

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.322/TL/2023

Subject : Petition under Section 14, 15 and 79(1)(e) of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission Licence and other related matters) Regulations, 2009 seeking Transmission Licence for Gurgaon Palwal Transmission Limited for Transmission Project to be constructed through Regulated Tariff Mechanism (RTM).

Petitioner : Gurgaon Palwal Transmission Limited (GPTL)

Respondents : Central Transmission Utility of India Limited (CTUIL) and 14 Ors.

Date of Hearing : **6.12.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Parties Present : Ms. Aparajita Upadhyay, Advocate, GPTL
Shri Lokendra Singh, GPTL
Shri Vivek Karthikeyan, GPTL
Shri Yatin Sharma, CTUIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition had been filed for the grant of a transmission licence in order to implement the Transmission Project viz. "Establishment of 220 kV bays (GIS) at 400/220 kV Prithala (GPTL) S/s" ('the Project') under the Regulated Tariff Mechanism (RTM). Learned counsel submitted that the Petitioner is an existing transmission licensee implementing the "400 kV GIS S/s in Gurgaon and Palwal areas as part of ISTS" on the Tariff Based Competitive Bidding route and subsequently, CTUIL vide its Office Memorandum dated 24.6.2022 and its subsequent amendment dated 7.8.2023 has awarded the Project to the Petitioner under the RTM route in terms of the Ministry of Power's Order dated 28.10.2021. The learned counsel submitted that the Petitioner has already complied with all the requirements under the Transmission Licence Regulations, and CTUIL, vide its letter dated 27.9.2023 has also given its recommendations for the grant of a transmission licence to the Petitioner for the implementation of the Project. Learned counsel sought liberty to implead Haryana Vidyut Prasaran Nigam Limited (HVPNL) as a party to the present Petition.

2. The representative of CTUIL confirmed that CTUIL has already given its recommendation for the grant of a transmission licence to the Petitioner.

3. In response to the specific query of the Commission with regard to the approval of the Central Government for the Project under Electricity (Transmission System Planning, Development and Recovery of Inter-state Transmission Charges) Rules, 2021 ('Transmission System Planning Rules'), the representative of CTUIL submitted

that subsequent to notification of the said Rules, a meeting was held on 5.10.2021 to discuss the transmission related issues for renewable energy by the Hon'ble Minister of Power & NRE wherein it was decided that for small works like bay addition and/or ICT augmentation up to Rs.500 crore need not be consulted in RPC and will be approved by NCT and it would not require approval of the Ministry of Power. The representative of the CTUIL handed over a copy of the Minutes of said Meeting dated 8.11.2021.

4. Considering the submissions of the representative of CTUIL and upon perusal of the said Minutes, the Commission observed that to date the requirement of the Central Government's approval to the Transmission Scheme(s), irrespective of their cost, under the Transmission System Planning Rules has not been dispensed with and in such circumstances, it would be appropriate that CTUIL may approach the Ministry of Power for a necessary clarification in this regard / amendment in the said Rules to avoid any procedural ambiguities/lacuna. In response, the representative of CTUIL confirmed that the CTUIL will approach the Ministry on the above aspect.

5. Considering the submissions of learned counsel for the Petitioner and representative of CTUIL, the Commission ordered as under:

(a) The Petitioner to implead HVPNL as a party to the Petition and to file a revised memo of parties within a week.

(b) Admit. Issue notice to the Respondents.

(c) The Respondents, including the impleaded Respondent to file their reply, if any, within two weeks with a copy to the Petitioner, who may file its rejoinder, if any, within two weeks.

(d) CTUIL to approach the Ministry of Power, Govt. of India with regard to the requirement of approval of the Central Government to the Transmission Scheme under the Transmission System Planning Rules for the Projects costing up to Rs. 500 crore vis-à-vis the Transmission Schemes/Projects approved by NCT/CTUIL as per the Ministry's Order dated 28.10.2021 and to file the outcome thereof, if any, on affidavit within a week thereafter.

6. The Petition will be listed for the hearing on **17.1.2024**.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**