

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 105/TL/2022

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

Date of Order: 3rd June, 2022

In the matter of

Application under Section 14 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, 2009 with respect to Transmission Licence to Gadag Transmission Limited.

And

In the matter of

Gadag Transmission Limited,
138, Ansal Chambers-II, Bhikaji Cama Place,
New Delhi-110066.

.....Petitioner

Vs

1. ReNew Solar Power Private Limited,
Renew Hub, Commercial Block-1, Zone-6,
Golf Course Road, DLF City Phase V,
Gurugram, Haryana- 122009.
2. Vena Energy Vidyuth Private Limited,
2/1, 1st Floor, Embassy Icon Annexe, Infantry Road,
Bangalore-560001
3. Chief Executive Officer,
REC Power Development and Consultancy Limited,
REC Corporate Head Quarter, D Block,
Plot No. I-4, Sector-29,
Gurugram-12200, Haryana.
4. Chief Operating Officer,
Central Transmission Utility of India Limited,
Saudamini, Plot No.2,
Sector-29, Gurugram-122001, Haryana

.....Respondents

Parties present:

Shri Amit Kumar, GTL
Shri Mohit Jain, GTL
Shri Anil Kr. Meena, CTUIL
Shri Ankush Patel, CTUIL
Shri Swapnil Verma, CTUIL
Shri Siddharth Sharma, CTUIL
Shri Ranjeet Singh Rajput, CTUIL
Shri Bhanu Prakash Pandey, CTUIL
Shri P.S.Hariharan, RECPDCL

ORDER

The Petitioner, Gadag Transmission Limited, has filed the present Petition for grant of transmission licence under Section 14 of the Electricity Act, 2003 (hereinafter referred to as “the Act”) read with the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009 (hereinafter referred to as “Transmission Licence Regulations”) to establish “Transmission Scheme for Solar Energy Zone in Gadag (2500 MW), Karnataka -Part A ”, on Build, Own, Operate and Maintain (BOOM) basis (hereinafter referred to “Transmission System” or “Project”) consisting of the following elements:

Sl. No.	Name of the Transmission Element	Scheduled COD from Effective Date
1	Establishment of 400/220 kV, 2x500 MVA Gadag Pooling Station with 400 kV (1X125 MVAR) bus reactor 400/220 kV, 500 MVA ICT – 2 nos. 400 kV ICT bays – 2 nos. 220 kV ICT bays – 2 nos. 400 kV line bays – 2 nos. 220 kV line bays – 4 nos. 125 MVA, 420 kV reactor – 1 no. 420 kV reactor bay – 1 no. 220 kV bus coupler (BC) bay -1 no. 220 kV transfer bus coupler(TBC) bay- 1 no.	18 Months

Sl. No.	Name of the Transmission Element	Scheduled COD from Effective Date
	<p>Future provisions:</p> <p>400 kV :</p> <ul style="list-style-type: none"> • Space for 400 kV Line bay with switchable line reactor: 8 nos. • 400/220kV ICT along with associated bay: 4 nos. <p>220kV :</p> <ul style="list-style-type: none"> • Bus sectionalizer bay: 2 nos. (One no. bay for each Main Bus) • Bus coupler bay: 1 nos. • Transfer Bus coupler bay: 1 nos. • Space for future 400/220kV ICT bay: 4 nos. • Space for future line bay: 8 nos. 	
2	Gadag PS - Narendra (New) PS 400 kV (high capacity equivalent to quad moose) D/c line	
3	<p>400 kV GIS line bays at Narendra (new) for Gadag PS-Narendra (New) PS 400 kV D/c Line</p> <p>400 kV GIS line bays – 2 nos.</p>	

Note:

- (i) *POWERGRID to provide space for 2 no. of 400 kV GIS line bays at Narendra (New) 400 kV substation for termination of Gadag PS-Narendra (New) 400 kV (high capacity equivalent to quad moose) D/C line.*
- (ii) *The schedule of implementation of the scheme would be 18 months from the date of transfer of SPV.*

2. The Petitioner has made the following prayers:

“ (a) Grant Transmission License to the Applicant for establishing, operating and maintaining the Project as provided under the Transmission Service Agreement;

(b) Allow the recovery of Transmission Charges for Transmission system “Transmission Scheme for Solar Energy Zone in Gadag (2500 MW), Karnataka - Part A” as per Sharing of Inter-State Transmission Charges and Losses CERC Regulation, 2020 and any other amendment thereon issued from time to time by CERC;

(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.”

3. The matter was called out for virtual hearing on 24.5.2022 after notice to the Respondents. The representative of the Petitioner submitted that the Petitioner has already served the copy of the Petitions on the LTTCs, BPC and CTUIL and has complied with all the requirements under the Transmission Licence Regulations including publishing of notice on its website inviting suggestions /objections on its application for grant of transmission licence. However, no suggestion/objection has been received. He further added that CTUIL vide its letter dated 7.4.2022 has recommended for grant of transmission licence to the Petitioner under Section 15(4) of the Electricity Act, 2003. Accordingly, the Commission may pass appropriate orders in the matters.

4. The representative of CTUIL submitted that CTUIL vide its letter dated 7.4.2022 has recommended for grant of transmission licence to the Petitioner for the Project which include 2x500 MVA, 400/220 kV ICTs at Gadag Pooling station and Gadag PS-Narendra (new) PS 400 KV D/C line. He further submitted that at Gadag Pooling Station, Stage- II Connectivity has been granted for 2110 MW whereas the LTAs have been granted for 460 MW.

5. In response to the observation of the Commission regarding guidelines of Ministry of Power in regard to selection of LTTCs to TSA, the representative of CTUIL submitted that CTUIL only provides to the BPC the details regarding entities which have been granted LTAs on the concerned Project, which in the present case are ReNew Solar Power Private Limited and Vena Energy Vidyuth Private Limited (for total 460 MW). The

representative of CTUIL added that since the LTAs by these developers are taken on the target region basis, they are the signatories/LTTCs to the TSA.

6. BPC was directed to clarify the basis on which the LTTCs are selected to the TSA and the relevant guidelines of the Ministry of Power, Government of India on this aspect, if any.

7. BPC vide its affidavit dated 2.6.2022 has submitted that the list of LTTCs for “Transmission Scheme for Solar Energy Zone in Gadag (2500 MW), Karnataka - Part A” was provided by CTUIL. BPC has no role in finalization of LTTCs for any project. In this regard, relevant portion of communication dated 31.8.2021 from CTUIL is extracted as under:

“Sub: Details of LTTCs for ‘Transmission Scheme for Solar Energy Zone in Gadag (100 MW), Karnataka, Part A: Phase-I”

In this regard, it is to mention that LTA for 160 MW has been granted to M/s Vena Energy Vidyut Pvt. Ltd. with M.P Power Management Co. Ltd. (MPPMCL) as firm beneficiaries and LTA for 300 MW to M/s Renew Solar Power Pvt. Ltd with NR, WR, ER as target beneficiaries for their proposed generation projects in Gadag REZ in Karnataka under the subject scheme through following transmission elements:

- *Establishment of 2x250 MVA, 400/220 kV Gadag Pooling Station*
- *Gadag PS-Narendra (New) 400 kV (high capacity equivalent to quad moose) D/c line*
- *1x125 MVA, 420 kV bus reactor at Gadag PS*

In view of the above, M/s M.P. Power Management Co. Ltd. (for LTA granted to M/s Vena Energy Vidyut Pvt. Ltd. and M/s Renew Solar Power Pvt. Ltd. are identified as Long term Transmission Customers for ‘Transmission Scheme for Solar Energy Zone in Gadag (1000 MW), Karnataka-Part A, Phase-I”

8. The Petitioner has submitted that in accordance with the “Guidelines for Encouraging Competition in Development of Transmission Projects” and “Tariff Based Competitive Bidding Guidelines for Transmission Service” (hereinafter referred to as “the Guidelines”) issued by Ministry of Power, Government of India,

under Section 63 of the Act, RECPDCL was notified by Ministry of Power, Government of India vide Gazette Notification F. No. 15/3/2018- Trans-Pt(1) dated 27.1.2020 and 19.7.2021 as the Bid Process Coordinator (BPC) for the purpose of selection of bidder as Transmission Service Provider (TSP) to establish 'Transmission Scheme for Solar Energy Zone in Gadag (2500 MW), Karnataka -Part A', through tariff based competitive bidding process on BOOM basis.

9. RECPDCL in its capacity as the BPC initiated the bid process on 9.9.2021 and completed the same on 17.3.2022 in accordance with the Guidelines. ReNew Transmission Ventures Private Limited (RTVPL) was selected as the successful bidder having quoted the lowest levelized transmission charges of Rs. 297.00 million in order to establish the Project and to provide transmission service to identified Long Term Transmission Customers (LTTCs) of the Project, namely, ReNew Solar Power Private Limited and Vena Energy Vidyuth Private Limited as specified in the TSA.

10. At RfP stage, seven bidders, namely, (i) ReNew Transmission Ventures Private Limited, (ii) Torrent Power Limited, (iii) GR Infraprojects Limited, (iv) Adani Transmission Limited, (v) Power Grid Corporation of India Limited, (vi) Sterlite Grid 15 Limited and (vii) Megha Engineering & Infrastructures Limited submitted their offers. The RfP (Non-financial) Bids of the seven bidders were opened online on 17.12.2021 at MSTC portal. Based on the recommendation of the Bid Evaluation Committee (BEC), the RfP (Financial) Bids-Initial Price Offer of all seven bidders were opened on 10.1.2022. Lowest Initial Price Offer discovered (Best Deal) at MSTC portal was Rs. 348.94 million. Based on the recommendation of BEC, four bidders were qualified to

participate in the e-reverse auction stage. E-reverse auction was carried out at MSTC portal on 11.1.2022 and the following levelised transmission tariff for each bidder (in ascending order) emerged:

S. No.	Name of Bidder	Levelised Transmission Charges from the Final Offer (Rs.in Million)	Rank
1	ReNew Transmission Ventures Private Limited	297.00	L-1
2	GR Infraprojects Limited	297.75	L-2
3	Adani Transmission Limited	308.32	L-3
4	Torrent Power Limited	322.21	L-4

11. As per the final Bid Evaluation Report dated 14.1.2022, ReNew Transmission Ventures Private Limited emerged as the successful bidder with the lowest levelised transmission charges of Rs. 297.00 million. BEC vide its certificate dated 14.1.2022 has certified that entire bid process has been carried out in accordance with the Guidelines issued by the Ministry of Power under Section 63 of the Act. BEC has further certified that levelised tariff computed on the basis of rates quoted by the successful bidder during e-reverse auction is lower than the levelised tariff calculated based on CERC norms. Therefore, the levelised tariff discovered through e-reverse auction is acceptable.

12. Consequent to its selection as the lowest bidder, Letter of Intent (LoI) was issued to ReNew Transmission Ventures Private Limited by the BPC on 27.1.2022 which was accepted by RTVPL. Under the terms of RfP and the Letter of Intent, the successful bidder is obligated to accomplish the following tasks:

- a. Provide Contract Performance Guarantee in favour of LTTCs;
- b. Execute Share Purchase Agreement and all other RfP documents;

- c. Acquire, for the Acquisition Price, 100% equity share holding of Gadag Transmission Limited from RECPDCL along with all its related assets and liabilities;
- d. Make an application to this Commission for adoption of transmission charges, as required under Section 63 of the Act; and
- e. Apply to this Commission for grant of transmission licence.

13. The Petitioner has furnished the Contract Performance Guarantee (CPG) for an aggregate value of Rs. 97.50 million on 17.3.2022 and has acquired hundred percent equity holding in Gadag Transmission Limited on 17.3.2022. Accordingly, the Transmission Service Agreement executed between the TSP and the LTTCs dated 10.12.2021 became effective from 17.3.2022.

14. 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 juridical person. The Petitioner has been incorporated under the Companies Act, 2013. 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”

15. 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 Transmission Licence Regulations in this regard. Regulation 3 of the Transmission Licence Regulations provides that the Empowered Committee shall identify the Projects included in the transmission plan to be developed under the Guidelines issued under Section 63 of the Act. Regulation 4 of the Transmission Licence Regulations provides that in case of projects identified for development under the Guidelines for competitive bidding, selection of the project developer shall be made in accordance with the procedure laid down in the Guidelines. The Project under consideration has been identified for development under competitive bidding by competent authority in the Ministry of Power/ CEA. Central Electricity Authority, vide its letter No. CEA-PS-11-12/1/2021-PSPA-I Division-Part (1) dated 2.12.2021 had issued prior approval to the Project under Section 68 of the Act. Selection of the Project developer, Gadag Transmission Limited (GTL), has certified to have been made in accordance with the Guidelines.

16. Regulation 7 of the Transmission Licence Regulations read with the order dated 22.1.2022 passed in Petition No.1/SM/2022 [whereby the Commission, in the exercise of 'Power to Relax' under Regulation 24 of the Transmission Licence Regulations, modified/amended Clause (4), Clause (7), Clause (9) and Clause (12) and dispensed with Clause (10) of Regulation 7] provide for the procedure for grant of transmission licence as under:

“(1) The application for grant of transmission licence shall be made to the Commission in Form-I appended to these regulations and shall be accompanied by such fees as may be prescribed by the Central Government from time to time.

(2) In case of the person selected for implementation of the project in accordance with the guidelines for competitive bidding, the application shall also contain such additional information, as may be required under these guidelines.

(3) The application shall be supported by affidavit of the person acquainted with the facts stated therein.

(4) Before making an application, the applicant shall submit the original application in electronic form along with annexures and enclosures on the e-filing portal of the Commission so that the same is served electronically on all the long-term customers of the project registered on the e-filing portal of the Commission. Also, a copy of the same be served through e-mail on the longterm customers of the project not registered on the e-filing portal of the Commission. Further, the applicant shall also post the complete application along with annexures and enclosures in English and in the vernacular language, on its website.

(5) The application shall be kept on the website till such time the licence is issued or the application is rejected by the Commission.

(6) Immediately on making the application, the applicant shall forward a copy of the application to the Central Transmission Utility.

(7) The applicant shall, within 7 days after filing the application, post the application on the e-filing portal of the Commission and on its website in Form-II attached to these regulations in English language and in Vernacular language of the State or Union Territory where an element of the project or a long-term customer is situated, inviting comments from the general public.

(8) As far as possible, within 7 days of receipt of the application the Secretariat of the Commission shall convey defects, if any, if noticed on preliminary scrutiny of the application for rectification and the defects conveyed shall be rectified by the applicant in such time as may be indicated in the letter conveying the defects.

(9) In the notice published on the e-filing portal of the Commission and on the applicant's website under clause (7) it shall be indicated that the suggestions and objections, if any, on the application, may be filed before the Secretary, Central Electricity Regulatory Commission, Third Floor, Chanderlok Building, Janpath, New Delhi-110001 (or the address where the office of the Commission is situated), with a copy to the applicant, by any person, including the long-term customers, within 30 days of publication of the notice

(10).....

(11) The Central Transmission Utility shall send its recommendations, if any, to the Commission on the proposal made in the application within a period of thirty days from the date of receipt of application by it:

Provided that copy of the recommendations, if any, made by the Central Transmission Utility shall always be forwarded to the applicant:

Provided further that these recommendations of the Central Transmission Utility shall not be binding on the Commission.

(12) The applicant may file its comments, duly supported by an affidavit, on the recommendations made by the Central Transmission Utility and the suggestions and objections, if any, received in response to the notice posted on the e-filing portal of the Commission and on the applicant's website by him, within 45 days of service of copy of the application on the Central Transmission Utility or publication of notice posted on the e-filing portal of the Commission and on the applicant's website, with an advance copy to the Central Transmission Utility or the person who has filed the suggestions and objections on the proposal made in the application, as the case may be.

(13) The Commission after considering the suggestions and objections received in response to the public notice published by the applicant and the recommendations, if any, of the Central Transmission Utility may, propose to grant transmission licence or for reasons to be recorded in writing, reject the application.”

17. The Petitioner has approached the Commission by a separate application for adoption of transmission charges in respect of the transmission system which is presently under consideration of the Commission and order in that Petition will be issued separately. The Petitioner has filed the present Petition for grant of transmission licence in accordance with the Transmission Licence Regulations. The Petitioner has submitted proof of service of the copies of the application on the LTTCs and Central Transmission Utility of India Limited (CTUIL) and proof of web posting of the complete application. The Petitioner has further undertaken to pay the applicable licence fee upon the grant of Transmission Licence in terms of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012. The Petitioner has prayed for grant of transmission licence to Gadag Transmission Limited with respect to the Transmission System as per details given in paragraph 1 above.

18. The Petitioner has made the Application as per Form-I and paid the prescribed fee of Rs. One lakh as prescribed by the Central Government. On perusal of the Application, it is noted that the Petitioner has served copy of the Application on the LTTCs for the Project. The levelised tariff charges quoted by the Petitioner which have been recommended by the Bid Evaluation Committee for acceptance, is Rs. 297.00 million. The Petitioner has enclosed copies of the recommendations of the Bid Evaluation Committee and proof of making the final results of evaluation of all bids public by the BPC as per the Guidelines.

19. The Petitioner vide its affidavit dated 4.4.2022 has placed on record the relevant copies of the notices wherein notices were published in terms of the Regulation 7(7) of the Transmission Licence Regulations. The Petitioner has published the notices on the e-filing portal of the Commission and on its website in Form-II in English language and in Kannada (Vernacular) language. No objection has been received from the general public in response to the public notices.

20. The Petitioner has served the copy of the Application on the Central Transmission of Utility of India Limited (CTUIL) as required under Section 15(3) of the Act and Regulation 7(6) of the Transmission Licence Regulations. CTUIL in its letter dated 7.4.2022 has recommended for grant of transmission licence to the Petitioner. Relevant portion of the said letter dated 7.4.2022 is extracted as under:

"This has reference to petition filed M/s Gadag Transmission Limited for grant of Transmission License for subject transmission scheme against the application/petition filed to CERC. In this regard, following is submitted:

1. M/s Gadag Transmission Limited has filed application/petition under Section 14 of the Electricity Act, 2003 and CERC (Procedure, Terms and Conditions for grant of Transmission License and other related matters) Regulations, 2009 for grant of transmission license to establish Transmission Scheme "Transmission Scheme for Solar Energy Zone in Gadag (1000 MW), Karnataka-Part A: Phase-I" on Build, Own, Operate and Maintain (BOOM) basis as ISTS. The detailed scope of the scheme is enclosed at Annexure-I.

2. As per section 15(3) of Electricity Act, 2003 copy of the application for grant of transmission license, for the above transmission system has been received on 31.03.2022 for recommendation required U/S 15(4) of the Electricity Act, 2003.

3. In reference to the Transmission Scheme "Transmission Scheme for Solar Energy Zone in Gadag (1000 MW), Karnataka-Part A: Phase-I" following is submitted:

i) Government of India has set a target for establishing 175 GW renewable capacity by 2022, which also includes 2.5 GW RE potential in Gadag area of Karnataka (1000 MW under Phase-I). The subject transmission scheme involves establishment of Gadag Pooling Station and its interconnection with ISTS grid for evacuation of RE power from Gadag area of Karnataka.

ij) The transmission scheme was agreed in the 1st and 2nd meeting of Southern Region Standing Committee on Transmission (SRSCCT) held on 07.09.2018 and 10.06.2019 respectively. Extract of the minutes of 1st and 2nd SRSCCT meetings are enclosed at Annexure-11.

iii) The transmission scheme was discussed in the 38th and Special meeting of Southern Regional Power Committee (SRPC) held on 23.12.2020 and 14.07.2021 respectively. Extract of the minutes of meetings are enclosed at Annexure-III.

iv) The National Committee on Transmission (NCT) in its 4th meeting held on 31.07.2019 has recommended the implementation of the subject transmission scheme through TBCB route. Extract of the minutes of 4th NCT meeting are enclosed at Annexure IV.

v) Ministry of Power vide Gazette notification dated 24.01.2020 (copy enclosed at Annexure-V) has appointed REC Transmission Projects Company Limited as BPC for bidding of the subject scheme through TBCB route.

vi) The National Committee on Transmission (NCT) in its 4th meeting held on 20.01.2021 & 28.01.2021 has recommended the implementation of the subject transmission scheme in two phases. Extract of the minutes of 4th NCT meeting are enclosed at Annexure-VI.

vii) Ministry of Power vide Gazette notification date 19.07.2021 (copy enclosed at Annexure-VII) has notified the modified scheme (Phase-I).

viii) Hon'ble Commission has also granted Regulatory Approval for the transmission scheme vide order dated 26.11.2021 in Petition No. 200/MP/2019.

4. BPC vide email dated 29.03.2022 has intimated that M/s ReNew Transmission Ventures Private Limited is the successful bidder. M/s ReNew Transmission Ventures Private Limited has acquired M/s Gadag Transmission Limited on 17.03.2022 (Copy of SPV transfer intimation enclosed at Annexure-VIII). The Commissioning schedule the scheme is 18 months (16.09.2024) from the date of transfer of SPV.

5. In line with Section 15 (4) of the Electricity Act, 2003, based on details furnished by M/s Gadag Transmission Limited, CTU recommends grant of transmission license to M/s Gadag Transmission Limited for executing the transmission scheme as mentioned in Para-1 above”

21. We have considered the submissions of the Petitioner, BPC and CTUIL. The proviso to Clause 2.15.2 of the RfP provides that "if for any reason attributable to the BPC, the said activities are not completed by the Selected Bidder within the above period of ten (10) days as mentioned in this clause, such period of 10 days shall be extended, on a day to day basis till the end of the Bid validity period". Though Lol was issued on 27.1.2022, BPC, vide its letter dated 21.3.2022, in terms of Clause 2.15.2 of RfP extended the date up to 31.3.2022 for completion of all activities by the successful bidder. The selected bidder furnished the Contract Performance Guarantee to the Long-Term Transmission Customers of the Project for an amount of Rs. 97.50 million

(Rs. 9.75 crore) on 17.3.2022 and has acquired hundred percent equity holding in the applicant company on 17.3.2022 after execution of the Share Purchase Agreement. The TSP on behalf of the selected bidder filed the Application through e-filing for grant of transmission licence and adoption of tariff on 23.3.2022. Considering the material on record, we are prima-facie of the view that the Petitioner satisfies the conditions for grant of inter-State transmission licence under Section 15 of the Act read with Transmission Licence Regulations for construction, operation and maintenance of the Transmission System as described in paragraph 1 of this order. We, therefore, direct that a public notice under clause (a) of sub-section (5) of Section 15 of the Act be published to invite suggestions or objections to grant of transmission licence aforesaid. The objections or suggestions, if any, be filed by any person before the Commission, by 20.6.2022.

22. It is expected that while carrying out the survey, the Petitioner has complied with the provisions of clause 2.5.7.3, clause 2.5.7.4 and clause 2.5.7.5 of the RfP. The Petitioner will comply with the provisions of bidding documents and TSA for commissioning of the Project within SCOD.

23. In order to ensure that the Project is implemented within the time schedule as provided in the TSA, the licensee should not approach the Commission for extension of time for execution of the Project or for increase in the transmission charges over and above what is permissible under the provisions of the TSA. Accordingly, the Petitioner is directed to file an affidavit by 15.6.2022 to the effect that the execution of the Project shall not be delayed due to time taken in obtaining statutory clearances

required under the RfP and/ or adjudication of any claim of the Petitioner arising under the TSA.

24. It is observed that as per Article 5.1.1 of the TSA, the TSP at its own cost and expense, shall be responsible for designing, constructing, erecting, completing and commissioning each element of the Project by scheduled COD in accordance with the various regulations of the Central Electricity Authority regarding Technical Standards and Grid Standards, Prudent Utility Practices and other applicable laws. Further, Article 5.4 of the TSA provides that the TSP shall ensure that the Project is designed, built and completed in a good workman like manner using sound engineering and construction practices and using only materials and equipment that are new and of international utility grade quality such that the useful life of the Project will be till the expiry date. Further, the design, construction and testing of all equipment, facilities, components and systems of the Project shall be in accordance with Indian Standards and Codes issued by Bureau of India Standards. Accordingly, the Petitioner is directed to submit the information by 15.6.2022 with regard to quality control mechanism available or to be put in place by to ensure the compliance of the requirements stipulated in Article 5.1.1 and Article 5.4 of the TSA.

25. The Petition shall be listed for hearing in due course for which separate notice will be issued.

Sd/-
(P.K. Singh)
Member

Sd/-
(Arun Goyal)
Member

Sd/-
(I.S. Jha)
Member