

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 257/TL/2021

Coram:

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

Date of Order: 22nd March, 2022

In the matter of

Application under Section 14 of the Electricity Act, 2003 read with the Central Electricity Regulatory Commission (Terms and Conditions for Grant of Transmission Licence and other related matters) Regulations, 2009 for grant of separate Transmission Licence for implementation of 125 MVAR, 420 KV Bus Reactor at Kala Amb on the RTM route to NRSS XXXI (A) Transmission Limited (now known as Powergrid Kala Amb Transmission Limited).

And

In the matter of

NRSS XXXI (A) Transmission Limited,
(Now known as Powergrid Kala Amb Transmission Limited),
B-9, Qutab Institutional Area,
Katwaria Sarai,
New Delhi – 110 016.

..... **Petitioner**

Vs

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

2. AD Hydro Power Limited,
Bhilwara Towers, A-12, Sector-I,
Noida - 201 301

3. Haryana Power Purchase Centre,
Shakti Bhawan, Energy Exchange Room No. 446,
Top Floor, Sector - 6,
Panchkula - 134 109

4. Punjab State Power Corporation Limited,
Shed No. T-1 A, Thermal Design, Near 22 No. Phatak,

Patiala

5. Himachal Sorang Power Pvt. Limited,
901 B, 9th Floor, Time Tower, M. G. Road,
Gurgaon – 122 009
6. Adani Power Limited, Mundra,
3rd Floor, Achalraj, Opp. Mayors Bungalow, Law Garden,
Ahmedabad – 380 006
7. Jaipur Vidyut Vitran Nigam Limited,
Vidyut Bhawan, Janpath,
Jaipur - 302 005
8. Ajmer Vidyut Vitran Nigam Limited,
Vidyut Bhawan, Panchsheel Nagar, Makarwali Road,
Ajmer- 305 004
9. Jodhpur Vidyut Vitran Nigam Limited,
New Power House, Industrial Area,
Jodhpur - 342 003
10. Lanco Anpara Power Limited,
Plot no. 397, Udyog Vihar, Phase 3,
Gurgaon – 122 016
11. Power Development Department,
Government of Jammu & Kashmir,
SLDC Building, 1st Floor, Gladani Power House, Narwal,
Jammu
12. Chief Electrical Distribution Engineer,
North Central Railway, Subedar Ganj,
Allahabad
13. Jaiprakash Power Ventures Limited,
A Block, Sector -128,
Noida - 201 304
14. BSES Yamuna Power Limited,
2nd Floor, B Block, Shakti Kiran Building, Karkardoorna,
New Delhi – 110 092
15. BSES Rajdhani Power Limited,
BSES Bhawan, 2nd Floor, B Block, Nehru Place,
New Delhi - 110 019
16. TATA Power Delhi Distribution Limited,
NDPL House, Hudson Lines, Kingsway Camp,
Delhi - 110 009
17. New Delhi Municipal Corporation,

NDMC, Palika Kendra, Sansad Marg,
New Delhi - 110 001

18. Superintending Engineer,
Electricity Wing of Engineering Department,
Union Territory of Chandigarh, Electricity OP Circle,
UT-Chandigarh

19. Power Grid Corporation of India Limited
"Saudamini", Plot No. 2, Sector 29, Near IFFCO Chowk,
Gurgaon - 122 001

20. PTC India Limited,
2nd Floor, NBCC Tower,
15, Bhikaji Cama Place,
New Delhi

21. Uttarakhand Power Corporation Limited,
Urja Bhawan,
Dehradun.

22. Lanco Budhil Hydro Power Private Limited,
Plot No. 397, Udyog Vihar, Phase 3,
Gurgaon-122 016.

23. Himachal Pradesh State Electricity Board Limited,
Vidyut Bhawan, Kumar House Complex Building II,
Shimla - 171 004.

24. REC Transmission Projects Company Limited,
Core-4, SCOPE Complex, 7, Lodi Road,
New Delhi - 110 003.

25. COO, Central Transmission Utility of India Limited,
Saudamini, Plot No.2, Sector 29,
Gurgaon – 122 001.

26. Chief Engineer, Power System Planning & Appraisal-I,
Division Central Electricity Authority, Sewa Bhawan,
R. K. Puram, Sector-I,
New Delhi - 110 066.

.....Respondents

The following were present:

Shri Aryaman Saxena, Advocate, Powergrid Kala Amb
Shri V. C. Sekhar, Powergrid Kala Amb
Shri Prfashant Kumar, Powergrid Kala Amb

ORDER

The Petitioner, Powergrid Kala Amb Transmission Limited (formerly, NRSS XXXI (A) Transmission Limited), has filed the present Petition under Section 14 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 125 MVAR, 420 kV Bus Reactor at Kala Amb on the Regulated Tariff Mechanism (RTM) route in pursuance of liberty granted by the Commission in its order dated 21.10.2021 in Petition No. 604/MP/2020. The scope of the project for which transmission license is sought is as under:

S.No	Scope of the Transmission Scheme	Capacity /km
1	1x125 MVAR, 420 kV Bus Reactor at Kala Amb	1x125 MVAR, 420 kV Bus Reactor 420 kV reactor bay - 1 Future bay -1

2. The Petitioner company was incorporated as a special purpose vehicle (SPV) by Bid Process Coordinator (in short, 'BPC'), namely, REC Transmission Projects Company Limited (in short 'RECTPCL'). Power Grid Corporation of India Limited (PGCIL) participated in the competitive bidding process conducted by RECTPCL and emerged as a successful bidder. Letter of Intent (LoI) was issued by RECTPCL to PGCIL on 23.5.2014. In accordance with the bidding documents, PGCIL acquired 100% of the shareholding in the Petitioner Company by executing a Share Purchase Agreement with RECTPCL on 23.5.2014. The Commission in its order dated 15.6.2015 in Petition No. 94/TL/2015 granted transmission licence to the Petitioner for inter-State transmission of electricity to establish 'the Transmission System for

Northern Region Strengthening Scheme' on Build, Own, Operate and Maintain ('BOOM') basis

3. The Petitioner has successfully completed the work under the scope of the transmission license (granted by the Commission vide order dated 15.6.2015 in Petition No. 94/TL/2015) and achieved Commercial Operation Date (COD) on 12.7.2017.

4. The Commission after considering the application of the Petitioner in the light of the provisions of the Act and the Transmission Licence Regulations, in its order dated 7.2.2022, prima facie proposed to grant transmission licence to the Petitioner described in paragraph 1 of the order dated 7.2.2022. Relevant extract of order dated 7.2.2022 is extracted as under:

"25. We have considered the submissions of the Applicant and CTUIL. The Applicant has filed the present Application for issuance of separate transmission licence for implementation of 125 MVAR, 420 kV Bus Reactor at Kala Amb sub-station under the RTM route in terms of the liberty granted by the Commission vide order dated 21.10.2021 in Petition No. 604/MP/2020. Considering the material on record, we are prima-facie of the view that the Applicant satisfies the conditions for grant of inter-State transmission licence under Section 15 of the Act read with the 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 25.2.2022."

5. A public notice under Sub-section (5) of Section 15 of the Act was published on 11.2.2022 in all editions of the Times of India (English) and Hindustan (Hindi). No suggestions/ objections have been received from the members of the public in response to the public notice.

6. Case was called out for virtual hearing on 21.3.2021 through video conferencing. Learned counsel for the Petitioner submitted that any objection has not been received in response to the public notice published by the Commission under sub-section (5) of Section 15 of the Act. Accordingly, requested to grant transmission licence to the Petitioner company.

7. As regards grant of transmission licence, Clauses (15) and (16) of Regulation 7 of Transmission Licence Regulations provide as under:

“(15) The Commission may after consideration of the further suggestions and objections, if any, received in response to the public notice as aforesaid, grant licence as nearly as practicable in Form-III attached to these regulations or for reasons to be recorded in writing, reject the application if such application is not in accordance with the provisions of the Act, the rules or regulations made thereunder or any other law for the time being in force or for any other valid reason.

(16) The Commission may, before granting licence or rejecting the application, provide an opportunity of hearing to the applicant, the Central Transmission Utility, the long-term customers, or the person who has filed suggestions and objections, or any other person:

Provided further that the applicant shall always be given a reasonable opportunity of being heard before rejecting the application.”

9. In our order dated 7.2.2022, we had proposed to grant transmission licence to the Petitioner company and directed for issue of public notice. In response to the public notice, no suggestions/ objections have been received. CTU in its letter dated 19.1.2022 has recommended for grant of transmission licence to the Petitioner. We are satisfied that the Petitioner company meets the requirements of the Act and the Transmission Licence Regulations for grant of transmission licence for the subject Transmission System mentioned at paragraph 1 of this order. Accordingly, we direct that transmission licence be granted to the Petitioner, Powergrid Kala Amb Transmission Limited, to establish 125 MVAR, 420 kV Bus Reactor at Kala Amb Sub-

station along with associated bays through RTM route as per the details given in paragraph 1 above.

10. The grant of transmission licence to the Petitioner (hereinafter referred to as “the licensee”) is subject to the fulfilment of the following conditions throughout the period of licence:

(a) The transmission licence shall, unless revoked earlier, remain in force for a period of 25 years from the date of issue;

(b) The transmission licensee shall comply with the provisions of the Transmission Licence Regulations or any subsequent enactment thereof during the period of subsistence of the licence;

(c) The licensee may make an application, two years before the expiry of initial licence period, for grant of licence for another term in accordance with Regulation 13 (2) of the Transmission Licence Regulations which shall be considered by the Commission in accordance with law;

(d) The licensee shall not enter into any contract for or otherwise engage in the business of trading in electricity during the period of subsistence of the transmission licence;

(e) The licensee shall have the liability to pay the license fee in accordance with the provisions of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, as amended from time to time or any subsequent enactment thereof. Delay in payment or non-payment of licence

fee or a part thereof for a period exceeding sixty days shall be construed as breach of the terms and conditions of the licence;

(f) The licensee shall comply with the directions of the National Load Despatch Centre under Section 26 of the Act, or the Regional Load Despatch

Centre under sub-section (3) of Section 28 or sub-section (1) of Section 29 of the Act, as may be issued from time to time for maintaining the availability of the transmission system;

(g) The licensee shall remain bound by the Central Electricity Regulatory Commission (Standard of Performance of inter-State transmission licensees) Regulations, 2012 or subsequent enactment thereof;

(h) The licensee shall provide non-discriminatory open access to its Transmission System for use by any other licensee, including a distribution licensee or an electricity trader, or generating company or any other person in

accordance with the Act; the Central Electricity Regulatory Commission (Open

Access in inter-State Transmission) Regulations, 2008; the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009; the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010, as amended from time to time or any

subsequent re-enactments thereof;

(i) The licensee shall not undertake any other business for optimum utilization of the Transmission System without prior intimation to the Commission and shall comply with the provisions of the Central Electricity Regulatory Commission (Sharing of Revenue Derived from Utilization of Transmission Assets for other business) Regulations, 2020;

(j) The licensee shall remain bound by provisions of the Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2020 as amended from time to time;

(k) The licensee shall remain bound by the provisions of the Act, the Rules and Regulations framed thereunder, in particular the Transmission Licence Regulations, the Grid Code, the Standards specified by the Central Electricity Authority, orders and directions of the Commission issued from time to time;

(l) The licensee shall ensure execution of the Project as per the Technical Standards and Grid Standards of CEA;

(m) The licensee shall as far as practicable coordinate with the licensee (including deemed licensee) executing the upstream or downstream transmission projects and the Central Electricity Authority for ensuring execution of the Project in a matching timeline; and

(n) The licensee shall submit all such report or information as may be

required under Transmission Licence Regulations, Standard of Performance Regulations or any other regulation of the Commission or as per the directions of the Commission as may be issued from time to time.

11. Central Electricity Authority shall monitor the execution of the Project and bring to the notice of the Commission any lapse on the part of the licensee to meet the schedule for further appropriate action in accordance with the provisions of the Act and the Transmission Licence Regulations.

12. Let an extract copy of this order be sent to the Central Government in Ministry of Power and Central Electricity Authority in terms of sub-section (7) of Section 15 of the Electricity Act, 2003 for their information and record.

13. Petition No. 257/TL/2021 is allowed in terms of the above.

Sd/-
(P. K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(I.S. Jha)
Member