

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 44/TL/2024

- Subject : Petition under Section 14 of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2009 for grant of separate Transmission Licence to POWERGRID Bhuj Transmission Limited (earlier known as Bhuj-II Transmission Limited) for implementation of communication system- “Requirement of addition FOTE of STM-16 capacity at Bhuj-II sub-station to cater to connectivity of RE Gencos” through the Regulated Tariff Mechanism (RTM).
- Date of Hearing : **8.5.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
- Petitioner : POWERGRID Bhuj Transmission Limited (PBTL)
- Respondents : Madhya Pradesh Power Management Company Ltd.& Ors.
- Parties Present : Shri Shubham Arya, Advocate, PBTL
Shri Ravi Nair, Advocate, PBTL
Shri Devyanshu Sharma, Advocate, PBTL
Shri Abhijit, PBTL
Shri Ranjeet Rajput, CTUIL
Shri Akshayvat Kislay, CTUIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed for the grant of a separate transmission licence for the implementation of the communication system- “Requirement of addition FOTE of STM-16 capacity at Bhuj-II sub-station to cater to the connectivity of RE Gencos” through the Regulated Tariff Mechanism (RTM). Learned counsel further submitted that vide order dated 18.4.2024; the Commission has held that the Petitioner is eligible for a grant of transmission licence and, consequently, directed to issue public notice under Section 15(5)(a) of the Electricity Act, 2003 inviting suggestion or objection to the grant of a transmission licence to the Petitioner. Learned counsel further submitted that, as such, no suggestion or objection has been received so far.

2. In response to the Commission's specific observation whether there is a requirement to issue a separate transmission licence for implementation of communication system element rather than considering it under the scope of Change in Law provisions of the existing Transmission Service Agreement, the learned counsel for the Petitioner, as well as the representative of CTUIL, submitted that the said element would qualify under "works"/"other works" under the definitions of the "Power System"/"Transmission lines" as provided in the Electricity Act, 2003. Learned counsel, however, stated that the Petitioner, as such, has no objection if the Commission deems it appropriate to consider such element as an additional scope of work under the existing Transmission Service Agreement and provide a suitable mechanism for recovery of its costs while considering it under Change in Law provisions. However, the learned counsel pointed out this approach might lead to a situation where the expenditure incurred towards such element may not cross the minimum threshold provided for availing the Change in Law relief under the agreement.

3. Considering the submissions made by the learned counsel for the Petitioner and the representative of CTUIL, the Commission directed the parties to furnish their clarifications within a week in respect of the following:

(a) Clarification as to how the element involved in the instant case would qualify for a grant of the transmission licence.

(b) Explore and submit the other available options for recovering the expenditure to be incurred against the execution of work covered under the present Petition without the grant of the transmission licence.

4. Subject to the above, the Commissions reserved the matter for order.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)