



सेंद्रल ट्रान्समिशन युटिलिटी ऑफ इंडिया लिमिटेड

(पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड के स्वामित्व में)

(भारत सरकार का उद्यम)

CENTRAL TRANSMISSION UTILITY OF INDIA LTD.
(A wholly owned subsidiary of Power Grid Corporation of India Limited)
(A Government of India Enterprise)

Ref. No.: CTU/CERC/PublicHearing/TLReg/01

Date: 02.01.2024

To,
The Secretary,
Central Electricity Regulatory Commission,
3rd & 4th Floor, Chanderlok Building,
36, Janpath, New Delhi- 110001

Sub: CTU Comments & Suggestions on the Draft CERC (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2023 – reg.

Dear Sir,

This is with reference to Draft CERC (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2023, which was notified by the Hon'ble Commission vide Notice No. L-1/270/2023/CERC dated 28.11.2023.

In this regard, please find annexed CTU's comments and suggestions ["Annexure-A"] on the draft Regulations, which was also submitted by CTU during the Public hearing on the draft Regulations held on 02.01.2023.

For your kind consideration.

Thanking you,

Yours faithfully,
Ashok Pal
(Ashok Pal)
Dy. COO(CTU)

CTU's Comments on the Draft CERC (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2023

1. CTU acknowledges the Draft Regulations as very progressive and incorporating several resolutions on previously litigated issues as well as advocating a more efficient procedure for grant of transmission licences (“TLs”). CTU also reassures all the required support and assistance to the Hon’ble Commission in order to achieve the objectives of the notified Draft Regulations.
2. Further, CTU has following submissions for the kind consideration of the Hon’ble Commission on the notified Draft Regulations:
 - a. **Requirement for Standardization of Procedure(s)**

It is submitted that the present practice(s) adopted by TL applicants is varied with respect to providing copies of the TL application to CTU. Further, CTU’s recommendations have also been tailored from time to time to the specific requirements of the Hon’ble Commission without essentially corresponding to any particular format. In this regard, in order to ensure standardization and streamlining of the complete process, the following suggestions/course of action is being submitted:

- i. **Providing Copy of Applications by applicants to CTU**

As of now, the copy of TL applications is sometimes received on individual emails of CTU officers. In some cases, CTU learns about the filing of TL applications from the auto-generated notifications from the Commission’s SAUDAMINI portal. In some cases, such as the recent example of Petition No. 262/TL/2023, CTU had neither been served a copy of the petition on email nor was it mapped on the Commission’s portal.

Accordingly, it is proposed that:

- (a) The copy of the licence application shall be submitted on CTU web-portal, alongwith requisite detail [including Diary/Petition No.], as per the instructions on CTU website.
 - (b) CTU shall provide an auto-generated acknowledgement of receipt of the TL application to the applicant and shall as far as practicable provide its recommendation on the TL application within a period of ten (10) days and not later than thirty (30) days from such receipt of application with a copy to the applicant.
 - (c) The CTU portal shall also provide relevant weblinks for downloading the approvals of the relevant transmission scheme or transmission elements, as the case may be, from the websites of statutory and regulatory agencies such as CEA (for NCT Minutes of Meeting), RPCs (for regional RPC Minutes of Meeting), CTU Minutes of Consultation Meeting for ISTS (CMETS) etc. Currently, these minutes/information are available under the tab>>“**External**

Meetings [for NCT, RPC, RPC-TP etc.] and under the tab>>“**ISTS Planning & Coordination**” on CTU Website (<https://www.ctuil.in>).

ii. **Issuance of Recommendations by CTU and Uploading Recommendation on Commission’s SAUDAMINI portal:**

(a) In order to obviate procedural delay in the issuance of recommendation for grant of transmission licence, CTU proposes to issue its recommendations in a standard format. (*Draft Format for CTU Recommendation is enclosed at Annexure B*)

(b) It is requested that the Hon’ble Commission may keep the “**Add Additional Information Document**” tab open under the “**Pleadings**” section of the concerned Petition on the Saudamini Portal for upto 30 days from the date of filing of the TL application for direct submission of CTU’s recommendation on the portal, alongwith a copy to the TL applicant.

b. **Input for Modification in the Language of Provision under First Proviso to Draft Regulation 5(9)**

It is humbly submitted that the timeframe provided to CTU for issuance of recommendation on a transmission licence application is upto 30 days in terms of Section 15(4) of the Electricity Act, 2003.

Notwithstanding the aforesaid, CTU shall endeavour to submit its recommendation on the application for grant of transmission licence within a period of 10 days of receipt of the TL application, as far as practicable.

Further, it is also submitted that CTU is always present in the proceedings as an officer of the court to assist the Hon’ble Commission in the disposal of TL petitions and promptly submits its response(s) during the proceedings or within the time-frame permitted under the record of proceedings. CTU is also readily available to submit any technical, procedural or administrative clarifications.

As such, it is requested that the First Proviso to sub-regulation (9) of Regulation 5 may be deleted and the text of the provision may be paraphrased as provided hereunder.

In light of the submissions under the heads “a.” and “b.” above, it is requested that sub-regulation (3) and (9) of Draft Regulation 5 may be modified as below:

I. Draft Regulation 5(3)

5. Procedure for Grant of Licence

*(3) The applicant shall submit the original application in electronic form along with enclosures on the e-filing portal of the Commission and electronically serve the copy of such application on all the concerned DICs of the project ~~and the Central Transmission Utility~~. **Further, the applicant shall also submit the copy of the application, along with requisite details, to the Central Transmission Utility in terms of the instructions notified by it on its official website.** The application shall be served through e-mail on the concerned DICs of the project who are not registered on the e-filing portal of the Commission.*

II. Draft Regulation 5(9)

5. Procedure for Grant of Licence

(9) The Central Transmission Utility shall send its recommendations, if any, **as per the format notified under these Regulations¹**, to the Commission on the proposal made in the application as far as practicable within a period of 10 (ten) days, **but not later than 30 (thirty) days** from the date of receipt of the application with a copy to the applicant:

~~***Provided that if the Central Transmission Utility is unable to submit its recommendations within a period of 10 days, it shall inform the Commission the reasons for the same and submit its recommendations within a period of 30 (thirty) days from the date of receipt of the application.***~~

Explanation: The recommendations of the Central Transmission Utility shall not be binding on the Commission.

¹ Attached under Annexure-B to the present comments.

Annexure-B

FORMAT-TL-RECOM

CTU RECOMMENDATION FOR GRANT OF TRANSMISSION LICENCE

[Refer Regulation 5(9) of the CERC (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2023]

1. Petition/Diary No. [as per CERC Portal]:/TL/20.....
2. Date of Receipt of TL Application on Notified CTU Portal/Address: (mm/dd/yyyy)
2. Name of the TSP/Applicant:	
3. Scope of the Transmission Scheme:	
4. SCoD of the Transmission Scheme:	
5. Rationale for Transmission Scheme:	
6. Approvals (MoP/NCT/RPC/CMETS) [as applicable]:	
7. Upstream/Downstream Network (if any):	
8. Details of Connectivity Granted / Under process (if any):	
9. Any other details:	

In view of the above and based on the details furnished by[Name of the applicant], CTU, in line with Section 15(4) of the Electricity Act, 2003,[recommends/does not recommend] grant of transmission licence to[Name of the applicant] for executing the subject transmission scheme.

Place:

Name:

Date:

Designation:

CTU’s Comments on the Draft CERC (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2023

<u>Sl.No.</u>	<u>Regulation No.</u>	<u>Clause as per the draft Regulation</u>	<u>Changes proposed in draft Amendment</u>
1.	Regulation 5(3)	<p><u>5. Procedure for Grant of Licence</u></p> <p>...</p> <p><i>(3) The applicant shall submit the original application in electronic form along with enclosures on the e-filing portal of the Commission and electronically serve the copy of such application on all the concerned DICs of the project and the Central Transmission Utility. The application shall be served through e-mail on the concerned DICs of the project who are not registered on the e-filing portal of the Commission.</i></p>	<p><u>5. Procedure for Grant of Licence</u></p> <p>...</p> <p><i>(3) The applicant shall submit the original application in electronic form along with enclosures on the e-filing portal of the Commission and electronically serve the copy of such application on all the concerned DICs of the project and the Central Transmission Utility. <u>Further, the applicant shall also submit the copy of the application, along with requisite details, to the Central Transmission Utility in terms of the instructions notified by it on its official website.</u> The application shall be served through e-mail on the concerned DICs of the project who are not registered on the e-filing portal of the Commission.</i></p>
2.	Regulation 5(9) and First Proviso to Regulation 5(9).	<p><u>5. Procedure for Grant of Licence</u></p> <p>...</p> <p><i>(9) The Central Transmission Utility shall send its recommendations, if any, to the Commission on the proposal made in the application as far as practicable within a period of 10 (ten) days from the date of receipt of the application with a copy to the applicant:</i></p>	<p><u>5. Procedure for Grant of Licence</u></p> <p>...</p> <p><i>(9) The Central Transmission Utility shall send its recommendations, if any, <u>as per the format notified under these Regulations,</u> to the Commission on the proposal made in the application as far as practicable within a period of 10 (ten) days, <u>but not later than 30 (thirty) days</u> from the date of receipt of the application with a copy to the applicant:</i></p>

		<p><i>Provided that if the Central Transmission Utility is unable to submit its recommendations within a period of 10 days, it shall inform the Commission the reasons for the same and submit its recommendations within a period of 30 (thirty) days from the date of receipt of the application.</i></p> <p><i>Explanation: The recommendations of the Central Transmission Utility shall not be binding on the Commission.</i></p>	<p><i>Provided that if the Central Transmission Utility is unable to submit its recommendations within a period of 10 days, it shall inform the Commission the reasons for the same and submit its recommendations within a period of 30 (thirty) days from the date of receipt of the application.</i></p> <p><i>Explanation: The recommendations of the Central Transmission Utility shall not be binding on the Commission.</i></p>
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