

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 51/AT/2022

Coram:

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

Date of Order: 6th May, 2022

In the matter of

Application under Section 63 of the Electricity Act, 2003 for adoption of transmission charges with respect to the transmission system being established by POWERGRID Aligarh Sikar Transmission Limited (Formerly Sikar-II Aligarh Transmission Limited).

And

In the matter of

POWERGRID Aligarh Sikar Transmission Limited,
(Formerly Sikar-II Aligarh Transmission Limited)
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi-110 016

.....Petitioner

Vs

1. SBE Renewables Seventeen Private Limited,
1st Floor, Worldmark-2, Aerocity,
New Delhi -110037
2. Renew Surya Aayan Private Limited,
Commercial Block-I, Zone-6,
Golf Course Road, DLF City Phase-V,
Gurugram-122 00, Haryana
3. Renew Surya Vihaan Private Limited,
Commercial Block-I, Zone-6,
Golf Course Road, DLF City Phase-V,
Gurugram-122 00, Haryana
4. Eden Renewable Passy Private Limited,
Unit No. 236 B & C, 1st Floor, DLF South Court, Saket,
New Delhi-110017

5. Chief Executive Officer,
PFC Consulting Limited,
9th Floor, Wing-A, Statesman House,
Connaught Place,
New Delhi-110 001,

6. Chief Operating Officer,
Central Transmission Utility of India Limited,
Saudamini, Plot No.2, Sector -29,
Gurugram-122001

.....Respondents

Parties present:

Shri M. G. Ramachandran, Sr. Advocate, PSTL
PSTL Shri Shubham Arya, Advocate, PSTL
Ms. Poorva Saigal, Advocate, PSTL
Shri Ravi Nair, Advocate, PSTL
Shri Nipun Dave, PSTL
Shri V. C. Sekhar, PSTL
Shri Burra Vamsi Rama, PSTL
Shri Prashant Kumar, PSTL
Ms. Supriya Singh, PSTL
Shri Kashish Bhambhani, CTUIL
Shri Yatin Sharma, CTUIL
Shri Swapnil Verma, CTUIL
Shri Sidharth Sharma, CTUIL
Shri Ranjeet Singh Rajput, CTUIL
Shri Bhanu Prakash Pandey, CTUIL
Shri Akshayvat Kislay, CTUIL
Shri Neeraj Singh, PFCCL
Shri Manish Agrawal, PFCCL
Shri Harish Bhakuni, PFCCL
Shri Anubhav Kansal, PFCCL
Shri Kunal Kumar, PFCCL

ORDER

The Petitioner, Power Grid Aligarh Sikar Transmission Limited (Formerly Sikar-II Aligarh Transmission Limited), has filed the present Petition under Section 63 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') for adoption of transmission charges in respect of "Transmission System Strengthening Scheme for Evacuation of Power from Solar Energy Zones in Rajasthan (8.1 GW) under Phase II-(Part D)"

(hereinafter referred to as 'the Transmission System' or 'the Project') to be established on Build, Own, Operate and Maintain (BOOM) basis.

Background of the case:

2. The Petitioner had filed Petition No. 140/AT/2021 for adoption of transmission charges in respect of "Transmission System Strengthening Scheme for Evacuation of Power from Solar Energy Zones in Rajasthan (8.1 GW) under Phase II (Part D)". The Commission in its order dated 26.8.2021 had observed that although none of the elements of the Petitioner fall in the GIB area, however, elements up-stream to this Project fall within the potential habitat of GIB and that uncertainties have cropped up regarding implementation of upstream systems to this Project in terms of the order of the Hon'ble Supreme Court dated 19.4.2021 providing for appropriate steps for laying of transmission network/lines in the priority and potential habitats of GIB. The Commission further observed that since there are issues relating to feasibility of upstream system to this Project and the same are required to be referred to the Committee by the upstream project developers to enable assessment of the matter by the Committee and arrive at a conclusion as to whether the underground power line is feasible or not. Accordingly, the Petitioner was granted liberty to approach the Commission with fresh Petition on the subject matter when the upstream system project developer has complied with the directions of the Hon'ble Supreme Court dated 19.4.2021, which would provide sufficient clarity regarding implementation of this Project. Relevant portion of the order dated 26.8.2021 is extracted as under:

"17. As the various elements of the Projects of Fatehgarh Bhadla Transco Limited and Sikar New Transmission Limited as well as up-stream and down-stream systems to these Projects and up-stream systems to the Project of Sikar-II Aligarh Transmission Limited fall within the potential habitat of GIB, we recognise that

uncertainties have cropped up regarding implementation of these Projects in terms of the order of the Hon'ble Supreme Court dated 19.4.2021 providing for appropriate steps for laying of transmission network/lines in the priority and potential habitats of GIB.

19. Indisputably, the Hon'ble Supreme Court in the aforesaid order has recognized that the laying of underground power line more particularly of high voltage would require technical evaluation on case-to-case basis and an omnibus conclusion cannot be reached laying down a uniform method in this regard. However, the Hon'ble Supreme Court, after noting that laying of high voltage underground power line would require expertise to assess the feasibility, has constituted a Committee comprising of members from MNRE, WII and Corbett Foundation for the specific purpose of assessing the feasibility. Since there are issues relating to feasibility, the matter is required to be referred to the Committee with all relevant material and particulars. Accordingly, the Committee shall assess the matter and arrive at a conclusion as to whether the underground power line is feasible or not.

20. The Petitioners have argued that though the concerned elements of the Projects fall within the potential habitat of GIB, they being at 765 kV voltage level, it is not feasible to lay underground power line. the Petitioners during the hearing stated that they have not yet approached the Committee constituted by the Hon'ble Supreme Court for assessment of feasibility of the Projects falling within the potential habitat area of GIB since the matter was under consideration of the study team constituted by the Ministry of Power. We observe that the study team constituted by the Ministry of Power, has recommended to file IA before the Hon'ble Supreme Court, inter alia, requesting to allow installation of renewable energy projects and laying of future transmission lines in potential habitat of GIB with installation of bird diverters. However, as submitted by the CTU during the hearing on 18.8.2021, the IA to the above effect is yet to be filed before the Hon'ble Supreme Court. Hence, we are clearly of the view that even if the Commission decides to grant transmission licences to the Petitioners, the implementation of the Projects would still remain surrounded in uncertainty till the time the directions of the Hon'ble Supreme Court are complied with.

21. In addition, we also note that the implementation of the Projects, in absence of ratification of their feasibility by the Committee constituted by the Hon'ble Supreme Court, may face uncertainties relating to route of lines, laying lines over-head or underground and mitigating measures such as installations of bird-diverters, resulting in potential cost overruns and time overruns. During the course of hearing, the representatives of the Petitioners and the CTU made submissions to the effect that the requirement of rerouting of elements falling within the potential area is very unlikely and relied upon the change in law clause under the Transmission Service Agreements (in connection with costs to be incurred towards implementation of directions of the Hon'ble Supreme Court's order) for addressing the issue of time overruns and cost overruns, if any. In our view, there is no force in the submissions of the Petitioners and CTU as, when the Petitioners are aware of the measures required to be undertaken in terms of order

of the Hon'ble Supreme Court (i.e. ratification of the feasibility report of the Projects by the Committee constituted by the Hon'ble Supreme Court) and the Petitioners have not undertaken such measures as yet, it would be completely inappropriate to create potential liabilities and pass on such liabilities to the beneficiaries and consumers under change in law.

22. *During the course of hearing, the representative of the Petitioners pointed out that as per the provisions of the Transmission Service Agreement, they are required to implement the Projects within the timeline stipulated therein to evacuate power from the renewable energy projects. Neither the Petitioners nor the CTU has furnished the exact locations of such renewable energy projects. However, these renewable energy projects are required to lay dedicated transmission lines from their respective projects for connection to the ISTS, which are the Projects of Fatehgarh Bhadla Transco Limited and Sikar New Transmission Limited, the subject matter of present Petitions. As Projects of Fatehgarh Bhadla Transco Limited and Sikar New Transmission Limited fall within the potential habitat of GIB, the dedicated transmission lines for connection to these ISTS will also be subject to similar measures as prescribed by the Hon'ble Supreme Court in its order dated 19.4.2021 for priority and potential habitat of GIB. In such circumstances, we are of the view that timeline for implementation of the Projects of Fatehgarh Bhadla Transco Limited and Sikar New Transmission Limited cannot be considered in isolation ignoring the various renewable energy projects from which power is being proposed to be evacuated and which are also subject to the order dated 19.4.2021 of the Hon'ble Supreme Court.*

23. *In light of the above discussion, we are of the considered view that it would not be appropriate for the Commission to allow the present Petitions for grant of transmission licences and adoption of transmission tariff in respect of the Projects ignoring the order of the Hon'ble Supreme Court dated 19.4.2021 providing for appropriate steps for laying of transmission network/lines in the priority and potential habitats of GIB and when the Petitioners are yet to take required actions in terms of the said order of Hon'ble Supreme Court.*

24. *At the same time, no purpose will be served to keep these Petitions pending till compliance of the order of the Hon'ble Supreme Court. Accordingly, the Petitions are disposed of with liberty to the Petitioners to approach the Commission with fresh Petitions on the subject matters when the Petitioners have complied with the directions of the Hon'ble Supreme Court dated 19.4.2021, which would provide sufficient clarity regarding implementation of the Project. The filing fees deposited by the Petitioners in respect of these Petitions shall be adjusted against the Petitions to be filed by the Petitioners in future in terms of the liberty granted as above."*

3. In compliance to above, on 13.1.2022, the Petitioner approached the Committee constituted by the Hon'ble Supreme Court through application dated 10.9.2021. The

Committee nominated by the Hon'ble Supreme Court vide its letter dated 13.1.2022 has allowed the upstream project developer for laying of overhead lines from Bhadla-II PS-Sikar-II 765 kV D/c subject to condition of installing bird diverters. The relevant portion of letter of the Committee dated 13.1.2022, is extracted as under:

"The Committee discussed the application with the applicant on 22.9.2021 and raised certain queries which were addressed by the applicant vide email dated 24.9.2021 and 21.10.2021. The Central Electricity Authority (CEA) submitted its technical report on the application and queries raised by the Committee vide email dated 16.11.2021. The Committee had examined these documents in detail and had assessed the proposed line from electrical/ engineering as well as ecological/ conservation viewpoints in meetings held on 14.10.2021 and 13.12.2021.

The applicant, as well as CEA have confirmed that there is no manufacturer of 765 kV AC cable in the world, and therefore, it is not technologically possible to underground this transmission line. The line is more than 45 km far from the 'Priority and Additional Important Area'; hence the risk posed by the proposed line to the GIB population is relatively low.

Considering the above reasons, the committee recommends that overhead laying of this transmission line may be allowed with the condition of installing Bird Diverters, which: a) meet quality and standards of CEA's 'Technical Specifications for Bird Flight Diverter, b) are installed following the method in Wildlife Institute of India's 'Powerline mitigation to conserve bustards' and CA's 'Technical Specifications for Bird Flight Diverters', i.e., diverters on all cables with one unit at every 5 m interval of the powerline, c) are maintained through the life of the Project by the applicant."

Hearing dated 24.3.2022

4. The matter was called out for virtual hearing on 24.3.2022 after notice to the Respondents. None was present on behalf of the Respondent 1 to Respondent 7/LTTCs. During the course of hearing, learned senior counsel for the Petitioner submitted that for the upstream Project, the Committee constituted in terms of order of the Hon'ble Supreme court, vide its letter dated 13.1.2022, has recommended the overhead laying the transmission line with condition of installing bird diverters. Pursuant

to the above, CTUIL vide its letter dated 11.3.2022 has recommended for grant of transmission licence to the Petitioner for executing the transmission systems under Section 15(4) of the Act. In the said letter, CTUIL has noted that the implementation of these Projects/Transmission Systems shall facilitate the transfer of power from renewable energy generation projects proposed to be connected at Bhadla-II PS as well as Fatehgarh II PS and that Bhadla-II-Sikar-II-Aligarh 765 kV corridor will act as a major gateway for transfer of power outside of the State of Rajasthan to various beneficiaries. Learned senior counsel further submitted that the Petitioner envisages completion of the Project within a period of 15 months after grant of transmission licence and adoption of tariff. However, the Petitioner may be permitted to approach the Commission for seeking appropriate remedies with regard to impact of Change in Law and Force Majeure events after implementation of transmission system.

5. Vide Record of Proceedings for the hearing dated 24.3.2022, the Petitioners were directed to place on record the copy of letter dated 10.9.2021 seeking permission from Committee constituted in terms of order of Hon'ble Supreme Court. CTUIL was directed to file the following information:

(a) Status of generation projects including Stage-II Connectivity and LTA grant under Phase-I Transmission System and status of transmission system under Phase-I;

(b) Status of generation projects including Stage-II Connectivity and LTA grant under Phase-II transmission system and status of transmission system under Phase-II;

(c) Status of Fatehgarh-II PS-Bhadla-II PS 765 kV D/c line (2nd) and clarify if

Hon`ble Supreme Court Committee has been approached for Fatehgarh-II to Bhadla transmission line and status thereof; and

(d) Expected commissioning shown for generation projects under Phase-II is from March 2022 onwards. Whether the evacuation system is available for such projects or they may be stranded.

6. The Petitioners have placed on record the copy of the letter dated 10.9.2021 seeking permission from Committee constituted in terms of order of Hon`ble Supreme Court. CTUIL vide its affidavit dated 7.4.2022 has submitted the information called for.

7. The Petitioner has submitted that upstream system developer has complied with the direction of the Committee constituted by the Hon`ble Supreme Court. Therefore, we proceed to consider the prayer of the Petitioner as regards adoption of transmission charges in respect of 'Transmission System for evacuation of power from solar energy zones in Rajasthan (8.1 GW) under Phase II (Part D)' pursuant to competitive bid process carried out in terms of Guidelines issued by the Ministry of Power, Government of India.

8. We have considered the submissions of the Petitioner and perused the documents on record. Section 63 of the Act provides as under:

“Section 63: Determination of tariff by bidding process: Notwithstanding anything contained in section 62, the Appropriate Commission shall adopt the tariff if such tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government.”

9. Ministry of Power, Government of India has notified the 'Tariff based Competitive Bidding Guidelines for Transmission Service' (hereinafter referred to as 'the Guidelines')

under Section 63 of the Act vide Resolution No. 11/5/2005-PG(i) dated 13.4.2006 as amended from time to time. The salient features of the Guidelines are as under:

(a) The Guidelines are applicable for procurement of transmission services for transmission of electricity through tariff based competitive bidding and for selection of Transmission Service Provider (TSP) for new transmission lines and to Build, Own, Maintain and Operate the specified transmission system elements.

(b) For procurement of transmission services, required for inter-State transmission project, the Central Government shall notify any Central Government Organization or any Central Public Sector Undertaking, or its wholly owned subsidiary (Special Purpose Vehicle) as the Bid Process Coordinator (BPC) who would be responsible for coordinating the bid process.

(d) BPC shall prepare the bid documents in accordance with the Guidelines and obtain approval of the Appropriate Commission or alternatively, the BPC can use the Standard Bid Documents notified by the Ministry of Power, Government of India. Approval of the Appropriate Commission would be necessary, if any material deviation is proposed to be made in the Standard Bid Documents. Intimation about the initiation of the bid process shall be sent by BPC to the Appropriate Commission.

(e) For procurement of transmission services under the Guidelines, BPC may adopt at its option either a two-stage process featuring separate Request for Qualification (RfQ) and Request for Proposal (RfP) or adopt a single stage two envelope tender process combining both RfQ and RfP processes.

(f) RfQ or combined RfQ and RfP notice shall be issued in at least two national newspapers, on websites of BPC and the Appropriate Government and preferably in the trade magazines also to provide wide publicity. For the purpose of issue of RfQ, minimum conditions to be met by the bidder shall be specified in RfQ notice. The bidding shall be by way of International Competitive Bidding.

(g) Standard documentations to be provided during RfQ shall include definitions of requirements including brief description of the project, commissioning milestones to be achieved by the bidders, qualification required to be met by bidders, conditions as specified by the Appropriate Commission for being eligible to obtain transmission licence, etc.

(h) Standard documentations to be provided by BPC in RfP shall include specified target dates/ months for commissioning and commercial operations and start of providing transmission services, Transmission Service Agreement (TSA) proposed to be entered with the selected bidder, period of validity of offer of bidder, bid evaluation methodology to be adopted by BPC, discount factor to be used for evaluation of the bids, specification regarding bid bond and project completion guarantee to be furnished by the bidders, proposed indemnification agreement between TSP and the utilities, amount of contract performance guarantee as percentage of cost of the project, liquidated damages that would apply in case of delay in start of providing the transmission services and other technical and safety criteria to be met by the bidder/ TSP including the provisions of the Grid Code.

(i) To ensure competitiveness, the minimum number of qualified bidders shall be two. The Empowered Committee shall constitute a committee for evaluation of the bids with at least one member from Central Electricity Authority (CEA), not less than two members from the concerned Regional Power Committees and at least one independent member. The bids shall be opened in public and the representative of the bidders shall be allowed to remain present. The technical bids shall be scored to ensure that only the bids that meet the minimum technical criteria set out in RfQ shall be considered for further evaluation on the transmission charge bids. The transmission charge bid shall be rejected if it contains any deviation from the tender conditions for submission of the same. The bidder, who has quoted the lowest transmission charge as per the evaluation procedure, shall be considered for the award.

(j) The timeline suggested for two stage bid process is 145 days and that for single stage two envelope bid process is 180 days. BPC is empowered to give extended time-frame based on the prevailing circumstances and such alterations shall not be construed as the deviation from the Guidelines.

(k) The selected bidder shall make an application for grant of transmission licence to the Appropriate Commission within ten days from the date of issue of Letter of Intent (LoI) or signing of TSA, whichever is later, subject to further extension of time as provided under Clause 2.4 of the RfP.

(l) BPC shall make the final result of evaluation of all bids public. The final TSA along with the certification of Bid Evaluation Committee (BEC) shall be forwarded to the Appropriate Commission for adoption of tariff in terms of Section 63 of the Act.

10. Therefore, we have to examine whether the process as per the provisions of the Guidelines has been followed in the present case for arriving at the lowest levelised transmission charges and for selection of the successful bidder.

11. Ministry of Power, Government of India vide its letter dated 3.3.2020 notified the single stage two envelope standard bidding documents and directed that the same be followed for the bidding of transmission projects under tariff based competitive bidding process. Ministry of Power, Government of India, vide Gazette Notification dated 27.1.2020 notified PFC Consulting Limited (PFCCL) as Bid Process Coordinator (BPC) for the purpose of selection of bidder as Transmission Service Provider (TSP) to establish the Project through tariff based competitive bidding process.

12. Sikar-II Aligarh Transmission Limited (the Petitioner) was incorporated on 17.5.2020 under the Companies Act, 2013 as a wholly owned subsidiary of PFCCL with the objective to establish the Project and to act as the Transmission Service Provider after being acquired by the successful bidder. The main objectives of the Petitioner Company in its Memorandum of Association are 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 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”

13. In the present case, BPC prepared single stage two envelopes bidding documents (RfP) vide letter dated 6.3.2020 in accordance with the Standard Bid Documents issued by Ministry of Power, Government of India. BPC started the process of selection of TSP with the publication of Global Invitation for Qualification for selection of developer on BOOM basis for the Project. The notice for RfP was published on 6.3.2020 in all editions of the Indian Express (English), Jansatta (Hindi), Financial Express (English) and Financial Times (worldwide) with the last date of submission of response to RfP as 8.5.2020, which was later extended to 28.12.2020. Intimation regarding initiation of the bid process was given to this Commission in accordance with Clause 4.2 of the Guidelines vide letter No. 04/ITP-38/19-20/RfP dated 20.3.2020

14. The key milestones in the bidding process were as under:

Sr No.	Events	Date
1.	Publication of RfP	6.03.2020
2.	Technical & Financial Bid (Initial Offer) submission	28.12.2020
3.	Technical Bid Opening	28.12.2020
4.	Financial Bid (Initial Offer) Opening	2.02.2021
5.	e-Reverse Auction	3.02.2021
6.	Final Bid Evaluation Committee Meeting	4.02.2021
7.	Issuance of Letter of Intent	16.02.2021
8.	Signing of Agreement and Transfer of SPV	8.06.2021

15. The scope of the Project as per the Request for Proposal and the Transmission Service Agreement is as under:

Sr.	Name of the Transmission Element	Scheduled COD in months from Effective Date in months from Effective Date
1.	Sikar-II - Aligarh 765kV D/c line	18 months
2.	2 no. of 765 kV line bays at Sikar-II for Sikar-II – Aligarh (GIS) 765kV D/c line 765kV line bays- 2* (Sikar-II S/s)	
3.	1x330 MVAR switchable line reactor for each circuit at each end of Sikar-II-Aligarh (GIS) 765kV D/c line 330MVAR, 765 kV reactor- 4 (2 reactors each at Sikar-II and Aligarh) Switching equipment for 765 kV reactor- 4 (2 Switching equipment each at Sikar-II and Aligarh) 110 MVAR, 765 kV, 1 ph Reactor (spare unit) at Aligarh-1	

Note:

i. *2 nos. of 765kV GIS line bay modules (up to SF6 to Air bushing outside GIS hall) are already available at Aligarh (GIS) Substation. TSP shall utilize the same for termination of Sikar-II – Aligarh (GIS) 765kV D/c line at Aligarh.

ii. Developer of Sikar-II S/s to provide space for 2 no. of 765 kV bays and space for 2 no. of switchable line reactors at Sikar-II substation.

iii. The spare unit of 765kV, 1x110 MVAR Reactor being provided at Sikar-II PS under 'Transmission system strengthening for evacuation of power from solar energy zones in Rajasthan (8.1 GW) under Phase II –Part C' shall be utilized as common spare for 6x110 MVAR Switchable Line Reactors to be provided at Sikar-II PS each under 'Transmission system strengthening for evacuation of power from solar energy zones in Rajasthan (8.1 GW) under Phase II –Part D' and 'Transmission system strengthening for evacuation of power from solar energy zones in Rajasthan (8.1 GW) under Phase II –Part E'.

iv. GA drawing indicating the available area at 765kV Aligarh Substation is attached. TSP shall assess the same suitably and may procure additional land, if required.

16. The identified LTTCs of the Project as specified in the TSA are:

S. No.	Name of LTTCs
1.	SBE Renewables Seventeen Private Limited
2.	Renew Surya Aayan Private Limited

3.	Renew Surya Vihaan Private Limited
4.	Eden Renewable Passy Private Limited

17. It has been stated by the Petitioner that PFCCL vide mail dated 26.5.2021 informed that a new LTTC, namely, Eden Renewable Passy Private Limited is added as LTTC. Further, PFCCL clarified that Eden Renewable Passy Private Limited shall be a LTTC in place of Madhya Pradesh as per the Minutes of meeting dated 5.4.2021 held by the Committee formed to examine the matter of signing the TSA. A copy of Supplementary Agreement dated 7.6.2021 executed between Sikar-II Aligarh Transmission Limited and Eden Renewable Passy Private Limited has been furnished by PFCCL.

18. For the purpose of evaluation of bids, the Bid Evaluation Committee (BEC) comprising of the following was constituted:

1.	Sh. Anil Kumar Arora, Head, SBI Capital Markets	Chairman of the Committee
2.	Sh. Saumitra Mazumdar, Superintending Engineer Northern Regional Power Committee	Member
3.	Sh. Sudhir Jain, Superintending Engineer (P&P), Rajasthan Rajya Vidyut Prasaran Nigam Limited (RVPN)	Member
4.	Shri Y. K. Swarnkar, Director, PSETD Division, Central Electricity Authority	Member
5.	Shri Awdhesh Kumar Yadav, Director, PSPA-I Division, Central Electricity Authority	Member
6.	Shri VND Manavalan Chairman of SPV "Sikar-II Aligarh Transmission Limited"	Convener- Member of the Committee

19. Responses to single stage RfP were received from the following five bidders:

Sr. No.	Name of the Bidder
1.	Adani Transmission Limited
2.	DBL Transmission Private Limited
3.	Power Grid Corporation of India Limited
4.	ReNew Transmission Ventures Private Limited
5.	Sterlite Grid 21 Limited

20. The responses to single stage RfP were opened 28.12.2020 in the presence of BEC and the representatives of the bidders. Based on the evaluation of the responses to RfP, the BEC declared all five bidders meeting qualification requirement of RfP based on their responses to RfP.

21. Based on the recommendation of BEC, the Initial Offer of all the five bidders were opened online on 2.2.2021 in the presence of BEC. The lowest Initial Offer discovered (Best Deal) at MSTC portal was Rs. 997.01 million per annum to participate in the e-reverse bidding stage and to submit their final offers. The Initial Price Offer (Levelised Transmission Charges) quoted by the five bidders are as under:

Sr. No.	Name of the Bidder	Levelised Transmission Charges from the Initial Offer (in Rs. Million)	Rank
1.	Power Grid Corporation of India Limited	997.01	L1
2.	ReNew Transmission Ventures Private Limited	1270.10	L2
3.	Adani Transmission Limited	1510.00	L3
4.	Sterlite Grid 21 Limited	1767.92	L4
5.	DBL Transmission Private Limited	1883.08	L5

22. As per the provisions of RfP documents, BEC recommended the following four bidders to participate in the e-reverse auction stage and to submit their final offers. These four bidders quoted the Initial Price Offer (Levelised Transmission Charges) as under:

Sr. No.	Name of the Bidder	Levelised Transmission Charges from the Initial Offer (in Rs. million)	Rank
1.	Power Grid Corporation of India Limited	997.01	L1
2.	ReNew Transmission Ventures Private Limited	1270.10	L2
3.	Adani Transmission Limited	1510.00	L3
4.	Sterlite Grid 21 Limited	1767.92	L4

23. E-reverse auction was carried out at MSTC portal on 3.2.2021 in the presence of members of BEC after intimating to four qualified bidders regarding lowest Initial Offer. However, no bid was received during e-reverse auction stage. As per clause 3.6.1 of the RfP, "if no bid is received during the e-reverse bidding stage then the bidder with lowest quoted initial levelised transmission charges ("Initial Offer") during e-bidding stage shall be declared as the successful bidder". Accordingly, Power Grid Corporation of India Limited (PGCIL), which had quoted the lowest Initial Offer of Rs. 997.01 million per annum, was declared as the successful bidder.

24. BEC in its meeting held on 4.2.2021 recommended PGCIL with the lowest levelised transmission charges of Rs. 997.01 million per annum as the successful bidder.

25. Letter of Intent (Lol) was issued by BPC on 16.2.2021 to the successful bidder i.e. PGCIL. In accordance with Clause 12.3 of the Guidelines, BPC has hosted on its

website, the final result of the evaluation of the bids for selection of developer for the Project.

26. In accordance with the provisions of the bid documents and Lol issued in its favour, the Petitioner has prayed for adoption of the transmission charges for the Project which has been discovered through the process of competitive bidding.

27. In accordance with Clauses 2.15.2 and 2.15.4 of RfP, the selected bidder shall within 10 days of issue of Lol, accomplish the following tasks:

- a) Provide Contract Performance Guarantee in favour of the LTTCs;
- b) Execute the Share Purchase Agreement;
- c) Acquire, for the acquisition price, one hundred percent equity shareholdings of Sikar-II Aligarh Transmission Limited along with all its related assets and liabilities;
- d) Make an Application to this Commission for adoption of charges under Section 63 of the Act; and
- e) Apply to this Commission for grant of transmission licence.

28. On 8.6.2021, the Petitioner has acquired hundred percent equity holding in Sikar New Transmission Limited on 8.6.2021. Accordingly, the Transmission Service Agreement executed between the TSP and the LTTCs dated 2.11.2020 became effective from 8.6.2021.

29. The Petitioner has approached the Commission by a separate application for grant of transmission licence. The Commission vide order dated 22.4.2022 in Petition No.50/TL/2022 on being satisfied that the Petitioner, *prime facie*, qualifies for grant of transmission licence as prayed for, directed publication of notices under clause (a) of sub-section (5) of Section 15 of the Act, inviting suggestions/ objections to the proposal of the Commission. Accordingly, notices have been published and the matter is listed for final hearing on 24.5.2022.

30. The provision 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 16.2.2021, BPC, vide its letter dated 8.6.2021, in terms of Clause 2.15.2 of RfP extended the date upto 18.6.2021 for completion of all activities by the successful bidder. PGCIL furnished the Contract Performance Guarantee to the Long-Term Transmission Customers of the Project for an amount of Rs. 173.3 million (Rs. 17.33 crore) and has acquired hundred percent equity-holding in the applicant company on 8.6.2021 after execution of the Share Purchase Agreement with BPC. TSP (the Petitioner) filed the Petition No. 140/AT/2021 through e-filing for adoption of tariff on 17.6.2021 which was disposed of vide order 26.8.2021 with liberty to approach the Commission after compliance of the direction of Hon`ble Supreme Court.

31. In accordance with the Guidelines, BEC has to certify that the tariff has been discovered through a transparent process of bidding and that the tariff discovered is in

line with prevailing market prices. In the minutes of Bid Evaluation Committee meeting held on 4.2.2021, the following has been recorded:

“3. The e-reverse bidding was carried out at MSTC portal on February 03, 2021 at 1100 hrs which was closed on same day i.e February 03, 2021 at 1300 Hrs. No Bid was received during the e-reverse bidding process....

5. As no bid was received during the e-reverse bidding stage the lowest Initial Offer of Rs. 997.01 million per annum of M/s Power Grid Corporation of India Limited was considered at Final Offer. The ranking of the bidders as per Initial Offer is given below:

S. No.	Name of the Bidder	Levelised Transmission Charges from the Initial Offer (in Rs. Million)	Rank
1.	Power Grid Corporation of India Limited	997.01	L1
2.	ReNew Transmission Ventures Private Limited	1270.10	L2
3.	Adani Transmission Limited	1510.00	L3
4.	Sterlite Grid 21 Limited	1767.92	L4

7. As per clause 3.5.1.3 (a) of RfP document, the Annual Escalation Rate and Discount Rate for the purpose of evaluation of Levelized Transmission Charges have been used as under, based on the rate notified by CERC valid upto 31st March, 2021 (as the financial bids have been submitted on 28th December, 2020) vide CERC Notification No. Eco T/2/2020-CERC dated 5th October, 2020 effective from 1st October, 2020;

-Annual Escalation rate applicable to Quoted Escalable Transmission charges: 7.2%
-Discount rate for computation of Levelized Transmission Charges : 8.83%

8. In view of above, the lowest Initial Offer (Levelized Transmission Charges) of “M/s Power Grid Corporation of India Limited” of Rs. 997.01 Million per annum, may be declared as the successful bidder.

9. BPC, in their evaluation report has confirmed the following:

- I. The levelized tariff for this project based on CERC norms works out to Rs. 1954.92 million per annum. This has been computed based on the estimated cost as communicated by the Cost Committee constituted by National Committee on Transmission (NCT) and methodology for calculation of tariff as per CERC norms.
- II. The entire bid process has been carried out in accordance with the “Tariff based Competitive Bidding Guidelines for Transmission Service” and “Guidelines for encouraging competition in development of the Transmission Projects” issued by Ministry of Power, Govt. of India under Section 63 of the Electricity Act, 2003 and

as amended from time to time

10. After detailed discussions on the evaluation report prepared by BPC (**Annexure-A**), the BEC decided the following:

(a) M/s Power Grid Corporation of India Transmission Limited is the successful Bidder after the conclusion of e-reverse bidding process with the lowest Levelized Transmission Charges of Rs. 997.01 million per annum.

(b) The levelized charges quoted by the successful Bidder, during e-reverse bidding process (same as Initial Offer as no bid was received during e-reverse bidding process), is lower than the Levelized Tariff estimated by BPC, hence the levelized tariff discovered through e-reverse auction is acceptable.

(c) In view of (a) and (b) above, M/s Power Grid Corporation of India Limited may be issued Letter of Intent (LoI)."

32. Bid Evaluation Committee vide its certificate dated 4.2.2021 has certified as under:

"It is hereby certified that:

1. The entire bid process has been carried out in accordance with the "Tariff based Competitive Bidding Guidelines for Transmission Service" and "Guidelines for encouraging competition in development of the Transmission Projects" issued by Ministry of Power, Govt. of India under Section 63 of the Electricity Act, 2003 and as amended from time to time.

2. M/s Power Grid Corporation of India Limited emerged as the successful Bidder after conclusion of e-Reverse Bidding Process with lowest Levelized Transmission Charges of Rs. 997.01 million per annum.

3. The Levelized tariff computed on the basis of rates quoted by the Successful Bidder, during e-Reverse Auction, is lower than the Levelized Tariff calculated based on CERC norms, hence the levelized tariff discovered through e-Reverse auction is acceptable."

33. In light of the discussions in preceding paragraphs, it emerges that selection of the successful bidder and the levelised tariff of the Project has been carried out by the BPC through a transparent process of competitive bidding in accordance with the Guidelines issued by the Ministry of Power, Government of India under Section 63 of the Act. BEC has also certified that the process is in conformity with the Guidelines.

BEC in its certificate dated 4.2.2021 has certified that Power Grid Corporation of India Limited has emerged as the successful bidder after conclusion of e-reverse auction with lowest levelised transmission charges of Rs. 997.01 million per annum. BEC has further certified that the 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 and is acceptable. Based on the certification of the BEC, we approve and adopt the transmission charges for the Project as per the Lol to this order which shall remain valid throughout the period covered in the TSA. The sharing of the transmission charges by the LTTCs shall be governed by the provisions of the Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2020 as amended from time to time.

34. The Petitioner has further submitted that BPC vide letter dated 22.12.2020 had intimated to the bidders that the acquisition price payable by the selected bidder for acquisition of one hundred percent of equity shareholding of Sikar-II Aligarh Transmission Limited along with all its related assets and liabilities as Rs. 205.5557542 million (Rs. 20,55,57,542/-). However, subsequent to the bidding and during acquisition, BPC vide letter dated 25.3.2021 intimated the Petitioner that the final acquisition price is Rs. 215.559413 million (Rs. 21,55,59,413/-), which is higher by Rs. 1,00,01,871 than the amount intimated earlier. The Petitioner has submitted that the aforesaid increase in acquisition price after the bid deadline constitutes a Change in Law event under Article 12.1.1 of the TSA and that the Petitioner has furnished the necessary documentary proof in this regard.

35. We have noted the submissions of the Petitioner. Since the scope of the present Petition is limited to adoption of transmission charges under Section 63 of the Act, the Petitioner is granted liberty to claim the Change in Law relief on this count at the appropriate point of time in accordance with the law.

36. In view of above, the Commission approves and adopts the transmission charges for the Project as per the Appendix to this order subject to issuance of transmission licence which shall remain valid throughout the period covered in the TSA. The sharing of the transmission charges by the LTTCs shall be governed by the provisions of the Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2010 as amended from time to time.

37. The Petitioner has submitted that its name has been changed in terms of Rule 29 of the Companies (Incorporation) Rules, 2014 from “Sikar-II Aligarh Transmission Limited” to “POWERGRID Aligarh Sikar Transmission Limited” from 13.9.2021. The Petitioner has placed on record the Certificate of incorporation pursuant to Change of Name dated 13th September 2021 issued and certified by the Registrar of Companies, Delhi. The same is accordingly allowed.

38. A copy of this order shall be sent to CTU and Long-Term Transmission Customers of the Transmission System.

39. The Petition No. 51/AT/2022 is disposed of in terms of the above.

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

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

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

				Appendix
Contract Year	Commencement date of contract year	End date of contract year	Quoted Non-Escalable Transmission Charges (Rs. in Millions)	Quoted Escalable Transmission Charges (Rs. in Millions)
1	25-Jul-22	31-Mar-23	1187.03	---
2	1-Apr-23	31-Mar-24	1187.03	
3	1-Apr-24	31-Mar-25	1187.03	
4	1-Apr-25	31-Mar-26	1187.03	
5	1-Apr-26	31-Mar-27	1187.03	
6	1-Apr-27	31-Mar-28	1187.03	
7	1-Apr-28	31-Mar-29	1187.03	
8	1-Apr-29	31-Mar-30	1187.03	
9	1-Apr-30	31-Mar-31	1187.03	
10	1-Apr-31	31-Mar-32	833.89	
11	1-Apr-32	31-Mar-33	833.89	
12	1-Apr-33	31-Mar-34	833.89	
13	1-Apr-34	31-Mar-35	833.89	
14	1-Apr-35	31-Mar-36	833.89	
15	1-Apr-36	31-Mar-37	833.89	
16	1-Apr-37	31-Mar-38	833.89	
17	1-Apr-38	31-Mar-39	833.89	
18	1-Apr-39	31-Mar-40	833.89	
19	1-Apr-40	31-Mar-41	833.89	
20	1-Apr-41	31-Mar-42	833.89	
21	1-Apr-42	31-Mar-43	833.89	
22	1-Apr-43	31-Mar-44	833.89	
23	1-Apr-44	31-Mar-45	833.89	
24	1-Apr-45	31-Mar-46	833.89	
25	1-Apr-46	31-Mar-47	833.89	
26	1-Apr-47	31-Mar-48	833.89	
27	1-Apr-48	31-Mar-49	833.89	
28	1-Apr-49	31-Mar-50	833.89	
29	1-Apr-50	31-Mar-51	833.89	
30	1-Apr-51	31-Mar-52	833.89	
31	1-Apr-52	31-Mar-53	833.89	
32	1-Apr-53	31-Mar-54	833.89	
33	1-Apr-54	31-Mar-55	833.89	
34	1-Apr-55	31-Mar-56	833.89	
35	1-Apr-56	31-Mar-57	833.89	
36	1-Apr-57	35 th anniversary of the Schedule COD	833.89	