

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 137/TL/2022

Coram:

Shri I.S. Jha, Member

Shri Arun Goyal, Member

Shri P. K. Singh, Member

Date of order: 7th October, 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 License and other related matters) Regulations, 2009 for grant of separate Transmission License to POWERGRID Bikaner Transmission System Ltd. (Formerly known as Bikaner-II Bhiwadi Transmission System) for “Implementation of 220 kV bays for RE generators and 400/220kV ICTs at Bikaner-II PS” through “Regulated Tariff Mechanism” (RTM) mode.

And

In the matter of

POWERGRID Bikaner Transmission System Limited,
B-9, Qutab Institutional Area,
Katwaria Sarai,
New Delhi 110 016

...**Petitioner**

1. U.P. Power Corporation Limited (UPPCL)
Import Export Payment Circle,
14th Floor, Shakti Bhawan Extn. Building,
14 - Ashok Marg, Lucknow.

2.Haryana Power Purchase Centre,
Shakti Bhawan,
Energy Exchange Room No. 446,
Top Floor, Sector - 6, Panchkula - 134 109
3. Punjab State Power Corporation Limited,
Shed No. T-1 A, Thermal Design,
Near 22 No. Phatak, Patiala.

4. Jaipur Vidyut Vitran Nigam Limited,
Vidyut Bhawan, Janpath,
Jaipur - 302 005.

5. Ajmer Vidyut Vitran Nigam Limited,
Vidyut Bhawan, Panchsheel Nagar,
Makarwali Road, Ajmer- 305004.
6. Jodhpur Vidyut Vitran Nigam Limited,
New Power House, Industrial Area,
Jodhpur – 342003.
7. Principal Secretary (Power),
Power Development Deptt., Govt. of J&K
Govt. of Jammu & Kashmir
SLDC Building, 1st Floor,
Gladani Power House, Narwal, Jammu.
8. Chief Electrical Distribution Engineer,
North Central Railway Subedar Ganj, Allahabad.
9. BSES Yamuna Power Limited
2nd Floor, B Block, Shakti Kiran Building,
Karkardooma, New Delhi – 110092.
10. BSES Rajdhani Power Limited
BSES Bhawan, 2nd Floor,
B Block, Nehru Place, New Delhi - 110 019.
11. CEO & ED, Tata Power Delhi Distribution Limited
NDPL House, Hudson Lines,
Kingsway Camp, Delhi - 110 009
12. Director (Commercial),
New Delhi Municipal Corporation NDMC
Palika Kendra, Sansad Marg,
New Delhi – 110 001.
13. Superintending Engineer
Electricity Wing of Engineering Dept.,
Union Territory of Chandigarh,
Electricity OP Circle, UT – Chandigarh.
14. Executive Director (Commercial),
Uttarakhand Power Corporation Limited, UPCL,
Urja Bhawan, Kanwali Road, Balliwala Chowk,
Dehradun-248001
15. Tata Power Green Energy Limited,
34, Sant Tukaram Road, Carnac Bunder,

Masjid Bunder (E), Mumbai -400009

16. Chief Engineer, Power System Project Monitoring Division,
Central Electricity Authority,
Sewa Bhawan, R. K. Puram,
Sector-1, New Delhi - 110 066

17. Chief Operating Officer,
Central Transmission Utility,
Saudamini, Plot no.2, Sector -29,
Gurgaon 122001

..Respondents

The following were present:

Shri Shubham Arya, Advocate, PBTSL
Ms. Shikha Sood, Advocate, PBTSL
Shri Prashant Kumar, PBTSL
Shri Kashish Bhambhani, CTUIL
Shri Yatin Sharma, CTUIL
Shri Siddharth, CTUIL
Shri Akshayvat, CTUIL
Shri Lashit Sharma, CTUIL
Ms. Priyanshi Jadiya, CTUIL
Shri Swapnil Verma, CTUIL
Shri Ranjeet Singh Rajput, CTUIL

ORDER

The Petitioner, POWERGRID Bikaner Transmission System Limited (PBTSL) has filed the present Petition under Section 14 and Section 15 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') read with provisions of the Central Electricity Regulatory Commission (Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009 (hereinafter referred to as 'the Transmission Licence Regulations') for grant of separate transmission licence for "implementation of 220 kV bays for RE generators and 400/220kV ICTs at Bikaner-II PS" on the Regulated Tariff Mechanism (RTM) mode (hereinafter referred to as the 'transmission scheme'). The scope of the project for which transmission licence has been sought is as under:

S. No.	Scope of the Transmission Scheme	Capacity	Implementation timeframe
1.	2x500MVA, 400/220 kV ICT at Bikaner-II PS	400/220 kV, 500 MVA ICT- 2 nos. 400 kV ICT bays - 2 nos. 220 kV ICT bays - 2 nos. 220 kV ICT bays - 2 nos.	ICT-I: Mar' 2023 ICT-II: Apr' 2023
2.	4 nos. 220 kV line bays	220 kV line bays - 4 nos.	1 no. of bay: March, 2023 1 no. of bay: April 2023 2 no. of bays: December 2023

2. Accordingly, the Petitioner has made the following prayers:

“(a) Grant separate Transmission License to the Applicant for “Implementation of 220 kV bays for RE generators and 400/220kV ICTs at Bikaner-II PS” scheme under RTM mode with detailed scope of works as per para 3 above.

(b) Allow the Applicant liberty to approach the Commission with actual cost for determination of transmission charges for the aforementioned additional scope in accordance with Section 61, 62 of the Electricity Act, 2003 and as per 8 (2) of the Transmission License Regulations.

(c) Condone any inadvertent omissions/ shortcomings/ errors and permit the Applicant to add/ modify/ alter this application and make further submissions as may be required at a future date

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

3. PBTSL was incorporated as a special purpose vehicle by PFC Consulting Limited (PFCCL) as part of Tariff Based Competitive Bidding (‘TBCB’) process for implementing “Transmission System Strengthening Scheme for Evacuation of Power from Solar Energy Zones in Rajasthan (8.1 GW) under Phase II-Part F” on Build, Own, Operate and Maintain (BOOM) basis. Power Grid Corporation of India (PGCIL) Limited participated in the competitive bidding process conducted by PFCCL and upon emerging as the successful

bidder, Letter of Intent (LOI) was issued by PFCCL to PGCIL on 16.2.2021. In accordance with the bidding documents, PGCIL acquired 100% of the shareholding in PBSTL by executing a Share Purchase Agreement with PFCCL on 25.3.2021. PBSTL entered into Transmission Service Agreement (TSA) with LTTCs on 16.10.2020. The Commission in its order dated 15.7.2021 in Petition No. 99/TL/2021 granted transmission licence to PBSTL for inter-State transmission of electricity to establish ‘*Transmission System Strengthening Scheme for Evacuation of Power from Solar Energy Zones in Rajasthan (8.1 GW) under Phase II-Part F*’ on Build, Own, Operate and Maintain (“BOOM”) basis consisting of the following elements:

Sr. No.	Name of the Transmission Element	Scheduled COD
1	<p>Establishment of 400 kV switching station at Bikaner –II PS with 420kV (2x125 MVAR) bus reactor. 400 kV line bays – 4 numbers. 125 MVAR, 420 kV bus reactor - 2 numbers. 400 kV bus reactor bay – 2 numbers. 400 kV, 80MVAR line reactor on each circuit at Bikaner –II end of Bikaner -II – Khetri 400 kV 2xD/c Line – 4 numbers. Switching equipment for 400 kV switchable line reactor – 4 numbers.</p> <p>Future provisions: Space for 400/220 kV ICTs along with bays – 10 numbers. 400 kV line bays – 6 numbers. 220 kV line bays – 16 numbers. 420 kV reactors along with bays – 2 numbers. Suitable bus sectionaliser arrangement at 400 kV and 220 kV</p>	<p>18 Months from the effective date or June 2022, whichever is later</p>
2	<p>Bikaner-II PS – Khetri 400 kV 2xD/c line (Twin HTLS* on M/c Tower)</p>	
3	<p>1x80 MVAR Fixed Line reactor on each circuit at Khetri end of end of Bikaner -II – Khetri 400 kV 2xD/c Line - 4 numbers.</p>	

4	4 number of 400 kV line bays at Khetri for Bikaner –II PS – Khetri 400kV 2xD/c line	
5	Khetri- Bhiwadi 400 kV D/c line (Twin HTLS)*	
6	2 number of 400 kV line bays at Khetri for Khetri - Bhiwadi 400kV D/c line	
7	2 number of 400 kV(GIS) line bays at Bhiwadi for Khetri- Bhiwadi 400 kV D/c line	
8	STATCOM at Bikaner-II S/s ± 300 MVAR, 2x125 MVAR MSC, 1x125 MVAR MSR	

*With minimum capacity of 2100 MVA on each circuit at nominal voltage.

Note:

- i. POWERGRID to provide space for 2 number of 400 kV bays at Bhiwadi substation.
- ii. Developer of Khetri Substation to provide space for 4 number of 400 kV line bays without any charges & to provide space for 2 number of 400 kV line bays and 4 number of fixed line reactors (for Bikaner-II – Khetri 400 kV 2xD/c line at Khetri end) on chargeable basis.

Hearing dated: 5.7.2022

4. The matter was heard on 5.7.2022 through video conferencing. Notice was issued to the Respondents to file their replies. However, no reply has been filed by the Respondents. During the course of hearing, the learned counsel for the Petitioner submitted that the Petitioner is already an inter-State transmission licensee implementing the “*Transmission System Strengthening Scheme for Evacuation of Power from Solar Energy Zones in Rajasthan (8.1 GW) under Phase-II Part-F*” for which the Commission has granted the transmission licence to the Petitioner. However, subsequently, Central Transmission Utility of India Limited (‘CTUIL’) vide its Office Memorandum dated 16.11.2021 nominated the Petitioner to implement the above Transmission Scheme under RTM basis and the details of the elements therein is specified the Petition. Learned counsel further submitted that subsequent to filing of the instant Petition, CTUIL vide its Office Memorandum dated 26.4.2022 has nominated the Petitioner to also implement 1 no. of 400 kV line bay at 400/220 kV Bikaner- II PS for interconnection of 1000 MW Solar

Project of SJVNL Limited, with an estimated cost of Rs. 11.62 crore. Accordingly, the learned counsel sought liberty to file an additional affidavit to place on record the aforesaid development along with an amended Petition. Based on the request of the learned counsel, the Petitioner was permitted to file an amended Petition and was directed to file the following details/information:

- (i) Scheduled Commercial Operation Date of the various elements of the Project to be implemented under the RTM route;
- (ii) Copy of Concession Agreement with CTUIL for implementation of the proposed scheme in RTM as per OM of CTUIL;
- (iii) Schematic diagram of the transmission scheme; and
- (iv) Proof of web posting of the application, proof of serving of the copy of Petition to LTTCs.

5. The Petitioner vide its affidavit dated 21.7.2022, has submitted that subsequent to filing of the Petition, CTUIL vide its OM dated 26.4.2022 has nominated the Petitioner to implement an additional scope of work, namely, implementation of 1 no. of 400 kV line bay at 400/220 kV Bikaner-II PS for interconnection of 1000 MW Solar Projects of SJVN Ltd. and accordingly, the Petitioner filed an amended Petition dated 21.7.2022 so as to also include the above element/additional scope of work in the present Petition. The Petitioner vide its affidavit dated 27.7.2022 has also furnished the additional details/information as sought for.

6. Thereafter, the Petitioner vide its affidavit dated 15.9.2022 has submitted that subsequent to the above filings, CTUIL vide its OM dated 25.8.2022 has further nominated the Petitioner to also implement an additional scope of work, namely, implementation of 2 Nos. of 220 kV line bays at 400/220 kV Bikaner-II PS for

interconnection of solar projects (ACME Solar Holdings Pvt. Ltd., Prerak Greentech Pvt. Ltd.) and accordingly, the Petitioner, once again, filed an amended Petition dated 15.9.2022 so as to also include the above element/additional scope of work in the present Petition.

7. The Petitioner in its amended Petition dated 15.9.2022 has mainly submitted as under:

(a) CTUIL vide Office Memorandum (OM) dated 16.11.2021 nominated the Petitioner for implementation of 220 kV bays for RE generators and 400/220 kV ICTs at Bikaner-II PS". The detailed scope of the work provided in the OM dated 16.11.2021 is as under:

S. No.	Scope of the Transmission Scheme	Capacity	Implementation timeframe
1.	2x500MVA, 400/220 kV ICT at Bikaner-II PS	400/220 kV, 500 MVA ICT-2 nos. 400 kV ICT bays - 2 nos. 220 kV ICT bays - 2 nos. 220 kV ICT bays - 2 nos.	ICT-I: Mar' 2023 ICT-II: Apr' 2023
2.	4 nos. 220 kV line bays	220 kV line bays - 4 nos.	1 no. of bay: March, 2023 1 no. of bay: April 2023 2 no. of bays: December 2023

(b) Subsequently, on 26.4.2022, Central Transmission Utility of India Limited (CTUIL) vide its OM dated 26.4.2022 further nominated the Petitioner to implement an additional scope of work, namely, 'implementation of 2 No. of 220 kV line bays at 400/220 kV Bikaner-II PS for interconnection of 1000 MW solar project SJVN Limited. The detailed scope of work provided in Annexure-I to the Office Memorandum dated 26.4.2022 is as under:

“Northern Region

3. Implementation of 1 no. of 400 kV line bay at 400/220kV Bikaner-II PS for interconnection of 1000 MW solar project SJVN Limited:

SI No.	Scope of the Transmission Scheme	Capacity/km	Implementation timeframe
1.	2 no of 400 kV line bays at 400/220 kV Bikaner-II S/S for interconnection of 1000 MW solar project of SJVN Limited	400 kV line bay – 1 No.	1.10.2023

(c) Further, CTUIL vide its OM dated 25.8.2022 nominated the Petitioner to implement the following additional scope of work:

“Northern Region

3. Implementation of 2 nos. of 220 kV line bays at 400/220kV Bikaner-II PS for interconnection of 1000 MW solar projects (ACME Solar Holdings Pvt. Ltd, Prerak Greentech Pvt. Ltd.):

SI No.	Scope of the Transmission Scheme	Capacity/km	Implementation timeframe
1.	<u>2 nos. of 220 kV line bays at 400/220kV Bikaner-II PS for interconnection of 1000 MW solar projects (ACME Solar Holdings Pvt. Ltd, Prerak Greentech Pvt. Ltd.)</u>	220 kV line bay-2 Nos (refer to note a)	15 months from the issue of OM by CTUIL
2.	<u>Implementation of 220 kV Bus sectionalizer along with bus coupler and transfer bus coupler at 400/220 kV Bikaner-II PS</u>	220 KV Bus Sectionlizer Bay-1 set 220 kV Bus Coupler Bay-1 No. Bus extension works for future bays (3 nos of line bays & 3 nos of ICT bays)	

(d) Upon grant of the separate transmission licence, the Petitioner shall implement the Project under the RTM mode. The estimated cost of the Projects, namely, “(i) Implementation of 220 kV bays for RE generators and 400/220kV ICTs at Bikaner-II PS” as per the DPR is Rs. 90.48 crore (including IDC of Rs.2.96 crore), (ii) Implementation of 1 no. of 400 kV line bay at 400/220 kV Bikaner-II PS for

interconnection of 1000 MW Solar Project of SJVN Ltd” is Rs. 5.76 crore (including IDC of Rs. 0.18 crore) and ‘(ii) Implementation of 2 nos. of 220 kV line bays at 400/220kV Bikaner-II PS for interconnection of 1000 MW solar projects (ACME Solar Holdings Pvt. Ltd, Prerak Greentech Pvt. Ltd.), is Rs.38.56 crore.

(e) On completion of the “Implementation of 220 kV bays for RE generators and 400/220kV ICTs at Bikaner-II PS” scheme, “Implementation of 1 no. of 400 kV line bay at 400/220 kV Bikaner-II PS for interconnection of 1000 MW Solar Project of SJVN Ltd”, and ‘Implementation of 2 nos. of 220 kV line bays at 400/220kV Bikaner-II PS for interconnection of 1000 MW solar projects (ACME Solar Holdings Pvt. Ltd, Prerak Greentech Pvt. Ltd.), the Petitioner shall approach the Commission for determination of transmission charges in accordance with Section 61 and Section 62 of the Act and as per Regulation 8 (2) of the Transmission Licence Regulations.

8. In the above backdrop, the Petitioner has made the following revised prayers:

“a) Grant separate Transmission Licence to the Applicant for transmission scheme “Implementation of 220 kV bays for RE generators and 400/220kV ICTs at Bikaner-II PS” and “Implementation of 1 no. of 400 kV line bay at 400/220 kV Bikaner-II PS for interconnection of 1000 MW Solar Project of SJVN Ltd” and ‘Implementation of 2 nos. of 220 kV line bays at 400/220kV Bikaner-II PS for interconnection of 1000 MW solar projects (ACME Solar Holdings Pvt. Ltd, Prerak Greentech Pvt. Ltd.), under RTM mode with detailed scope of works as per para 3, 3A and 3B above.

b) Allow the Applicant to approach the Commission with actual cost for determination of transmission charges for the aforementioned additional scope in accordance with Section 61, 62 of the Electricity Act, 2003 and as per 8(2) of the Transmission Licence Regulations.

c) Condone any inadvertent omission/ shortcomings/ errors and permit the Applicant to add/ modify /alter this application and make further submissions as may be required at a future date”

Hearing dated 27.9.2022

9. The matter was heard on 27.9.2022. During the course of hearing, the representative of the Petitioner submitted that the Petitioner has filed all requisite details/documents as per the provisions of the Transmission Licence Regulations along with its application. He further added that CTUIL vide its OMs dated 16.11.2021, 26.4.2022 and 25.8.2022 had approved the three transmission scheme separately under RTM mode.

Analysis and Decision

10. We have considered the submissions of the Petitioner. The Petitioner has filed the present Petition for grant of separate transmission licence for (i) 'Implementation of 220 kV bays for RE generators and 400/220kV ICTs at Bikaner-II PS" scheme, (ii) 'Implementation of 1 no. of 400 kV line bay at 400/220 kV Bikaner-II PS for interconnection of 1000 MW Solar Project of SJVN Ltd', and (iii) 'Implementation of 2 nos. of 220 kV line bays at 400/220kV Bikaner-II PS for interconnection of 1000 MW solar projects (ACME Solar Holdings Pvt. Ltd, Prerak Greentech Pvt. Ltd.), through the Regulated Tariff Mechanism (RTM) mode.

11. Ministry of Power, Government of India vide its letter dated 28.10.2021 had issued terms of Reference of the NCT and *inter alia* directed that NCT shall approve the ISTS costing between Rs. 100 crore to Rs. 500 crore or such limit as prescribed by Ministry of Power from time to time, along with their mode of implementation under intimation to Ministry of Power. Ministry of Power further directed that ISTS costing less than or equal to Rs. 100 crore, or such limit as prescribed by Ministry of Power from time to time, will be approved by Central Transmission Utility of India Limited along with mode of

implementation under intimation to Ministry of Power, Government of India. Relevant portion of the said letter dated 28.10.2021 is extracted as under:

“2. Terms of Reference (ToR) of the NCT are as under:

*j. ******

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 Rs100 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.”

12. Based on the above, CTUIL vide its Office Memorandum dated 16.11.2021, 26.4.2022 and 25.8.2022 approved the transmission schemes on RTM mode along with identifying the implementing agency and also addressed the same to Ministry of Power, Government of India. Relevant portions of the said Office Memorandums dated 16.11.2021, 26.4.2022 and 25.8.2022 are extracted as under:

Office Memorandum dated 16.11.2021.

“Sub: Inter-State Transmission Schemes (costing upto Rs. 100 crore) to be taken up for implementation under Regulated Tariff Mechanism (RTM)

The undersigned is directed to inform that CTU has approved implementation of the following ISTS costing less than or equal to Rs. 100 crore in line with MoP Office order dated 28.10.2021 under the Regulated Tariff mechanism (RTM) mode by the implementing agencies as indicated in the table below:

<i>Sr. No.</i>	<i>Name of scheme</i>	<i>Implementing Agency</i>
<i>1.</i>	<i>Implementation of 220 kV bays for RE generators and 400/220 kV ICTs at Bikaner-II PS</i>	<i>Bikner-II Bhiwadi Transco Ltd. (a subsidiary of Power Grid Corporation of India Limited) [now known as</i>

		POWERGRID Bikaner Transmission System Ltd.]
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Respected agencies shall enter into concession agreement with CTU for implementation of the above-mentioned scheme through Regulated Tariff Mechanism (RTM)."

Office Memorandum dated 26.4.2022.

"Sub: Inter-State Transmission Schemes (costing upto Rs. 100 crore) to be taken up for implementation under Regulated Tariff Mechanism (RTM)

The undersigned is directed to inform that CTU has approved implementation of the following ISTS costing less than or equal to Rs. 100 crore in line with MoP Office order dated 28.10.2021 under the Regulated Tariff mechanism (RTM) mode by the implementing agencies as indicated in the table below:

Sr. No.	Name of scheme	Implementing Agency
1.	Implementation of 1 no. of 400 k V line bay at 400/220 k V Bikaner-II PS for interconnection of 1000MW Solar Project of SJVN Ltd.	POWERGRID Bikaner Transmission System Ltd. (a subsidiary of Power Grid Corporation of India Ltd. [Erstwhile known as Bikner-II Bhiwadi Transco Ltd.

Implementing agencies shall enter into concession agreement with CTU for implementation of the above-mentioned scheme through Regulated Tariff Mechanism (RTM)."

Office Memorandum dated 25.8.2022.

"Sub: Inter-State Transmission Schemes (costing upto Rs. 100 crore) to be taken up for implementation under Regulated Tariff Mechanism (RTM)

The undersigned is directed to inform that CTU has approved implementation of the following ISTS costing less than or equal to Rs. 100 crore in line with MoP Office order dated 28.10.2021 under the Regulated Tariff mechanism (RTM) mode by the implementing agencies as indicated in the table below:

Sr. No.	Name of scheme	Implementing Agency
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1.	<i>Implementation of 2 nos. of 220 kV line bays at 400/220kV Bikaner-II PS for interconnection of 1000 MW solar projects (ACME Solar Holdings Pvt. Ltd, Prerak Greentech Pvt. Ltd.)</i>	<i>POWERGRID Bikaner Transmission System Ltd. [a subsidiary of Power Grid Corporation of India Ltd. (erstwhile known as Bikaner-II Bhiwadi Transco Ltd)].</i>
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Implementing agencies shall enter into concession agreement with CTU for implementation of the above-mentioned scheme through Regulated Tariff Mechanism (RTM)."

13. 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 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"

14. 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 Clauses (4), (7), (9) and (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 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 long-term 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.”

15. 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 web posting of the complete application. On perusal of the Application, it is also noted that the Petitioner has served copy of the application on the LTTCs for the Project. 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 Transmission Licence Regulations.

16. The Petitioner has made the application as per Form-I prescribed in the Transmission Licence Regulations. The Petitioner has posted its application on its website in Form-II in English language and Hindi language on 11.4.2022, 21.7.2022 and 15.9.2022. However, no comments/objections have been received from general public.

17. CTUIL vide its letter dated 20.9.2022 has recommended for grant of transmission licence to the Petitioner. Relevant portion of the said letter dated 20.9.2022 is extracted as under:

“This is with reference to additional affidavits dated 21.7.2022 and 15.9.2022 filed by M/s POWERGRID Bikaner Transmission System Ltd. (PBTSL) to Petition No. 137/TL/2022 before Hon’ble Commission for grant of separate Transmission License to facilitate implementation of 1 no. of 400 kV bay and 2 nos. of 220 kV line bays at Bikaner-II PS along with 220 kV bus extension & associated works, in addition to scope mentioned in above petition. Earlier petition No. 137/TL/2022 was filed by M/s PBTSL before Hon’ble Commission for grant of separate Transmission License to facilitate implementation of 4 nos. of 220 kV bays and 2X500 MVA, 400/220 kV ICTs at Bikaner-II PS. CTU vide its letter dated 17.6.2022 had recommended implementation of above scope for consideration of Hon’ble Commission. Copy of letter dated 17.6.2022 is attached at **Annexure-I**. With regard to additional affidavits, following is submitted:

- M/s SJVN Ltd. had applied for grant of 1000 MW Stage-II Connectivity at Bikaner-II Ps w.e.f. 1.10.2023. Matter was deliberated in 2nd Consultation Meeting for Evolving Transmission Schemes in NR held on 29.12.2021 wherein it was agreed to grant 1000 MW Stage-II Connectivity to M/s SJVN Ltd. through 400 kV S/c line. It was also agreed that 400 kV bay at Bikaner-II shall be implemented under ISTS. Subsequently, CTU vide its letters dated 22.1.2022 and 12.7.2022 granted above agreed Stage-II Connectivity w.e.f. 1.10.2023 to M/s SJVNM Ltd. Extracts of Minutes of above meeting is attached at **Annexure-II**.
- Further, applications were also received for grant of 300 MW and 340 MW Stage-II Connectivity at Bikaner-II PS from M/s ACME Solar Holdings Pvt. Ltd. and M/s Prerak Greentech Pvt Ltd. respectively. Above applications were deliberated in 5th Consultation Meeting for Evolving Transmission Schemes in NR held on 30.3.2022 wherein it was agreed to grant Stage-II Connectivity to M/s ACME (300 MW) and M/s Prerak (340 MW) respectively through 220 kV S/c lines. It was also agreed that above 2 nos. of 220 kV bays at Bikaner-II shall be implemented under ISTS. CTU vide its letter dated 10.5.2022 and 31.8.2022 granted above agreed Stage-II Connectivity w.e.f. 25.11.2023 to M/s ACME and M/s Prerak. Extracts of Minutes of above meeting is attached at **Annexure-III**.
- In line with Ministry of Power, Govt. of India office order dated 28.10.2021 regarding approval of ISTS transmission projects costing (up to 100 Cr), CTU vide its OM dated 26.4.2022, awarded 1 no. of 400 kV bay at Bikaner-II PS to M/s PBTSL with implementation timeframe as 1.10.2023 with a copy of MoP and NCT 2 nos. of 220 kV bays were also awarded to M/s PBTSL with implementation timeframe as 15 months from the issue of OM vide CTU OM dated 25.8.2022 i.e. 24.11.2023. Copy of CTU OMs is attached at **Annexure-IV**.
- It is also to mention that vide OM dated 25.8.2022, 220 kV bus extension works along with sectionalizer bay, bus coupler bay (BC) and transfer bus coupler bay (TBC) were also awarded to M/s PBTSL to facilitate connectivity to various other additional RE developers. 220 kV bays (3 nos.) allocated to various RE developers for providing connectivity at Bikaner-II PS, are to be implemented by themselves.
- With this addition, M/s PBTSL has been awarded 6 nos. of 220 kV bays, 1 no. of 400 kV bay, 220 kV bus extension works along with Sectionalizer, Bus Couper & TBC bay and 2X500 MVA, 400/220 kV ICTs at Bikaner-II PS. Details are as follows:

Sr. No.	Stage-II Grantee	Quantum (MW)	Bays	Schedule
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1.	Juna Renewable Energy Pvt Ltd.	335	1 no. of 220 kV line bay	Mar'23
2.	ReNew Dinkar Urja Pvt. Ltd.	200	1 no. of 220 kV line bay	Apr'23
3.	Khidrat Renewable Energy Pvt. Ltd.	300	1 no. of 220 kV line bay	Dec'23
4.	TP Saurya Ltd.	300	1 no. of 220 kV line bay	Dec'23
5.	SJVN Ltd.	1000	1 no. of 400 kV line bay	1.10.2023
6.	ACME Solar Holdings Pvt. Ltd.	300	1 no. of 220 kV line bay	24.11.2023
7.	Prerak Greentech Pvt. Ltd.	340	1 no. of 220 kV line bay	24.11.2023

400/220 kV ICT-I & II were also informed to be implemented by March 2023 and April 2023 respectively.

220 kV bus extension works along with sectionalizer, bus coupler and transfer bus coupler bay were awarded with implementation time frame as 15 months from issue of CTU OM i.e. 24.11.2023.

Keeping above in view, in line with Section 15 (4) of Electricity Act, 2003 and details furnished by M/s PBTSL, CTU recommends grant of separate Transmission License to M/s PBTSL for implementation of 400 kV (1no.) & 220 kV bays (6 nos.) for RE generators, 220 kV bus extension works along with sectionalizer bay, bus coupler bay (BC) & transfer bus coupler bay (TBC) and 2X500 MVA, 400/220 kV ICTs at Bikaner-II Pooling Station through RTM route.”

18. We have considered the submissions of the Petitioner and CTUIL. The Petitioner has filed the present Petition for issuance of separate transmission licence for (i) Implementation of 220 kV bays for RE generators and 400/220kV ICTs at Bikaner-II PS scheme, (ii) Implementation of 1 no. of 400 kV line bay at 400/220 kV Bikaner-II PS for interconnection of 1000 MW Solar Project of SJVN Ltd. and (iii) Implementation of 2 nos. of 220 kV line bays at 400/220kV Bikaner-II PS for interconnection of 1000 MW solar projects (ACME Solar Holdings Pvt. Ltd, Prerak Greentech Pvt. Ltd.) through RTM mode.

19. Section 14 of the Act provides that the Appropriate Commission may, on an application made to it under Section 15, grant a licence to any person to transmit

electricity as a transmission licensee in any area as may be specified in the licensee. Section 16 of the Act provides that the Appropriate Commission may specify any general or specific conditions which shall apply either to a licensee or class of licensees and such conditions shall be deemed to be conditions of such licence. The Commission has specified the Transmission Licence Regulations. Regulation 6 of the said Regulation lays down the eligibility criteria for grant of transmission licence as under:

“6. Eligibility for Grant of licence:

- (a) No person shall be eligible for grant of licence unless it is—(a) selected through the process under the guidelines for competitive bidding, or*
- (b) a State owned or controlled company identified as a project developer on or before 5.1.2011, or*
- (c) a generating company which has established the dedicated transmission line, and intends to use such dedicated transmission line as the main transmission line and part of the inter-State transmission system.”*

20. In the present case, the Petitioner does not fulfil any of the eligibility condition for grant of transmission licence. However, in the 6th meeting of National Committee on Transmission, it was indicated that as per the revised Terms of Reference issued by Ministry of Power, Government of India, ISTS projects costing upto Rs. 100 crore or such limit as may be prescribed by Ministry of Power from time to time would be approved by CTUIL including its mode of implementation. The scheme has been identified for implementation though RTM mode by CTUIL. Non-grant of transmission licence to any agency nominated by NCT to implement a transmission system through regulated tariff mechanism in view of the provisions of Regulation 6 defeats the purpose of the Policy decision of the Government. We are of the view that considering the strategic importance of the transmission line, it is a fit case for relaxation of the provisions of Regulation 6 by

invoking of the power vested under Regulation 24 of the Transmission Licence Regulations.

21. Regulation 24 of the Transmission Licence Regulations dealing with power to relax in appropriate cases, provides as under:

“24. The Commission may, when it considers necessary or expedient to do so and for reasons to be recorded in writing, relax or depart from any of the provisions of these regulations”

22. It is an established principle of law that the power to relax has to be strictly construed and is to be exercised judiciously and with caution. Further, the power to relax is to be exercised only when undue hardship is caused by the application of the rules or regulations. In the present case, the Petitioner is a transmission licensee which is already implementing the project defined under its scope through TBCB mechanism. The present Petition is consequent to the office order 28.10.2021 notified by Ministry of Power Government of India wherein CTUIL has been authorized to determine the mode of implementation of ISTS projects less than or equal to Rs.100 crore. Pursuant to direction of Ministry of Power, CTUIL, vide its separate three Office Memorandums dated 16.11.2021, 26.4.2022 and 25.8.2022 has determined a list of transmission schemes/Projects to be implemented or through Regulated Tariff Mechanism which also includes the instant Petition for the subject transmission system.

23. It is noticed that as per the Ministry of Power, Government of India letter dated 28.10.2021, ISTS costing less than or equal to Rs. 100 crore is required to be approved by CTUIL along with mode of implementation. However, in the present case, CTUIL vide its OMs dated 16.11.2021, 26.4.2022 and 25.8.2022 has approved the three schemes,

which cumulatively cost more than Rs. 100 crore. During the course of hearing on 29.9.2022, the representative of CTUIL submitted that the Petitioner has been nominated as the implementing agency for the three elements on three separate instances (vide separate above three OMs) and the individual cost of all the three elements individually is less than Rs. 100 crore and as per the MoP's OM dated 28.10.2021, ISTS costing less than or equal to Rs. 100 crore is required to be approved by CTUIL along with its mode of implementation. The Commission is of the view that since combined cost of the three elements is exceeding Rs. 100 crore, the proposal may also be got ratified from the NCT.

24. With regard to likely date of generation for which the subject transmission system/elements are being implemented, the representative of CTUIL submitted that the generation is likely to start from the month of October, 2023 and as per the original schedule, these elements/systems are also likely to achieve COD from March, 2023. CTUIL is directed to properly coordinate and ensure that the timeline for commissioning of these elements/systems is in line with the commissioning of the generating station(s) for which the respective elements/systems are implemented so that there is no mismatch between their commissioning. CTUIL is further directed to consider revising the commissioning schedule of transmission elements/systems, if so required.

25. Since the Petitioner is already an inter-State transmission licensee and has been identified as an agency to implement the above noted three projects/schemes vide separate three OMs as per RTM, the Commission in exercise of power under Regulation 24 hereby relaxes the provision of Regulation 6 of the Transmission Licence Regulations and holds that the Petitioner is eligible for grant of transmission licence. We, hereby, 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 25.10.2022.

26. The Petitioner has also sought permission to approach the Commission with actual cost for determination of transmission charges for the aforementioned additional scope in accordance with Section 61, Section 62 of the Electricity Act, 2003 and as per 8(2) of the Transmission Licence Regulations. The Petitioner is granted liberty to approach the Commission for determination of tariff after execution of the Projects in accordance with law.

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

Sd/-
(P. K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(I.S. Jha)
Member