

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 180/MP/2017

Subject : Petition under Section 41 of the Electricity Act, 2003 read alongwith Central Electricity Regulatory Commission (Sharing of Revenue derived from utilization of Transmission Assets for other business) Regulations, 2007 for intimation to engage in other business for optimum utilization of transmission assets.

Date of hearing : 13.9.2018

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

Petitioner : Power Grid Corporation of India Limited

Respondents : Delhi Transco Limited and others

Parties present : Shri A.K. Arora, PGCIL
Shri D. Yadav, PGCIL
Shri Sudesh Yadav, PGCIL
Shri S.C. Agrawal, PGCIL
Shri K. Rathore, PGCIL
Shri Amit Bhargava, PGCIL
Ms. Manju Gupta, PGCIL
Shri Buddy Ranganadhan, Advocate, BRPL & BYPL
Shri Anupam Varma, Advocate, BRPL & TPDDL
Shri Rahul Kinra, Advocate, BRPL & TPDDL
Shri Ashutosh K. Srivastava, Advocate, BRPL & TPDDL
Shri Mohit Mudal, Advocate, BYPL
Shri R.B. Sharma, Advocate, NBPDCCL & SBPDCL
Shri S. Vallinayagam, Advocate, AP Discoms

Record of Proceedings

At the outset, learned counsel for BRPL and BYPL submitted that PGCIL has proposed to supply power to the Telecom asset/ transmission system from the isolated earth wire which amounts to sale and purchase of power i.e. trading of electricity. However, as per the first proviso to Section 38 and the third proviso to Section 41 of the Electricity Act, no transmission licensee shall enter into any contract or otherwise engage in the business of trading in electricity. Therefore, any sale and purchase of power cannot be undertaken by the transmission licensee even under the garb of "other business". Learned counsel further submitted that since the PGCIL has entered into other business, the revenue generated from such business shall be shared with the beneficiaries.

2. The representative of the Petitioner submitted that the present Petition has been filed for seeking prior permission for placement of telecom antenna, power and telecom equipment and drawing power from earth wire under the category "Telecommunication business" as per Regulation 4(a) of the Central Electricity Regulatory Commission (Sharing of revenue derived from utilization of transmission assets for other business) Regulations, 2007. The representative of the Petitioner further submitted that only the

wasted power is being utilized by the Petitioner and there is no selling and buying of any type of energy. With regard to the sharing of the revenue, the representative of the Petitioner submitted that the Petitioner is yet to ascertain the financial viability of the proposed business as the same would largely depend upon various factors such as number of towers utilized, location of tower and business of telecom players in the area. Therefore, the revenue estimated to be derived from the proposed other business can only be provided by the Petitioner after exploring the market. However, once PGCIL entered into a business it will share the revenue with the beneficiaries.

3. Learned counsel for North Bihar Power Distribution Company Ltd. and South Bihar Power Distribution Company Ltd. (Bihar Discoms) submitted that as per the Electricity Act, 2003, the energy which is being wasted in the earth wire should be utilized and shared with the beneficiaries.

4. After hearing the representative of the Petitioner, learned counsels for the BRPL, BYPL and Bihar Discoms, the Commission directed PGCIL to discuss the matter with the distribution companies explaining the benefits of the scheme and submit their views/ comments on the issue, on or before, 15.10.2018.

5. The petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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