

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 24/AT/2022

Subject : Application under Section 63 of the Electricity Act, 2003 for adoption of transmission charges with respect to transmission system to be implemented by Nangalbibra – Bongaigaon Transmission Limited

Petitioner : Nangalbibra – Bongaigaon Transmission Limited (NBTL)

Respondents : Assam Power Distribution Company Limited and 10 Ors.

Petition No. 33/TL/2022

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 licence to Nangalbibra – Bongaigaon Transmission Limited.

Petitioner : Nangalbibra – Bongaigaon Transmission Limited (NBTL)

Respondents : Assam Power Distribution Company Limited and 10 Ors.

Date of Hearing : 21.3.2022

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Parties Present : Shri Deep Rao, Advocate, NBTL
Ms. Harneet Kaur, Advocate, NBTL
Ms. Parichita Chowdhury, Advocate, NBTL
Shri Pulkit Sharma, Advocate, NBTL
Shri Sanjay Nayak, PFCCL
Shri Manish Agrawal, PFCCL
Ms. Nirmala Meena, PFCCL
Shri Kunal Kumar, PFCCL
Shri Rajesh Kumar, CTUIL
Shri Manish Ranjan Keshari, CTUIL
Shri Swapnil Verma, CTUIL

Record of Proceedings

Cases were called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the instant Petitions have been filed seeking adoption of transmission charges discovered pursuant to the tariff based competitive bidding process in respect of 'establishment of New 220/132 kV substation at Nangalbibra' (in short, 'the Project') and for grant of transmission



licence to the Petitioner to establish the said Project. Learned counsel submitted that pursuant to the bid process conducted by Bid Process Coordinator ('BPC'), PFC Consulting Limited ('PFCCL'), Sterlite Grid 26 Limited was declared as successful bidder and was issued the Letter of Intent on 14.10.2021. Learned counsel further submitted that PFCCL vide affidavit dated 21.2.2022 has already placed on the record all the details relating to competitive bid process conducted by it pursuant to direction of the Commission vide letter dated 28.1.2022 and that CTUIL has also recommended for grant of transmission licence to the Petitioner under Section 15(4) of the Electricity Act, 2003 ('the Act').

3. Learned counsel for the Petitioner further submitted that the Commission has previously directed the entities applying for grant of transmission licence to file an affidavit to the effect that (a) execution of the Project shall not be delayed due to time taken in obtaining statutory clearances required under RfP and/or adjudication of any claim arising under Transmission Service Agreement ('TSA') and (b) with regard to quality control mechanism available or to be put in place, compliance shall be ensured with the requirements stipulated under Article 5.1.1 and Article 5.4 of the TSA. The learned counsel submitted that in order to save the time, the Petitioner has already furnished its compliance with the aforesaid direction in the Petition itself.

4. The representative of the Respondent, PFCCL submitted that PFCCL, in its capacity of BPC, has already filed the response to the Petition.

5. The representative of the Respondent, CTUIL submitted that CTUIL has already furnished its recommendation under Section 15(4) of the Act for grant of transmission licence to the Petitioner for establishment of the Project.

6. After hearing the learned counsel for the Petitioner and the representative of the BPC and CTUIL, the Commission observed that the Petitioner ought to also confirm that it has, in terms of RfP documents, conducted its own survey and field investigation of the route of transmission line/ location of sub-station and that such survey and field investigation as carried out by it has been factored into while participating in the bid process and selecting the route of transmission line/ location of sub-station by the Petitioner. In response, learned counsel for the Petitioner submitted that Appellate Tribunal for Electricity, in its certain judgments, has held that the survey reports provided by BPC are required to be reliable document. Learned counsel further sought liberty to take necessary instruction in this regard.

7. After hearing the learned counsel for the Petitioners, the Commission ordered as under:

- (a) Admit. Issue notice to the Respondents.
- (b) The Petitioner to serve copy of the Petitions on the Respondents, immediately, if not already served and the Respondents to file their reply, if any, by 11.4.2022 after serving copy of the same to the Petitioner, who may file its rejoinder, if any, 29.4.2022.
- (c) The Petitioner to confirm on affidavit dated 8.4.2022 that the route of transmission line or location of sub-station selected by the Petitioner factors into its own survey and field investigation as specified in clause 2.5.7.4 of RfP.

(d) Parties to comply with the above direction within the specified timelines and no extension shall be granted.

8. The Petitions shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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