

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 33/TL/2022**

**Coram:**

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

**Date of order: 28<sup>th</sup> July, 2022**

**In the matter of**

Application under Section 14, Section 15 and Section 79 (1) (e) of the Electricity Act, 2003 read with the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2009 with respect to grant of transmission licence to Nangalbibra-Bongaigaon Transmission Limited.

**And**

**In the matter of**

Nangalbibra - Bongaigaon Transmission Limited  
F-1, The Mira Corporate Suites, 1 & 2  
Ishwar Nagar, Okhla Crossing,  
Mathura Road,  
New Delhi – 110065

**... Petitioner**

**VERSUS**

1. Assam Power Distribution Company Limited,  
4<sup>th</sup> Floor, Bijulee Bhawan,  
Paltan Bazar,  
Guwahati – 781001, Assam
2. Meghalaya Energy Corporation Limited,  
Lumjingshai, Short Round Road,  
Shillong – 793001, Meghalaya
3. Tripura State Electricity Corporation Limited,  
Bidyut Bhaban, Banamalipur,  
Agartala – 799001, Tripura
4. Department of Power, Arunachal Pradesh,  
Power Department Office, Kharsang,  
Arunachal Pradesh – 792122
5. Manipur State Power Distribution Corporation Limited,

3<sup>rd</sup> Floor, New Directorate Building,  
Near 2<sup>nd</sup> MR Gate, Imphal-Dimapur Road,  
Imphal – 795001, Manipur

6. Department of Power, Nagaland,  
Electricity House, A.G Colony,  
Kohima – 797001, Nagaland

7. Department of Power & Electricity, Mizoram,  
Power & Electricity Department,  
Kawlpheta Building,  
New Secretariat Complex, Khatla  
Aizawl – 796001, Mizoram

8. HVDC BNC Powergrid,  
Power Grid Corporation of India Limited,  
Biswanath Ghat Road, Biswanath Chariali,  
P.O: Burigang,  
Sonitpur – 784176, Assam

9. PFC Consulting Limited,  
First Floor, Urjanidhi, 1, Barakhamba Lane,  
Connaught Place,  
New Delhi- 110001

10. Central Electricity Authority,  
Seva Bhawan, R.K. Puram,  
New Delhi- 110066

11. Central Transmission Utility of India Limited,  
Saudamini, Plot No.2, Sector 29,  
Near IFFCO Chowk,  
Gurgaon - 122001, India

... Respondents

**Parties present:**

Shri Deep Rao, Advocate, NBTL  
Ms. Harneet Kaur, Advocate, NBTL  
Shri TAN Reddy, NBTL  
Shri Balaji Sivan, NBTL  
Shri Pulkit Sharma, Advocate, NBTL  
Shri Manish Ranjan Keshari, CTUIL  
Shri Swapnil Verma, CTUIL  
Shri Siddharth Sharma, CTUIL  
Shri Ranjeet Singh, Rajput, CTUIL  
Shri Akshayavat Kislay, CTUIL

## ORDER

The Petitioner, Nangalbibra-Bongaigaon Transmission Limited, has filed the present Petition for grant of transmission licence under Section 14, Section 15 and Section 79(1)(e) 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 “new 220/132 kV substation at Nangalbibra (hereinafter referred to as “Project”) on Build, Own, Operate and Maintain (BOOM) basis comprising of the following elements:

<b>Sr. No.</b>	<b>Name of the Element</b>	<b>Scheduled COD in months from Effective Date</b>
1.	<p><i>Establishment of new 220/132 kV, 2x160 MVA substation at Nangalbibra:</i></p> <ul style="list-style-type: none"><li><i>i. 220/132 kV, 160 MVA ICT - 2 No.</i></li><li><i>ii. 220 kV ICT bays - 2 No.</i></li><li><i>iii. 132 kV ICT bays - 2 No.</i></li><li><i>iv. 220 kV Line bays: 2 No. [for termination of Bongaigaon (POWERGRID) - Nangalbibra 400 kV D/c line (initially operated at 220 kV) - under this scheme]</i></li><li><i>v. 132 kV Line bays: 2 No. [for termination of Nangalbibra - existing Nangalbibra (MePTCL) 132 kV D/c (Single Moose) line of MePTCL]</i></li><li><i>vi. Bus reactor 245kV, 31.5 MVA - 2 No.</i></li><li><i>vii. 220 kV Bus reactor bays - 2 No.</i></li></ul> <p><b>Additional space for future expansion:</b></p> <ul style="list-style-type: none"><li><i>- 220/132 kV, 200 MVA ICT - 1 No. (along with associated bays at both levels)</i></li><li><i>- 400/220 kV, 500 MVA ICT - 3 No. (along with associated bays at both levels)</i></li></ul> <p><b>Space for 400 kV upgradation:</b></p> <ul style="list-style-type: none"><li><i>- Line bays along with space for switchable line reactor: 8 No. [2 No. for 400 kV operation of Bongaigaon (POWERGRID) - Nangalbibra 400 kV D/c line (initially operated at 220 kV) and 6 No. for other lines]</i></li><li><i>- Bus reactor 420 kV, 125 MVA - 3 No.</i></li><li><i>- 400 kV Bus reactor bays - 3 No.</i></li></ul>	

	<p><b>Space for future 220 kV line bays:</b> 6 No. (2 No. for termination of Mawngap (Meghalaya) – Nangalbibra 220 kV D/c line of MePTCL and 4 No. for future lines]</p> <p><b>Space for future 132 kV line bays:</b> 6 No. (for future lines)</p>	24 Months
2.	<p>Extension at 220 kV GIS in Bongaigaon (POWERGRID) 400/220 kV S/s: 2 No. of GIS line bays for termination of Bongaigaon (POWERGRID) - Nangalbibra 400 kV D/c line (initially operated at 220 kV) 220 kV line bays - 2 No.</p>	
3.	<p>Extension at Hatsinghmari (Assam) S/s: 2 No. of 132 kV line bays for termination of Hatsinghmari (Assam) - Ampati (Meghalaya) 132 kV D/c line 132 kV line bays – 2 No.</p>	
4.	<p>Extension at Ampati (Meghalaya) S/s: 2 No. of 132 kV line bays for termination of Hatsinghmari (Assam) - Ampati (Meghalaya) 132 kV D/c line 132 kV line bays - 2 No.</p>	
5.	<p>Bongaigaon (POWERGRID) - Nangalbibra 400 kV D/c (Twin ACSR Moose) line (initially operated at 220 kV)</p>	
6.	<p>Hatsinghmari (Assam) - Ampati (Meghalaya) 132 kV (Single ACSR Panther) D/c line</p>	

Note:

- i. POWERGRID to provide space for extension at Bongaigaon (POWERGRID) S/s: 2 No. of 220 kV line bays for termination of Bongaigaon (POWERGRID) - Nangalbibra 400 kV D/c line (initially operated at 220kV).
- ii. AEGCL/Assam, to provide space for extension at Hatsinghmari (Assam) S/s: 2 No. of 132 kV line bays for termination of Hatsinghmari (Assam) - Ampati (Meghalaya) 132 kV D/c line.
- iii. MePTCL/Meghalaya to provide space for extension at Ampati (Meghalaya) S/s: 2 No. of 132kV line bays for termination of Hatsinghmari (Assam) - Ampati (Meghalaya) 132 kV D/c line.
- iv. To be implemented by MePTCL, Meghalaya under intra-state scheme in matching time frame of this ISTS scheme
  - a. Mawngap (Meghalaya) - Nangalbibra (ISTS) 220 kV D/c line alongwith 220 kV line bays at both ends (space for construction of 2 No. 220 kV line bays at Nangalbibra (ISTS) to be provided by licensee to MePTCL)
  - b. Nangalbibra (ISTS) - existing Nangalbibra (MePTCL) 132 kV D/c (Single Moose) line (2 No.132kV line bays at Nangalbibra (MePTCL) is to be implemented by MePTCL, however, 2 No.132 kV line bays at Nangalbibra (ISTS) is under the scope of this ISTS scheme”

2. Based on the competitive bidding carried out by PFC Consulting Limited (PFCCL) in its capacity as the Bid Process Coordinator (BPC) in accordance with the Guidelines issued by Ministry of Power, Government of India under Section 63 of the

Act, Nangalbibra-Bongaigaon Transmission Limited emerged as the successful bidder with the lowest levelized transmission charges of Rs. 558.59 million per annum.

3. 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 23.5.2022, *prima facie* proposed to grant transmission licence to the Petitioner.

Relevant extract of order dated 23.5.2022 is extracted as under:

*“19. 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 17.3.2022 has recommended for grant of transmission licence to the Petitioner. Relevant portion of the said letter dated 17.3.2022 is extracted as under:*

*“This has reference to Petition No. 33/TL/2022 filed by M/s Nanglabibra-Bongaigaon Transmission Limited (NBTL) before CERC under Sections 14,15, and 79 (1) (e) of the Electricity Act, 2003 and CERC (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009 for grant of transmission licence to establish subject ISTS scheme on Build, Own, Operate and Maintain (BOOM) basis. In this regard, following is submitted:*

- 1. Presently, the State of Meghalaya has one 400/220 kV s/s at Byrnihat (MePTCL) and one 132 kV S/S at Khilerhat (POWERGRID) to meet its power requirement from ISTS network. The both ISTS -STU interconnection points are on eastern part of Meghalaya. Due to increasing power demand and for providing reliable power supply in the Western part of Meghalaya, necessity of a 220 kV sub-station in the East Garo Hills district of Western Meghalaya was felt. Accordingly, the subject scheme envisages establishment of a new 220/132 kV sub-station at Nangalbibra in Western part of Meghalaya through Bongaigaon-Nangalbibra 400 kV D/C line (operated at 220 kV) with the provision to upgrade the system to 400 kV level in future. The Detailed scope of the transmission scheme is enclosed at Annexure-I*
- 2. The transmission scheme was agreed in the 1<sup>st</sup> meeting of North Eastern Regional Power Committee (Transmission Planning) (NERPCTP), held on 8.11.2019.*
- 3. The transmission system was discussed and agreed in the 3<sup>rd</sup> meeting of the National Committee on Transmission (NCT) (re-constituted vide MOP office order dated 4.11.2019) meeting held on 26.5.2020 & 28.5.2020.*
- 4. Ministry of Power, Government of India vide Gazette notification dated 25.9.2020 had appointed PFC Consulting Ltd. (PFC) as the Bid Process Coordinator (BPC) for selection of Bidder as Transmission Service Provider (TSP) to establish the subject ISTS scheme through Tariff Based Competitive Bidding (TBCB) process.*

5. The ISTS scheme was also agreed in the 21<sup>st</sup> North Eastern Region Power Committee (NERPC) meeting held on 4.2.2021.
6. BPC incorporated M/s Nangalbibra-Bongaigaon Transmission Limited (NBTL), a Special Purpose Vehicle (SPV) as its wholly owned subsidiary, to initiate various activities for execution of the ISTS scheme and to subsequently act as the TSP. Pursuant to the process of competitive bidding conducted by the BPC, M/s Sterlite Grid 26 Limited on 14.10.2021. Subsequently, M/s Sterlite Grid 26 Limited acquired 100% equity shareholding of M/s NBTL on 16.12.2021, upon execution of the Share Purchase Agreement and after completion of all procedural requirements as specified in the bid documents. Thereafter, PFC vide email dated 22.12.2021 informed CTU regarding transfer of the SPV namely, M/s NBTL to M/s Sterlite Grid 26 Limited. The scheduled COD for the proposed ISTS scheme is 24 months from the effective date.
7. During the course of the bidding, the 220 kV downstream system to be implemented M/s Meghalaya Power Transmission Corporation Limited (MePTCL) from Nangalbibra (ISTS) S/s was modified in 3<sup>rd</sup> meeting of NERPC-TP held on 19.7.2021 from "Nangalbibra (ISTS)-Mawngap (Meghalaya) 220 kV D/C line along with 220 kV line bays at both ends". The same was also noted in the 6<sup>th</sup> meeting of NCT held on 29.10.2021, wherein it was recorded that this would have no implication on the scope of works of the already notified ISTS scheme to be implemented through TBCB route.
8. In line with Section 15(4) of the Electricity Act, 2003, based on details furnished by M/s Nangalbibra-Bongaigaon Transmission Limited (NBTL), CTU recommends the grant of transmission licence to M/s Nangalbibra-Bongaigaon Transmission Limited for executing the ISTS scheme, namely "Establishment of new 220/132 kV sub-station at Nangalbibra." as mentioned in Para-1 above."

20. We have considered the submissions of the Petitioner and BPC. The proviso to Clause 2.4 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 14.10.2021, BPC, vide its letter dated 16.12.2021, in terms of Clauses 2.4, 2.5 and 2.6 of RfP extended the date upto 27.12.2021 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. 10.37 crore and has acquired hundred percent equity-holding in the applicant company on 16.12.2021 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 22.12.2021. 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 para 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 9.6.2022."

4. A public notice under Sub-section (5) of Section 15 of the Act was published on 31.5.2022 in all editions of the Indian Express (English) and Amar Ujala (Hindi). No suggestions/ objections have been received from the members of the public in response to the public notice.

5. Case was called out for virtual hearing on 5.7.2022 in response to public notice published by the Commission, no objection has been received. The Petitioner vide Record of Proceedings for the hearing dated 5.7.2022 was directed to submit the schematic diagram, duly vetted by CTUIL, of bays to be constructed at Bongaigaon (POWERGRID) substation under the instant project. The Petitioner and CTUIL were directed to confirm that there is no ambiguity in scope of works for implementation of 2 nos. of 220 kV GIS bay at Bongaigaon (POWERGRID) 400/220 kV S/s for termination of Bongaigaon (POWERGRID)-Nangalbibra 400 kV D/c line (initially operated at 220 kV).

6. The Petitioner vide its affidavit dated 25.7.2022 has placed on record schematic diagram, duly vetted by CTUIL, of bays to be constructed at Bongaigaon (POWERGRID) substation under the instant project and has submitted as under:

(a) The scope of work of the Petitioner as stated in the RfP and TSA is amply clear and there is no ambiguity in the same. The scope of work between the Petitioner and PGCIL is clearly delineated and the Petitioner does not apprehend any ambiguity in that respect at a later date. Particularly with respect to the extension at the Bongaigaon sub-station, it is clear from the scope of work that the Petitioner is required to implement 2 (two) number of GIS line bays for termination of the NB Line. The Notes under the scope of work corroborates the said understanding when it states that PGCIL is to provide space for extension at the Bongaigaon sub-station corresponding to 2 (two) number of 220 kV line bays for termination of the NB Line. Adequate space and bay extensions are envisaged even for future expansion of the Bongaigaon sub-station even after

the Petitioner's scope of work is completed. Hence, no constraint or ambiguity in scope of work is envisaged in this case.

(b) The Revised Specific Technical Requirement for establishment of the Project issued by the BPC included the drawings for bay extension at Bongaigaon sub-station. The said drawings included the Single Line Diagram (**SLD**) and General Arrangement (**GA**) for bay allocation at existing Bongaigaon sub-station for NB Line – which clearly marks out the 2 (two) bays under the scope of work of the Petitioner. With the said marking, the scope of work of the Petitioner stands clarified beyond doubt.

(c) In line with the scope of work prescribed under the RfP and the TSA, the Petitioner vide its letter dated 9.2.2022 had shared the SLD for 2 line bays to be implemented at the Bongaigaon sub-station, for the record and information of PGCIL, while stating that the said SLD drawing will be referred for the bay extension work. The said SLD indicates the scope of the work of the Petitioner as implementation of bay 6 and bay 7 at the Bongaigaon sub-station, in line with the SLD issued by the BPC.

(d) Subsequently, in line with the ROP for the hearing dated 5.7.2022, the learned counsel for the Petitioner shared the SLD depicting the bays in the Petitioner's scope of work at the Bongaigaon sub-station with CTUIL. As per the direction of the Commission dated 5.7.2022, CTUIL was requested to vet and approve the said SLD depicting the Petitioner's scope of work at the Bongaigaon sub-station. A follow-up email on the subject matter was sent by the Petitioner to the CTUIL on 18.7.2022.

(e) CTUIL vide its email dated 22.7.2022 has confirmed that there is no ambiguity in the Petitioner's understanding on its scope of work for implementation of 2 nos. of 220 kV GIS line bays at the Bongaigaon sub-station for termination of BN Line and the SLD submitted by the Petitioner indicates double main switching scheme which is in line with the provisions of the RFP.

7. We have considered the submissions of the Petitioner and CTUIL. Perusal of the documents submitted by the Petitioner reveals that there is no ambiguity regarding scope of the work of the Petitioner. CTUIL has submitted that SLD for extension of work at 220 kV level at Bongaingaon (Powergrid) sub-station as submitted by the Petitioner indicates double main switching scheme which is in line with the provisions of the RfP. CTUIL has further confirmed that there is no ambiguity in the Petitioner's understanding on its scope of work for implementation of 2 nos. of 220 kV GIS line bays at the Bongaingaon sub-station for termination of BN Line.

8. As regards grant of transmission licence, Clause (15) and Clause (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 23.5.2022, 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. CTUIL in its letter dated 17.3.2022 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, Nangalbibra-Bongaingaon

Transmission Limited, to establish to establish “new 220/132 kV substation at Nangalbibra” on Build, Own, Operate and Maintain basis as per the details given in paragraph 1 above.

10. 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.

11. 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 and the terms and condition of the TSA during the period of subsistence of the licence.

(c) Since the expiry date as per the TSA is 35 years from the scheduled COD of the Project, 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 within timeline specified in the Schedule 3 of the TSA and as per the Technical Standards and Grid Standards of CEA prescribed in Article 5.1.1 and Article 5.4 of the TSA;

(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 and CTUIL 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, Transmission Service Agreement or any other regulation of the Commission or as per the directions of the Commission as may be issued from time to time.

12. 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.

13. Let an extract copy of this order be sent to CEA for information and necessary action.

14. Petition No. 33/TL/2022 is allowed in terms of the above.

Sd/-  
**(P. K. Singh)**  
Member

sd/-  
**(Arun Goyal)**  
Member

sd/-  
**(I.S. Jha)**  
Member