and, *inter alia*, directed that the NCT will approve the ISTS costing between Rs.100 crores and Rs.500 crores or such limit as prescribed by the Ministry of Power from time to time, along with their mode of implementation under intimation to the Ministry of Power. The Ministry of Power further directed that ISTS costing less than or equal to Rs.100 crores, or such limit as prescribed by the Ministry of Power from time to time, will be approved by the Central Transmission Utility of India Limited (CTUIL) along with the mode of implementation under intimation to the NCT and the Ministry of Power, Government of India. The relevant portion of the said order dated 28.10.2021 is extracted as under:

*"2. Terms of Reference (ToR) of the NCT are as under: i.******

VIII. The NCT shall recommend to Ministry of Power (MoP) for implementation of the ISTS for projects with cost more than Rs 500 crore, along with their mode of implementation i.e. Tariff Based Competitive Bidding (TBCB) / Regulated Tariff Mechanism (RTM), as per the existing Tariff Policy. However, the NCT shall approve the ISTS costing between Rs.100 crore to Rs.500 crore or such limit as prescribed by MoP from time to time, along with their mode of implementation under intimation to MoP. The ISTS costing less than or equal to Rs.100 crores, or such limit as prescribed by MoP from time to time, will be approved by the CTU along with their mode of implementation under intimation to the NCT and MoP. After approval of the ISTS by the NCT or the CTU (as the case may be), the TBCB project shall be allocated to Bid Process Coordinators through Gazette Notification, while the RTM project shall be allocated to CTU."

11. The subject transmission scheme was discussed and agreed upon in the 31st & 32nd CMETS-WR meetings held on 3.8.2024 & 24.9.2024 respectively. Based on the same, CTUIL, vide its Office Memorandums dated 25.11.2024, approved the subject transmission scheme under the Regulated Tariff Mechanism (RTM) mode and informed regarding the name of the implementing agency, viz., the Petitioner. The relevant portion of the said Office Memorandums dated 25.11.2024 is extracted as under:

“Sub: implementations of ISTS Transmission/Communication Schemes approved by NCT in its 24th meeting held on 23rd October 2024 under Regulated Tariff Mechanism (RTM).

NCT vide letter dated 22.11.2024 has awarded various ISTS Transmission/Communication schemes for its implementation under RTM mode by the respective implementing agencies as indicated in the table below:

Sl. No.	Transmission Scheme	Implementation Agency
<i>I. ISTS schemes approved by NCT</i>		
2.	<i>Augmentation of transformation capacity at KPS3 (GIS) S/s under Khavda Phase-V Part B3 scheme.</i>	<i>M/s Khavda IV A Power Transmission Ltd. (Subsidiary of Adani Energy Solutions Ltd.) (i.e. TSPofKPS3 (Sec-II))</i>

...
The implementing agency shall enter into a concession agreement with CTUIL for implementation of aforementioned Transmission Schemes. However, pending finalization of Concession Agreement, it is requested to initiate necessary actions for implementation of the aforementioned Transmission Schemes.”

12. Section 14 of the Act provides that the Appropriate Commission may, on an application made under Section 15 of the Act, grant a licence to any person to transmit electricity as a transmission licensee in any area as may be specified in the licence. The word “person” has been defined in Section 2(49) of the Act to include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial judicial person. The Petitioner company has been incorporated under the Companies Act, 2013 and is already a transmission licensee. The main objective of the

Petitioner Company is as under:

“To plan, promote and develop an integrated and efficient power transmission system network in all its aspects including planning, investigation, research, design and engineering, preparation of preliminary, feasibility and definite project reports, construction, operation and maintenance of transmission lines, sub- stations, load dispatch stations and communication facilities and appurtenant works, coordination of integrated operation of state, regional and national grid system, execution of turn- key jobs for other utilities/organizations and wheeling of power in accordance with the policies, guidelines and objectives laid down by the Central Government from time to time”

13. Section 15(1) of the Act provides that every application under Section 14 of the Act shall be made in such manner and in such form as may be specified by the Appropriate Commission and shall be accompanied by such fees as may be prescribed by the Central Government. The Commission has specified the Transmission Licence Regulations in this regard. Regulation 4 (1) of the Transmission Licence Regulations provides that eligibility for the grant of a licence for inter-State transmission of electricity is contingent upon the entity being selected either through the competitive bidding process under Section 63 of the Electricity Act, 2003 or by the Central Government or its authorized agency to implement a project under the regulated tariff mechanism. The transmission project under consideration has been identified for development under a regulated tariff mechanism by a competent authority, and the selection of the project developer, Khavda IV-A Power Transmission Limited, has been certified to have been made in accordance with the Ministry of Power order dated 28.10.2021.

14. Regulation 5 of the Transmission Licence Regulations provides for the procedure for the grant of a transmission licence as under:

“(1) The application for the grant of licence shall be made to the Commission in Form-I appended to these regulations and shall be accompanied by such fee as may be

prescribed by the Central Government from time to time under subsection (1) of section 15 of the Act.

(2) The application shall be supported with an affidavit in accordance with Regulation 17 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023.

(3) The applicant shall submit the original application in electronic form along with enclosures on the e-filing portal of the Commission and electronically serve a copy of such application on all the concerned DICs of the project and the Central Transmission Utility. The application shall be served through email on the concerned DICs of the project who are not registered on the e-filing portal of the Commission.

(4) The applicant shall also upload the complete application along with annexures on its website, in English. The applicant shall also upload on its website, the details as per Form-I and Form-II appended to these regulations in the Indian language of the State or the Union Territory where an element of the project or concerned transmission line is situated or proposed to be situated. The application shall be kept posted on the website of the applicant till such time the application is disposed of by the Commission.

(5) The applicant shall, within 3 working days of filing the application, publish a notice of its application in Form-II appended to these regulations in at least two leading daily digital newspapers, one in English language and another in the Indian language of the State or Union Territory where an element of the project or concerned transmission line is situated or proposed to be situated, inviting comments from the general public. The notice shall also be kept posted on the website of the applicant.

(6) The Registry of the Commission shall carry out a preliminary scrutiny of the application and convey the defects, if any, as far as possible within 7 days of receipt of the application. The defects shall be rectified by the applicant within a period of 7 days from the date of such intimation from the Registry of the Commission.

(7) In the notice published in the digital newspapers and on the applicant's website under this Regulation, it shall be indicated that the suggestions and objections to the application, if any, may be filed by any person within 15 days of publication of the notice to The Secretary, Central Electricity Regulatory Commission at the address where the office of the Commission is situated and at email id: registry@cercind.gov.in. Any suggestion or objection received in response to the public notice shall be shared with the applicant and the respondents by the Registry of the Commission.

(8) The applicant shall within 3 working days from the date of publication of the notice in terms of Clause (5) of this Regulation submit to the Commission on affidavit the details of the notice published, names of the digital newspapers in which the notice has been published, the dates and places of their publication and enclosing the relevant pages of the publication of notice.

(9) The CTUIL shall send its recommendations, if any, to the Commission on the proposal for grant of licence made in the application as far as practicable within a period of 10 (ten) days from the date of receipt of the application with a copy to the applicant: Provided that if CTUIL is unable to submit its recommendations within a period of 10 days, it shall inform

the Commission the reasons for the same and submit its recommendations within a period of 30 (thirty) days from the date of receipt of the application: Provided further that along with its recommendations, CTUIL shall submit the copy of approval of the transmission project by the Central Government in terms of Electricity (Transmission System Planning, Development and Recovery of Inter-state Transmission Charges) Rules, 2021 as amended from time to time. Explanation: The recommendations of the Central Transmission Utility shall not be binding on the Commission.

(10) The applicant may file its comments, duly supported by an affidavit, on the recommendations made by CTUIL and the suggestions and objections, if any, received in response to the public notice within 7 working days of receipt of such suggestions and objections, with an advance copy to the CTUIL and the person, if any, who has filed the suggestions and objections on the proposal made in the application.

(11) The Commission after considering the suggestions and objections received from the DICs and in response to the public notice published by the applicant, and the recommendations, if any, received from CTUIL may either propose to grant the licence to the applicant or for reasons to be recorded in writing, reject the application.

(12) Before granting a licence, the Commission shall publish a notice of its proposal on the Commission's website and in two daily digital newspapers, having wide circulation, as the Commission may consider appropriate, stating the name and address of the person to whom it proposes to grant the licence, details of the project for which it proposes to grant a licence, location or route of the elements of the project, and any other details that the Commission may consider appropriate, to invite further suggestions and objections on its proposal within 15 days of the publication of the notice.

(13) The Commission may, after consideration of the further suggestions and objections, if any, received in response to the public notice in terms of Clause (12) of this Regulation, grant licence to the applicant in Form-III appended to these regulations or for reasons to be recorded in writing, reject the application.

(14) The Commission shall before granting licence or rejecting the application under the provisions of this Regulation provide an opportunity of hearing to the applicant, CTUIL, the concerned DICs, or the person who has filed suggestions and objections, or any other interested person.

(15) The Commission shall, within 7 days of making the order to grant the licence to an applicant send a copy of the licence to the Central Government, the Central Electricity Authority, the Central Transmission Utility, the applicant and the concerned DIC(s)."

15. The Petitioner has filed the present Petition for the grant of a separate RTM transmission licence in accordance with the Transmission Licence Regulations. The Petitioner has submitted proof of service of the copies of the application on CTUIL and the beneficiaries and proof of web posting of the complete application. The Petitioner has

further undertaken to pay the applicable licence fee upon the grant of a transmission licence in terms of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012. The Petitioner has prayed for the grant of a transmission licence to Khavda IV-A Power Transmission Limited with respect to the transmission project as per the details given in paragraph 1 above.

16. The Petitioner has made the Application as per Form-I and paid a fee of Rs. one lakh as prescribed by the Central Government. As per the direction of the Commission, the Petitioner has served a copy of the Application on the beneficiaries of the transmission project.

17. The Petitioner has published the notices on the e-filing portal of the Commission and on its website in Form-II in English and Vernacular language. The Petitioner has also published the notice digitally in all editions of 'The Indian Express' and 'Katch Uday' (in English and Gujarati, respectively) on 17.12.2024. In response, no objection has been received from the general public to the notices.

18. The Petitioner has served a copy of the application on CTUIL as required under Section 15(3) of the Act and Regulation 7(6) of the 2009 Transmission Licence Regulations read with Regulations 5 (9) of the 2024 Transmission Licence Regulations. CTUIL, vide its letter dated 12.12.2024, has recommended the grant of a transmission licence to the Petitioner. The relevant portion of the said letter dated 12.12.2024 is

19. extracted as under:

"This has reference to the Petition with Dairy No. 1309/2024 dated 10.12.2024 filed by M/s

KIVAPTL before Hon'ble Commission vide which M/s KIVAPTL has requested CTU for issuance of recommendation for grant of separate RTM Transmission License for implementation of subject transmission scheme. In this regard, the following is submitted:

1. M/s KIVAPTL has filed a petition under Section 14 of the Electricity Act, 2003 read with CERC (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2024 for grant of separate Transmission License for "Augmentation of transformation capacity at KPS3 (GIS) S/s under Khavda Phase - V Part B3 Scheme" through RTM under ISTS. The detailed scope of the transmission scheme is enclosed as Annexure-I.

2. M/s KIVAPTL has mapped Nodal Agency i.e., CTUIL on the e-portal of Hon'ble Commission, to serve a copy of the application for the grant of Transmission License, for the above transmission system as per section 15(3) of the Electricity Act, 2003 and Regulation 5(3) of Transmission License Regulations, 2024 for recommendation required u/s 15(4) of the Electricity Act, 2003 and Regulation 5(9) of Transmission License Regulations, 2024.

3. In reference to "Augmentation of transformation capacity at KPS3 (GIS) S/s under Khavda Phase -V Part B3 Scheme", the following is submitted:

i) KPS3 S/s with 3x1500MVA, 765/400kV ICTs on Sec-I is under implementation by POWERGRID. Augmentation of transformation capacity by 1x1500MVA, 765/400kV ICT (4th) on Sec-I was also awarded to POWERGRID under RTM and is currently under implementation.

ii) Further, transmission augmentation scheme (Khavda Ph-IV Part-A) for creation of Bus Sec-II at KPS3 with 3x1500MVA, 765/400kV ICTs was awarded to KIVAPTL (a subsidiary of Adani Energy Solutions Ltd.) for implementation with SCOD as Aug-26.

iii) Connectivity for 4600MW on Sec-I and 1850MW on Sec-II was granted at KPS3 against applications received earlier. Further, applications for additional Connectivity for 3290MW on Sec-II were received. Augmentation of transformation capacity by 1x1500MVA, 765/400kV ICT (8th) shall enable the evacuation of additional power from KPS3 considering the margins to be sufficient on commissioning of HVDC.

iv) The subject augmentation scheme was discussed and agreed for in the 31st & 32nd CMETS-WR meetings held on 03.08.2024 & 24.09.2024 respectively. Extracts of the minutes of 31st & 32nd CMETS- WR meetings are enclosed as Annexure-IIA & Annexure-IIB respectively.

v) The subject transmission scheme was also discussed and approved by the NCT during the 24th NCT meeting held on 23.10.2024 wherein the committee approved implementation of the subject transmission scheme by KIVAPTL under RTM. Letter dated 22.11.2024 in this regard is enclosed at Annexure-III.

4. CTU vide letter dated 25.11.2024 has forwarded the NCT recommendation for implementation of "Augmentation of transformation capacity at KPS3 (GIS) S/s under Khavda Phase - V Part B3 Scheme" under RTM to KIVAPTL with implementation timeframe of 24 months from the date of allocation vide CTU letter dated 25.11.2024 (i.e., by 25.11.26). CTU

letter is enclosed at Annexure-IV.

5. In line with Section 15(4) of the Electricity Act, 2003 and Regulation 5(9) of Transmission Licence Regulations, 2024, based on details furnished by M/s Khavda IVA Power Transmission Ltd., CTU recommends the grant of separate transmission license to M/s Khavda IVA Power Transmission Ltd. for executing the transmission scheme as mentioned in Para-1 above.”

20. It is noted that the CTUIL, vide its letter dated 14.5.2024, has requested the Ministry of Power to clarify the requirement of approval of the Central Government to transmission schemes under the Transmission System Planning Rules, 2021, for Projects costing up to Rs. 500 crores, as approved by the NCT/CTUIL as per the Ministry's Order dated 28.10.2021, quoted in para 10 above. CTUIL is directed to place on record the response received from the Ministry of Power before the next date of hearing or as and when the same is received. Meanwhile, we proceed to grant the transmission licence to the Petitioner Company so that the construction work of the transmission line may not be delayed.

21. We have considered the Petitioner's submission. The Petitioner has filed the present Petition for the grant of a separate Transmission Licence for 'Augmentation of transformation capacity at KPS3 (GIS) S/s under Khavda Phase-V Part B3 Scheme' on Regulated Tariff Mechanism (RTM) route.

22. Considering the material on record, we are prima-facie of the view that the Petitioner satisfies the conditions for the grant of a separate RTM transmission licence under Section 15 of the Act read with the Transmission Licence Regulations for the implementation of the transmission project as described in para 1 of this order. We,

therefore, direct that a public notice in two daily digital newspapers and on the Commission`s website under clause (a) of sub-section (5) of Section 15 of the Act be published to invite suggestions or objections to the grant of a transmission licence aforesaid. The objections or suggestions, if any, be filed by any person before the Commission on or before **7.3.2025**.

23. The Petition shall be listed for the hearing on **11.3.2025**.

Sd/-
(Harish Dudani)
Member

sd/-
(Ramesh Babu V.)
Member

sd/-
(Jishnu Barua)
Chairperson