

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 83/MP/2023

- Subject** : Petition under Sections 17(3) of the Electricity Act, 2003 read with the Regulation 5(1)(b) of Central Electricity Regulatory Commission (Sharing of Revenue Derived from Utilization of Transmission Assets for Other Business) Regulation, 2020, read with the directions given in the order dated 30.11.2022 of the Commission in Petition No. 247/MP/2021, seeking approval for providing on Lease/License basis the Land at various sub- stations of Petitioner to its Wholly Owned Subsidiary Company (WOS) - Powergrid Teleservices Limited for undertaking Data Center activities viz. Trivandrum, Yelahanka, Chennai, Puducherry, Hyderabad, Mapusa, Pune, Padghe, Indore, Bachau, Jhatikara, Kishenpur, Subhashgram, Pandiabili, Silchar.
- Date of Hearing** : 6.12.2023
- Coram** : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner** : Power Grid Corporation of India Limited
- Respondent** : Ajmer Vidyut Vitran Nigam Ltd. & other 47 Discoms of all India
- Parties present** : Shri Shubham Arya, Advocate, PGCIL
Shri Devanshu Sharma, Advocate, PGCIL
Shri Ravi Sharma, Advocate, MPPMCL
Shri Sudesh Yadav, PGCIL
Shri V. C. Shekhar, PGCIL
Shri Prashant Kumar, PGCIL

Record of Proceedings

The order in the matter was reserved on 23.8.2023. The matter was listed for hearing again today as the learned counsel for Madhya Pradesh Power Management Company Limited (MPPMCL) submitted that they were not given an opportunity to present their case in person.

2. Learned counsel for the Petitioner submitted that he has already completed his arguments and has also filed its rejoinder to the reply of MPPMCL and will advance his argument after the learned counsel for MPPMCL completes his submissions.

3. The learned counsel for MPPMCL made elaborate submissions on the issues of like whether a Wholly Owned Subsidiary (WOS) can undertake a telecommunication business on land associated with the sub-station, whether rental leasing is impermissible to the third party and whether sharing of revenue generated from the data centre with the



beneficiaries as proposed, is satisfactory . He further submitted that the Commission in the RoP dated 25.4.2023 in Petition No. 160/MP/2022, has observed that a WOS cannot take up a telecommunication business on behalf of the transmission licensee.

4. In response, the learned counsel for the Petitioner submitted that Petition No. 160/MP/2022 is a different matter related to granting certain limited rights to the telecom operators, and the instant petition is for the establishment of data centres in 15 sub-stations owned by the Petitioner. He submitted that as per the directions of the Commission in an order dated 30.11.2022 in Petition No. 247/MP/2021, the Petitioner has included the condition, in its model agreement with WOS, that in case the leased land is required for the transmission business, the same shall be returned by WOS in the same condition as it was taken over. He further submitted that the issues raised by MPPMCL have already been addressed by the Commission in the aforementioned order dated 30.11.2022.

5. Learned counsel for the Petitioner submitted that a backup data centre in Yelahanka Sub-station is proposed for the data centre in Manesar Sub-Station and requested to also grant permission for the same. He submitted that the Petitioner has submitted the details of the proposed backup data centre in Yelahanka Sub-station along with the layout on the affidavit, and the same does not interfere with the normal working of the Yelahanka Sub-station.

6. The Commission directed the parties to file their written submission by 25.12.2023 with an advance copy to each other and also observed that no extension of time will be granted.

7. Subject to the above, the Commission reserved the order in the matter.

By order of the Commission

sd/-
(V. Sreenivas)
Joint Chief (Law)

