

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 100/TL/2024

**Coram:
Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member**

Date of Order: 9th August, 2024

In the matter of

Petition under Sections 14, 15, and 79(1)(e) of Electricity Act, 2003 read with the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2009 seeking grant of the transmission Licence for Dhule Power Transmission Limited.

And

In the matter of

Dhule Power Transmission Limited,
Windsor, 1st Floor, Unit No. 101, Kalina
Santracruz, East Mumbai- 400098 (Maharashtra).

....Petitioner

Vs

- 1. Central Transmission Utility of India Limited,**
Saudamini, Plot No.2, Sector-29,
Gurgaon-122001.
- 2. REC Power Development & Consultancy Limited,**
D-Block, REC Headquarter,
Plot No. I-4, Sector-29,
Gurgaon-122001.
- 3. Madhya Pradesh Power Transmission Company Limited,**
Block No. 11, 1st Floor,
Shakti Bhawan, Rampur,
Jabalpur– 482008 (Madhya Pradesh).
- 4. Chhattisgarh State Power Distribution Company Limited,**
Chhattisgarh State Power Trading Company Limited,
2nd floor Vidyut Seva Bhawan,
Dangania, Raipur– 492010 (Chhattisgarh).
- 5. Goa Electricity Department,**
3rd floor, Vidyut Bhavan,
Electricity Department, Government of Goa,
Panaji-Goa, Panaji (Panjim)- 403001 (Goa).

- 6. Gujarat Urja Vikas Nigam Limited,**
Commerce Department 2nd Floor,
Sardar Patel Vidyut Bhavan,
Race Course, Vadodara– 390007 (Gujarat).
- 7. Heavy Water Board,**
O Floor, Vikram Sarabhai Bhavan,
Trombay, Anushaktinagar,
Mumbai – 400094 (Maharashtra).
- 8. HVDC Bhadrawati, PGCIL,**
PGCIL RHQ, WR-I, Sampriti Nagar,
Off National Highway No. 8,
Taluka: Kamrej, PO: Uppalwadi ,
Nagpur- 440026 (Maharashtra).
- 9. HVDC Vindhyachal, PGCIL,**
Power Grid Corporation of India Ltd,
P.O. Vindhyanagar, P.Box.No.12,
Singrauli- 486885 (Madhya Pradesh).
- 10. M.P. Power Management Company Limited,**
Block No. 11, 1st Floor, Shakti Bhawan,
Rampur, Jabalpur- 482008 (Madhya Pradesh).
- 11. Maharashtra State Electricity Distribution Company Limited,**
Prakashgad, plot No G-9, A K Marg, Bandra (East),
Mumbai– 400051 (Maharashtra).
- 12. ACB India Limited,**
7th Floor, Corporate Tower, Ambience Mall,
NH-8, Gurgaon-122001(Haryana).
- 13. Torrent Power Limited,**
Samanvay, 600, Tapovan,
Ambavadi, Ahmedabad– 380015 (Gujarat).
- 14. West Bengal State Electricity Distribution Company Limited,**
Vidyut Bhavan, Block-DJ,
Sector-II, Salt Lake, Kolkata-70009.
- 15. Thermal Powertech Corporation India,**
6-3-1090, Block-A,
Level-5, TSR Towers, Raj Bhavan Road, Somajiguda,
Hyderabad– 500082 (Andhra Pradesh).
- 16. Bhabha Atomic Research Centre,**
Anushakti Nagar, Mumbai– 400085 (Maharashtra).

- 17. GMR Warora Energy Limited,**
New Shakti Bhavan Bldg. No. 302,
New Udaan Bhavan Complex,
Adjacent to Terminal 3,
IGI Airport, New Delhi –110037.
- 18. HVDC Champa,**
Saudamini, Plot No.2,
Sector 29, Gurgaon -122001(Haryana).
- 19. West Central Railway Head Office,**
General Manager's Office, Electrical Branch,
Jabalpur–482001.
- 20. Western Railway,**
Office of Chief Electrical Engineer,
Mumbai.
- 21. East Central Railway,**
CEDE, Office of Chief Electrical Engineer,
ECR, Zonal Head Quarter,
Dighikala, Patna– 844101 (Bihar).
- 22. DB Power Limited- Untied,**
3rd floor, Naman Corporate Link,
Opp Dena Bank, C-31, G block,
Bandra Kurla Complex,
Bandra (East), Mumbai– 400051 (Maharashtra).
- 23. Chhattisgarh State Power Trading Company Limited,**
2nd floor Vidyut Seva Bhawan,
Dangania, Raipur– 492010 (Chhattisgarh).
- 24. TRN Energy Private Ltd-Untied,**
18, Vasant Enclave, Rao Tula Ram Marg,
New Delhi-110057.
- 25. Adani Power (Mundra) Limited,**
Adani Corporate House Shantigram,
Near Vaishno Devi circle,
S G Highway Ahmedabad Gujarat India,
Ahmedabad–382421 (Gujarat).
- 26. Raigarh HVDC Station,**
RPT HVDC Office, Hebbal,
Bangalore 560094, Bengaluru–560094 (Karnataka).
- 27. Arcelor Mittal Nippon Steel India Limited,**
27KM Surat Hazira Road, Surat Hazira,
Surat–394270 (Gujarat).

28. Central Railway,
Central Railway, Electrical Branch (HQ),
2nd Fl., Parcel Office Bldg., Mumbai-400001 (Maharashtra).

**29. Dadra and Nagar Haveli and
Daman and Power Distribution Corporation Ltd.,**
1st & 2nd Floor, Vidyut Bhavan, Silvassa–39623,
(Dadra & Nagar Haveli).

30. MPSEZ Utilities Limited,
Adani Corporate House, Shantigram,
Near Vaishno Devi Circle,
S.G. Highway, Khodiyar,
Ahmedabad–382421 (Gujarat).

.... Respondents

Parties present:

Ms. Aparajita Upadhyay, Advocate, DPTL
Shri Lokendra Singh, DPTL
Shri Jitendra Singh, RECPDCL
Shri Siddarth Sharma, CTUIL
Shri Akshayvat Kislay, CTUIL

ORDER

The Petitioner, Dhule Power Transmission Limited, has filed the present Petition for the grant of a transmission licence under Sections 14, 15 and 79(1)(e) of the Electricity Act, 2003 (hereinafter referred to as “the Act”) read with the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009 (hereinafter referred to as “Transmission Licence Regulations”) to implement the Transmission System for the “Transmission Scheme for evacuation of power from Dhule 2 GWREZ” on a Build, Own, Operate and Transfer basis (hereinafter referred to as “the Project”) consisting of the following elements:

S. No.	Name of Transmission Element	Scheduled COD in months from the Effective Date
1.	Establishment of 4x500 MVA, 400/220 kV Pooling Station near Dhule along with 2x125 MVar (420 kV) Bus Reactors.	

S. No.	Name of Transmission Element	Scheduled COD in months from the Effective Date
	<ul style="list-style-type: none"> • 400/220 kV, 500 MVA ICT – 4 Nos. • 400 kV ICT bays – 4 Nos. • 220 kV ICT bays – 4 Nos. (2 Nos. on 220 kV bus section 1 and 2 Nos. on 220 kV bus section 2) • 400 kV line bays – 2 Nos. • 125 MVA, 420 kV Bus reactor – 2 Nos. • Bus reactor bay: 2 Nos. • 220 kV Bus coupler bay- 2 Nos. • Transfer Bus Coupler (TBC) bay - 2 Nos. • 220 kV line bays – 7 Nos. (for RE interconnection out of which 4 Nos. would be on 220 kV bus section 1 and 3 Nos. on 220 kV bus section 2) • 220 kV Bus Sectionalizer- 1 set <p>Future provision Space for</p> <ul style="list-style-type: none"> ➤ 400 kV line bays along with switchable line reactor – 8 Nos. ➤ 400/220 kV ICT along with bays -6 Nos. ➤ 400 kV Bus Reactor along with bays: 2 Nos. ➤ 400 kV Bus Sectionalization bay: 1- set ➤ 220 kV line bays: 9 Nos. ➤ 220 kV Sectionalization bay: 1 set <p>220 kV BC and TBC: 1 Nos.</p>	24 months
2.	Dhule PS – Dhule (BDTCL) 400 kV D/c line (Quad ACSR/AAAC/AL59 Moose equivalent)	
3.	2 Nos. 400 kV line bays at Dhule (BDTCL) for Dhule PS – Dhule (BDTCL) 400 kV D/c Line 400 kV Line bays – 2 Nos.	

Note: BDTCL shall provide space for 2 Nos. of 400 kV line bays for termination of Dhule PS –Dhule (BDTCL) 400 kV D/c Line.

2. Based on the competitive bidding carried out by the REC Power Development

& Consultancy Limited (RECPDCL), in its capacity as the Bid Process Coordinator (BPC), in accordance with the Guidelines issued by the Ministry of Power, Government of India under Section 63 of the Act, Consortium of M/s Indigrd 1 Limited and Indigrd 2 Limited was declared a successful bidder with the lowest quoted annual transmission charges of Rs. 528.27 million.

3. The Commission, after considering the application of the Petitioner in light of the provisions of the Act and the Transmission Licence Regulations, in its order dated 9.7.2024, *prima facie* proposed to grant a transmission licence to the Petitioner. The relevant extracts of the order dated 9.7.2024 are extracted as under:

*“29. Considering the material on record, we are prima-facie of the view that the Petitioner satisfies the conditions for the grant of inter-State transmission licence under Section 15 of the Act read with the Transmission Licence Regulations for construction, operation, and maintenance of the transmission system as described in para 1 of this order. We, therefore, direct that a public notice under clause (a) of sub-section (5) of Section 15 of the Act be published to invite suggestions or objections to the grant of the aforesaid transmission licence. The objections or suggestions, if any, be filed by any person before the Commission by **23.7.2024.**”*

4. A public notice under Sub-section (5) of Section 15 of the Act was published in all editions of the Indian Express (English) on 13.7.2024 and Rashtriya Sahara (Hindi) on 14.7.2024. No suggestions/ objections have been received from members of the public in response to the public notice.

5. The case was called out for a hearing on 25.7.2024. It was submitted by the learned counsel for the Petitioner that, pursuant to the direction of the Commission vide Record of Proceedings for the hearing dated 20.5.2024, CTUIL, vide its affidavit dated 26.6.2024, has submitted the reason for the mismatch of approximately 11 months in scheduled dates between the transmission system and the generator. Learned counsel further referred to the Petitioner’s affidavit dated 8.7.2024 and

submitted that to ensure that the Petitioner is not adversely affected due to the mismatch apparent in the present case, CTUIL be directed to start payment of the Petitioner's Transmission Project from the POC pool from the date the Petitioner declares COD/ deemed COD in terms of the TSA, regardless of whether any RE generators are ready and/or available to evacuate the power from the transmission project. Alternatively, the Petitioner should be allowed to recover the (i) Interest During Construction (IDC), and (ii) Incidental Expenditure During Construction (IEDC) for the period of the mismatch as per the relief for Change in Law/ Force Majeure events provided in Schedule 9 of the TSA.

6. As regards the grant of a transmission licence, Clauses (13) and (14) of Regulation 5 of the 2024 Transmission Licence Regulations provide as under:

“(13) The Commission may, after consideration of the further suggestions and objections, if any, received in response to the public notice in terms of Clause (12) of this Regulation, grant licence to the applicant in Form-III appended to these regulations or for reasons to be recorded in writing, reject the application.

(14) The Commission shall before granting licence or rejecting the application under the provisions of this Regulation provide an opportunity of hearing to the applicant, CTUIL, the concerned DICs, or the person who has filed suggestions and objections, or any other interested person.”

7. In our order dated 9.7.2024, we had proposed to grant a transmission licence to the Petitioner company and directed the issue of public notice. In response to the public notice, no suggestions/objections have been received. CTUIL, in its letter dated 6.3.2024, has recommended the grant of a transmission licence to the Petitioner. We find that the Petitioner company meets the requirements of the Act and the Transmission Licence Regulations (now repealed) for the grant of a transmission licence for the subject Transmission System mentioned in paragraph 1 of this order. Considering the submissions of the Petitioner and CTUIL, we direct that

a transmission licence be granted to the Petitioner, 'Dhule Power Transmission Limited,' for the grant of a transmission licence in order to implement the transmission system for the "Transmission Scheme for evacuation of power from Dhule 2 GWREZ" on a Build, Own, Operate and Transfer basis as per the details given in paragraph 1 above.

8. The grant of the transmission licence to the Petitioner (hereinafter referred to as "the licensee") is subject to the fulfilment of the following conditions throughout the period of licence:

(a) The transmission licence shall, unless revoked earlier, remain in force for a period of 25 years from the date of issue;

(b) The transmission licensee shall comply with the provisions of the Central Electricity Regulatory Commission (Procedure, Terms, and Conditions for grant of Transmission Licence and other related matters) Regulations, 2014 (hereinafter referred to as "2024 Transmission Licence Regulations") or any subsequent enactment thereof during the period of subsistence of the licence;

(c) The licensee may make an application, two years before the expiry of the initial licence period, for the grant of the transmission licence for another term in accordance with Regulation 9 (2) of the 2024 Transmission Licence Regulations, which shall be considered by the Commission in accordance with law;

(d) The licensee shall not enter into any contract for or otherwise engage in the business of trading in electricity during the period of subsistence of the transmission licence;

(e) The licensee shall have the liability to pay the license fee in accordance with the provisions of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, as amended from time to time or any subsequent enactment thereof. Delay in payment or non-payment of licence fee or a part thereof for a period exceeding sixty days shall be construed as a breach of the terms and conditions of the licence;

(f) The licensee shall comply with the directions of the National Load Despatch Centre under Section 26 of the Act, or the Regional Load Despatch Centre under sub-section (3) of Section 28 or sub-section (1) of Section 29 of the Act, as may be issued from time to time for maintaining the availability of the transmission system;

(g) The licensee shall remain bound by the provisions of Central Electricity Regulatory Commission (Standard of Performance of inter-State transmission licensees) Regulations, 2012 or subsequent enactment thereof;

(h) The licensee shall provide the non-discriminatory open access to its Transmission System for use by any other licensee, including a distribution licensee or an electricity trader, or generating company or any other person in accordance with the Act; the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008; the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2023; the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2023, as amended from time to time or any subsequent re-enactments thereof;

- (i) The licensee shall not undertake any other business for optimum utilization of the Transmission System without prior intimation to the Commission and shall comply with the provisions of the Central Electricity Regulatory Commission (Sharing of Revenue Derived from Utilization of Transmission Assets for other business) Regulations, 2020;
- (j) The licensee shall remain bound by provisions of the Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2020 as amended from time to time;
- (k) The licensee shall remain bound by the provisions of the Act, the Rules and Regulations framed thereunder, in particular the 2024 Transmission Licence Regulations, the Grid Code, the Standards specified by the Central Electricity Authority, orders and directions of the Commission issued from time to time;
- (l) The licensee shall ensure the execution of the Project as per the Technical Standards and Grid Standards of CEA;
- (m) The licensee shall submit all such report or information as may be required under 2024 Transmission Licence Regulations, Standard of Performance Regulations or any other regulation of the Commission or as per the directions of the Commission as may be issued from time to time;
- (n) The licensee shall ensure that the EPC contract for the execution of work under the scope of the project is awarded through a competitive bidding process.

9. CTUIL/its appointed Independent Engineer and the Central Electricity Authority shall monitor the execution of the Project and bring to the Commission's notice any lapse on the part of the licensee in meeting the schedule for further appropriate action in accordance with the provisions of the Transmission Service Agreement executed between the licensee and the Nodal Agency, the Act and the Transmission Licence Regulations.

10. It is expected that while carrying out the survey, the Petitioner has complied with the provisions of clauses 2.5.7.3, 2.5.7.4, and 2.5.7.5 of the RfP. The Petitioner will comply with the provisions of the bidding documents and the TSA for the commissioning of the Project within the SCOD in letter and spirit.

11. The Petitioner has submitted that in case of mismatch, CTUIL be directed to start the payment of the Petitioner's transmission Project from the POC pool from the date the declaration of COD/ deemed COD in terms of the TSA and the Petitioner should be allowed relief towards the Change in Law and force majeure events in terms of the TSA. It is noticed that the scope of the present Petition is limited to grant the transmission licence and the Petitioner is at liberty to approach the Commission after execution of the transmission project which shall be dealt with in accordance with the law. Therefore, the Petitioner's contention is not sustainable at this stage. However, CTUIL may plan the system in coordination with the REIAs and MNRE for optimum utilization of the transmission system.

12. An extract copy of this order be sent to CTUIL, CEA and BPC for information and necessary action.

13. Petition No. 100/TL/2024 is allowed in terms of the above.

Sd/-
(Ramesh Babu V.)
Member

sd/-
(Jishnu Barua)
Chairperson