

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 37/MP/2019
Along with I.A. No. 19/2019**

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

Date of Order: 26th of April, 2019

In the matter of

Petition under Section 38 (2) of the Electricity Act, 2003 read with Section 79 (1) (c) and Section 79 (1) (k), along with (i) Central Electricity Regulatory Commission (Grant of Regulatory Approval for execution of inter-State Transmission Scheme to Central Transmission Utility) Regulations, 2010; (ii) Regulations 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, and (iii) Central Electricity Regulatory Commission (Sharing of inter-State Transmission charges and Losses) Regulations, 2010 for grant of Regulatory Approval for execution of the Transmission System for evacuation of power from potential solar and wind energy zones in Western Region.

**And
In the matter of**

Power Grid Corporation of India Limited
Saudamini, Plot No. 2, Sector 29,
Gurgaon 122 001 (Haryana)

...Petitioner

Vs.

Gujarat Urja Vikas Nigam Ltd.
Sardar Patel Vidyut Bhawan,
Race Course Road,
Vadodara-390 007 and others

....Respondents

Parties Present

Shri Ashok Pal, PGCIL
Shri Prasant Kumar, PGCIL
Ms. Joyti Prasad, PGCIL
Ms. Manju Gupta, PGCIL
Shri Pratyuesh Singh, PGCIL

ORDER

The Petitioner, Power Grid Corporation of India Limited, has filed the present Petition along with the following prayers:

“(a) Grant Regulatory approval for taking up implementation of identified transmission system at Enclosure –I;

(b) Grant of approval for recovery of transmission charges of the assets through the Central Electricity Regulatory Commission (Sharing of inter-State Transmission charges and Losses) Regulations , 2010 and its amendment(s) notified by CERC from time to time; and

(c) Grant of approval for inclusion of the above system under the TSA notified by CERC.”

2. The Petitioner has filed Interlocutory Application No. 19/2019 for early hearing of the Petition.

3. During the course of hearing, the representative of the Petitioner reiterated the submissions made in the Petition.

4. Regulations 7, 8 and 9.1 of the Central Electricity Regulatory Commission (Planning, Coordination and Development of Economic and Efficient Inter-State Transmission System by Central Transmission Utility and other related matters) Regulations, 2018 (hereinafter referred to as “Transmission Planning Regulations”) provides as under:

“7. Process of Transmission Planning:

.....

(10) Before finalizing the transmission scheme, CTU shall publish the details of all probabilistic scenarios and suggested transmission schemes on its website and seek stakeholder’s comments. CTU shall finalise the transmission scheme after considering the responses received from stakeholders.

(11) Associated Intra state network planning by STU shall be integrated with planning of inter-state network. After finalization of the transmission scheme, the base case prepared as per sub-Regulation (2) and system studies

carried out as per sub-Regulation (3) above along with underlying assumptions, methodology and planning criteria shall be placed before the concerned Regional Power Committee(s); All such proposals to RPC(s) shall be accompanied with documents mentioned at Regulation 8(3) below.

(12) RPC(s), on receipt of proposal from CTU, shall consider and convey its recommendations to CTU within 2 months of receipt of such proposal.

(13) In case RPC doesn't agree with the proposal either fully or partially and CTU is of the view that the scheme is in interest of grid security/ stability or decongesting the network or overcoming a contingency, it shall record this in writing and seek regulatory approval of the Central Commission. However, prior to seeking regulatory approval, CTU shall share the reasons for not agreeing with the recommendations of concerned RPC(s) with that RPC.

* * * * *

8. Stakeholder Consultation and Transparency

(1) CTU shall consult stakeholders such as generators, STUs, RLDCs, SLDCs and distribution licensees and maintain transparency at all stages of planning of augmentation or strengthening of ISTS:

Provided that consultations with generators/ distribution licensees shall mean consultations with the Chief Executive Officer of concerned generator/ distribution licensees or its specifically designated nominee. If a generator/ distribution licensee does not respond within 45 days, it shall be construed that consultation with that generator or distribution licensee is complete and CTU shall proceed further.

.....

(3) The Central Transmission Utility shall publish the following on its website and update the same on a half yearly basis:

- (a) Detailed justification for the scheme along with details of the complete scheme;
- (b) Results of System studies;
- (c) Assumptions made in system studies and inputs received from stakeholders;
- (d) Comments/ suggestions of stakeholders along with its treatment;
- (e) Likely capital costs and estimated monthly tariff; and
- (f) Status of upstream/ downstream system

9.1 Application for Regulatory approval by CTU: (1) At the time of filing application before the Commission for grant of regulatory approval, the CTU shall submit the following:

- (a) Recommendations on the scheme by the concerned RPC(s);
- (b) Results of the system studies carried out by CTU;
- (c) Assumptions and Inputs considered in system studies;
- (d) Status of upstream/ downstream transmission system; and
- (e) Status of consultation with the stakeholders along with Comments/ suggestions of stakeholders and its treatment.”

5. Regulation 4 of the Central Electricity Regulatory Commission (Grant of Regulatory Approval for execution of inter-State Transmission Scheme to Central Transmission Utility) Regulations, 2010 (hereinafter referred to as “Regulatory Approval Regulations”) provides as under:

4. Procedure for Filing of Application:

(1) The Central Transmission Utility may file application before the Commission for regulatory approval of identified ISTS Scheme along with Project Inception Report.

(2) The Project Inception Report should be reconcilable with other relevant ISTS Schemes being planned or executed by the Central Transmission Utility and may include such other considerations as elimination of transmission constraints, margins in transmission system, anticipated transmission needs incident on the system in the open access regime, demand projections, network reliability and design criteria.

(3) The Scheme shall be planned in co-ordination with the entities / bodies mentioned in sub-clause (b) of clause (2) of Section 38 of the Act.

(4) The Project Inception Report shall clearly outline the scope and objectives of the proposed ISTS Scheme, its conformity with the evaluation criteria mentioned in these regulations with detailed justification supported by cost benefit analysis.

(5) The Project Inception Report shall be accompanied by such information, particulars and documents to support the details contained in the scheme including technical reports, project justification, estimated cost, details of consultation as required under clause (3) of this regulation including available minutes of meeting of the Standing Committee of Central Electricity

Authority on Transmission System Planning, as may be required to enable assessment of the ISTS Scheme.

(6) The Project Inception Report should address the various aspects of the ISTS Scheme as set out in the format enclosed as Appendix I to these regulations. The Commission may seek such other details about the ISTS Scheme as may be considered appropriate for evaluation of such scheme.

(7) The Central Transmission Utility shall within seven days of making an application to the Commission post the complete application along with annexures and enclosures, if any, on its website and publish a notice of the application with brief particulars of the scheme, in two leading national newspapers inviting objections/suggestions within a period of one month from the date of publication:

Provided that the Central Transmission Utility shall submit to the Commission, copies of the relevant editions of the newspapers, in support of the publication, within a period of 7 days from the date of publication.”

6. It is noticed that the Petitioner has not complied with the provisions of the Transmission Planning Regulations and Regulatory Approval Regulations before approaching the Commission in all respect for grant of regulatory approval for execution of the transmission system for evacuation of power from potential solar and wind energy zones in Western Regional. Therefore, we are unable to take decision in the present Petition.

7. The Petition is disposed of with liberty to the Petitioner to approach the Commission after compliance of the provisions of the Transmission Planning Regulations and Regulatory Approval Regulations.

8. The Petition No. 37/MP/2019 along with IA No. 19/2019 is disposed of in terms of the above.

Sd/-
(I.S.Jha)
Member

sd/-
(Dr. M.K. Iyer)
Member

sd/-
(P.K. Pujari)
Chairperson