

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 100/TL/2024**

**Coram:  
Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member**

**Date of Order: 9<sup>th</sup> July, 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 Transmission License for Dhule Power Transmission Limited.

**And**

**In the matter of**

**Dhule Power Transmission Limited,**  
Windsor, 1<sup>st</sup> Floor, Unit No. 101, Kalina  
Santracruz, East Mumbai  
Maharashtra- 400098

....**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, Madhya Pradesh – 482008
- 4. Chhattisgarh State Power Distribution Company Limited,**  
Chhattisgarh State Power Trading Company Limited,  
2nd floor Vidyut Seva Bhawan,  
Dangania, Raipur Chhattisgarh, Raipur,  
Chhattisgarh – 492010

- 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,  
Madhya Pradesh – 486885
- 10. M.P. Power Management Company Limited,**  
Block No. 11, 1st Floor, Shakti Bhawan,  
Rampur, Jabalpur,  
Madhya Pradesh – 482008
- 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-122 001(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– 482 001
- 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 Pranagobinda, DPTL  
Shri Jitendra Singh, RECPDCL  
Shri Ranjeet Rajput, CTUIL  
Shri Akshayvat Kislav, 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 “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.	<p>Establishment of 4x500 MVA, 400/220 kV Pooling Station near Dhule along with 2x125 MVA (420 kV) Bus Reactors.</p> <ul style="list-style-type: none"> <li>• 400/220 kV, 500 MVA ICT – 4 Nos.</li> <li>• 400 kV ICT bays – 4 Nos.</li> <li>• 220 kV ICT bays – 4 Nos. (2 Nos. on 220 kV bus section 1 and 2 Nos. on 220 kV bus section 2)</li> <li>• 400 kV line bays – 2 Nos.</li> <li>• 125 MVA, 420 kV Bus reactor – 2 Nos.</li> <li>• Bus reactor bay: 2 Nos.</li> <li>• 220 kV Bus coupler bay- 2 Nos.</li> <li>• Transfer Bus Coupler (TBC) bay - 2 Nos.</li> <li>• 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)</li> <li>• 220 kV Bus Sectionalizer- 1 set</li> </ul> <p>Future provision Space for</p> <ul style="list-style-type: none"> <li>➤ 400 kV line bays along with switchable line reactor – 8 Nos.</li> <li>➤ 400/220 kV ICT along with bays -6 Nos.</li> <li>➤ 400 kV Bus Reactor along with bays: 2 Nos.</li> <li>➤ 400 kV Bus Sectionalization bay: 1- set</li> <li>➤ 220 kV line bays: 9 Nos.</li> <li>➤ 220 kV Sectionalization bay: 1 set</li> </ul> <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)	

S. No.	Name of Transmission Element	Scheduled COD in months from the Effective Date
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. The Petitioner has made the following prayers:

*“(a) Issue/Grant the Transmission License to the Applicant/ Petitioner, Dhule Power Transmission Limited for establishing, operating and maintaining the Inter-State “Transmission Scheme for evacuation of Power from Dhule 2 GW REZ” comprising of assets elements as detailed in the present petition, in terms of Sections 14, 15 and 79 (1) (e) of the Electricity Act;*

*(b) Condone any inadvertent errors omissions/ errors / shortcomings and permit the Applicant to add/change/modify/alter these pleadings and make further submissions as may be required at a future date;*

*(c) Pass such other order / orders, as may be deemed fit and proper in the facts & circumstances of the case.”*

**Hearing dated 10.4.2024**

3. During the course of the hearing on 10.4.2024, the learned counsel for the Petitioner submitted that the Petitioner has complied with the requirements, including publication of notice(s) under the provisions of the Transmission Licence Regulations and CTUIL has submitted its recommendations for the grant of a transmission licence to the Petitioner under Section 15(4) of the Act.

4. Vide Record of Proceedings for the hearing dated 10.4.2024, the Petitioner was directed to implead all the Western Region Beneficiaries as a party to the Petition and file a revised memo of parties. In response, the Petitioner, vide its affidavit dated 3.6.2024, filed a revised memo of parties.

5. CTUIL, vide Record of Proceedings for the hearing dated 10.4.2024, was directed to submit the details of the mismatch. In response, CTUIL, vide its affidavit dated 7.5.2024, has submitted as under:

(a) "The Transmission Scheme for the evacuation of power from Dhule 2GW REZ" has been planned on potential basis to enable evacuation of power from Dhule 2 GW REZ, which is part of 181.5 GW REZ planned towards achievement of the 500 GW target by 2030. The scheme is currently under implementation with SCOD as 8.2.2026.

(b) M/s Avaada Energy Pvt. Ltd. has been granted in-principle Connectivity under GNA for 50 MW at Dhule with the start date of Connectivity as 31.12.2026 (as per the date sought by the applicant vide letter dated 21.02.2024). No other applications for Connectivity at Dhule have yet been received.

6. In addition, the Respondents were directed to file their respective replies. However, no reply has been filed by the Respondents.

#### **Hearing dated 8.5.2024**

7. During the course of the hearing on 8.5.2024, the learned counsel for the Petitioner submitted that pursuant to the direction of the Commission vide Record of Proceedings for the hearing dated 10.4.2024, CTUIL, vide its affidavit dated 7.5.2024 has indicated that while the Scheduled Commercial Operation Date (SCOD) of the Project is 8.2.2026, a renewable project developer, namely, Avaada Energy Private Limited has been granted in-principle connectivity under GNA for the 50 MW at Dhule with start date of connectivity as 31.12.2026 and no other applications for the connectivity at Dhule have yet been received. Learned counsel accordingly pointed out that there seems to be a mismatch of approximately 11 months in the SCOD of the Project and that of the Renewable Energy Project.

8. The representative of CTUIL submitted that the Project had been planned on the potential basis to enable the evacuation of power from Dhule 2 GW REZ, which is part of the 181.5 GW REZ planned towards the achievement of the 500 GW target by 2030. The representative of CTUIL further submitted that although presently one RE developer has been granted in-principle connectivity at Dhule, CTUIL is expecting more such RE generators to come up in the near future, and the issue of mismatch in their SCOD would not arise. He further added that insofar as the planning aspect is concerned, the first priority is given to ensure that there is no mismatch in the SCODs of the transmission elements (upstream / downstream network), and at that stage, precise detail/ knowledge about the upcoming generation is not available and only at subsequent stages, efforts are made to avoid the issues of mismatch in the SCODs of the transmission elements and RE Projects. In response to the same, learned counsel for the Petitioner submitted that as there appears to be a mismatch of approximately 11 months, the Commission may consider devising a mechanism to ensure that the Petitioner is not adversely affected in this regard. Learned counsel sought liberty to file a brief submission on the above aspect.

9. Vide Record of Proceedings for the hearing dated 8.5.2024, CTUIL was directed to clarify on an affidavit how the mismatch in scheduled dates between the transmission system and the generator can be addressed in the instant case, and the Petitioner was directed to file a brief submission on the above aspect within a week.

10. In compliance with the RoP for the hearing dated 8.5.2024, CTUIL vide affidavit dated 26.6.2024 has submitted that to facilitate the integration of 500GW non-fossil generation capacity, transmission system for evacuation of 2GW RE potential at Dhule area of Maharashtra was planned, in advance, considering the lower gestation period

for commissioning of RE Power Plants with respect to the implementation timeframe of the transmission scheme. The subject scheme was deliberated & agreed in the 11<sup>th</sup> Consultation Meeting for Evolving Transmission Schemes in Western Region held on 30.09.2022, wherein it was noted that SECI vide e-mail dated 1.9.2022 submitted revised Phasing of RE potential Zones (181.5GW) in Western Region which *inter alia* included 2GW potential at Dhule under Phase-I with implementation timeframe of March 2025. CTUIL has further submitted that subsequently, the “Transmission Scheme for evacuation of power from Dhule 2 GW REZ” was awarded to Dhule Power Transmission Limited (DPTL) on 9.2.2024 under TBCB route with an implementation timeframe of 24 months (i.e. 09.02.2026) from effective date. In-Principle Connectivity has been granted to Avaada Energy Private Limited (AEPL) for 50 MW at Dhule PS with the start date of Connectivity as 31.12.2026 based on the start date requested by the applicant. Further, there is a possibility that the other RE generators may also seek Connectivity at Dhule PS from an earlier date as the gestation period of RE is shorter.

11. We have considered the submissions of CTUIL that the instant transmission scheme has been planned on a potential basis and that there is a possibility that the other RE generators may also seek Connectivity at Dhule PS from an earlier date as the gestation period of RE is shorter. It is desired that CTUIL may plan the system in coordination with REIAs and MNRE for optimum utilization of transmission System.

12. Further, despite our specific direction, the Petitioner has not filed its submissions on the issue of mismatch. Since no response has been received from the Petitioner, we proceed to discuss the issue of granting a transmission licence to the Petitioner company in terms of the Transmission Licence Regulations for the subject ISTS scheme.

13. The Petitioner has submitted that in accordance with the “Guidelines for Encouraging Competition in Development of Transmission Projects” and “Tariff Based Competitive Bidding Guidelines for Transmission Service” (hereinafter referred to as “the Guidelines”) issued by the Ministry of Power, Government of India, under Section 63 of the Act, REC Power Development & Consultancy Limited (RECPDCL) was notified by the Ministry of Power, Government of India, vide Gazette Notification dated 13.4.2023 as the Bid Process Coordinator (BPC) for the purpose of selection of bidder as the Transmission Service Provider (TSP) to establish the “Transmission Scheme for evacuation of power from Dhule 2 GWREZ” on a Build, Own, Operate and Transfer basis (BOOT).

14. RECPDCL, in its capacity as the BPC, initiated the bid process on 22.5.2023 and completed the same on 9.2.2024 in accordance with the Guidelines. A consortium of M/s Indigrd 1 Limited and Indigrd 2 Limited was selected as the successful bidder, having quoted the lowest transmission charges of Rs. 528.27 million in order to provide transmission services to the beneficiaries of the transmission system.

15. The RfP was issued on 22.5.2023. At the RfP (Technical and Financial) stage, six bidders, namely, (i) Indigrd 1 Limited and Indigrd 2 Limited- Consortium, (ii) Torrent Power Limited, (iii) Techno Electric & Engineering Company Limited, (iv) Apraava Energy Private Limited (formerly known as CLP India Private Limited), (v) Sterlite Grid 33 Limited and (vi) Power Grid Corporation of India Limited submitted their offers. The RfP (Technical bids) of the six bidders were opened by the Bid Opening Committee on 19.12.2023 in the presence of a representative of the bidders. The lowest Initial Price Offer discovered (Best Deal) at the MSTC portal was Rs.

572.50 million. The details of the quoted transmission charges by the bidders are given below:

Sr. No.	Name of the Bidder	Quoted Transmission Charges as per the Initial Offer (in Rs. Million)	Rank
1.	M/s Indigrid 2 Limited and Indigrid 1 Limited- Consortium	572.50	L1
2.	M/s Torrent Power Limited	607.00	L2
3.	M/s Techno Electric & Engineering Company Limited	670.00	L3
4.	M/s Apraava Energy Private Limited (formerly known as CLP India Private Limited)	676.00	L4
5.	M/s Sterlite Grid 33 Limited	690.10	L5
6.	M/s Power Grid Corporation of India Limited	730.53	L6

16. As per Clause 3.5.1 of the RfP document, Initial Offers shall be ranked on the basis of ascending order for determination of the Qualified Bidders. The Bidders holding the first fifty per cent of the ranks (with any fraction rounded off to a higher integer) or four Bidders, whichever is higher, shall be considered to be qualified for participating in the electronic reverse auction stage and submitting their Final Offer.

17. The e-reverse auction of four bidders was carried out at the MSTC portal on 20.12.2023. The following transmission charges, as quoted by each bidder, emerged:

Sr. No.	Name of the Bidder	Transmission Charges from the Initial Offer (Rs. in Million)	Transmission Charges from the Final Offer (Rs. in Million)	Rank
1.	Indigrid 2 Limited and Indigrid 1 Limited- Consortium	572.50	528.27	L1
2.	Torrent Power Limited	607.00	529.60	L2
3.	Techno Electric & Engineering Company Limited	670.00	545.82	L3

4.	Apraava Energy Private Limited (formerly known as CLP India Private Limited)	676.00	No bid received in electric reverse auction	L4
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18. As per the Bid Evaluation Report dated 26.12.2023, the Consortium of M/s Indigrd 2 Limited (Lead Member) and Indigrd 1 Limited emerged as the successful bidder with the lowest quoted transmission charges of Rs. 528.27 million. BEC, vide its certificate dated 26.12.2023, has certified that the entire bid process has been carried out in accordance with the Guidelines issued by the Ministry of Power under Section 63 of the Act. BEC has further certified that the transmission charges discovered through the e-reverse auction are acceptable.

19. Consequent to its selection as the lowest bidder, a Letter of Intent (LoI) was issued to the consortium of M/s Indigrd 2 Limited (Lead Member) and Indigrd 1 Limited by the BPC on 29.12.2023, which was accepted by the consortium of M/s Indigrd 2 Limited (Lead Member) and Indigrd 1 Limited. Under the terms of RfP and the Letter of Intent, the successful bidder is obligated to accomplish the following tasks:

- (a) Provide the Contract Performance Guarantee in favour of Central Transmission Utility of India Limited (CTUIL);
- (b) Execute the Share Purchase Agreement and Transmission Service Agreement;
- (c) Acquire, for the Acquisition Price, a 100% equity share of Dhule Power Transmission Limited from RECPDCL along with all its related assets and liabilities;

(d) Make an application to this Commission for the adoption of transmission charges, as required under Section 63 of the Act; and

(e) Apply to this Commission for the grant of transmission licence;

20. The Petitioner has furnished the Contract Performance Guarantee (CPG) in favour of Nodal Agency, i.e. CTUIL, for Rs. 18.00 crore on 8.2.2024 and acquired a hundred per cent equity holding in Dhule Power Transmission Limited on 9.2.2024. The Petitioner entered into a Transmission Service Agreement (TSA) with CTUIL on 9.2.2024.

21. Section 14 of the Act provides that the Appropriate Commission may, on an application made under Section 15 of the Act, grant a licence to any person to transmit electricity as a transmission licensee in any area as may be specified in the licence. The word "person" has been defined in Section 2(49) of the Act to include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person. The Petitioner has been incorporated under the Companies Act 2013. The main objective of the Petitioner Company is as under:

*"To plan, promote and develop an integrated and efficient power transmission system network in all its aspects including planning, investigation, research, design and engineering, preparation of preliminary, feasibility and definite project reports, construction, operation and maintenance of transmission lines, sub-stations, load dispatch stations and communication facilities and appurtenant works, coordination of integrated operation of state, regional and national grid system, execution of turn-key jobs for other utilities/organizations and wheeling of power in accordance with the policies, guidelines and objectives laid down by the Central Government from time to time"*

22. Section 15(1) of the Act provides that every application under Section 14 of the Act shall be made in such manner and in such form as may be specified by the Appropriate Commission and shall be accompanied by such fees as may be

prescribed by the Central Government. The Commission has specified Transmission Licence Regulations in this regard. Regulation 3 of the Transmission Licence Regulations provides that the Empowered Committee shall identify the Projects included in the transmission plan to be developed under the Guidelines issued under Section 63 of the Act. Regulation 4 of the Transmission Licence Regulations provides that in case of projects identified for development under the Guidelines for competitive bidding, the selection of the project developer shall be made in accordance with the procedure laid down in the Guidelines. The Project under consideration has been identified for development under competitive bidding by a competent authority in the Ministry of Power/CEA vide its letter 25-17/36/2023-PG dated 6.11.2023 had issued prior approval to the Project under Section 68 of the Act. The selection of the project developer, Dhule Power Transmission Limited, has been certified to have been made in accordance with the Guidelines for competitive bidding.

23. Regulation 7 of the Transmission Licence Regulations read with the order dated 22.1.2022 passed in Petition No.1/SM/2022, whereby the Commission, in the exercise of 'Power to Relax' under Regulation 24 of the Transmission Licence Regulations, modified/amended Clause (4), Clause (7), Clause (9) and Clause (12) and dispensed with Clause (10) of Regulation 7] provide for the procedure for the grant of transmission licence as under:

*“(1) The application for grant of transmission licence shall be made to the Commission in Form-I appended to these regulations and shall be accompanied by such fees as may be prescribed by the Central Government from time to time.*

*(2) In case of the person selected for implementation of the project in accordance with the guidelines for competitive bidding, the application shall also contain such additional information, as may be required under these guidelines.*

(3) *The application shall be supported by affidavit of the person acquainted with the facts stated therein.*

(4) *Before making an application, the applicant shall submit the original application in electronic form along with annexures and enclosures on the e-filing portal of the Commission so that the same is served electronically on all the long-term customers of the project registered on the e-filing portal of the Commission. Also, a copy of the same be served through e-mail on the long term customers of the project not registered on the e-filing portal of the Commission. Further, the applicant shall also post the complete application along with annexures and enclosures in English and in the vernacular language, on its website.*

(5) *The application shall be kept on the website till such time the licence is issued or the application is rejected by the Commission.*

(6) *Immediately on making the application, the applicant shall forward a copy of the application to the Central Transmission Utility.*

(7) *The applicant shall, within 7 days after filing the application, post the application on the e-filing portal of the Commission and on its website in Form-II attached to these regulations in English language and in Vernacular language of the State or Union Territory where an element of the project or a long-term customer is situated, inviting comments from the general public.*

(8) *As far as possible, within 7 days of receipt of the application the Secretariat of the Commission shall convey defects, if any, if noticed on preliminary scrutiny of the application for rectification and the defects conveyed shall be rectified by the applicant in such time as may be indicated in the letter conveying the defects.*

(9) *In the notice published on the e-filing portal of the Commission and on the applicant's website under clause (7) it shall be indicated that the suggestions and objections, if any, on the application, may be filed before the Secretary, Central Electricity Regulatory Commission, Third Floor, Chanderlok Building, Janpath, New Delhi-110001 (or the address where the office of the Commission is situated), with a copy to the applicant, by any person, including the long-term customers, within 30 days of publication of the notice*

.....

(10) *The Central Transmission Utility shall send its recommendations, if any, to the Commission on the proposal made in the application within a period of thirty days from the date of receipt of application by it:*

*Provided that copy of the recommendations, if any, made by the Central Transmission Utility shall always be forwarded to the applicant:*

*Provided further that these recommendations of the Central Transmission Utility shall not be binding on the Commission.*

*(11) The applicant may file its comments, duly supported by an affidavit, on the recommendations made by the Central Transmission Utility and the suggestions and objections, if any, received in response to the notice posted on the e-filing portal of the Commission and on the applicant's website by him, within 45 days of service of copy of the application on the Central Transmission Utility or publication of notice posted on the e-filing portal of the Commission and on the applicant's website, with an advance copy to the Central Transmission Utility or the person who has filed the suggestions and objections on the proposal made in the application, as the case may be.*

*(12) The Commission after considering the suggestions and objections received in response to the public notice published by the applicant and the recommendations, if any, of the Central Transmission Utility may, propose to grant transmission licence or for reasons to be recorded in writing, reject the application."*

24. The Petitioner has approached the Commission with a separate application for the adoption of transmission charges in respect of the transmission system, which is presently under consideration of the Commission, and the order in that Petition will be issued separately. The Petitioner has filed the present Petition for the grant of a transmission licence in accordance with the provisions of the Transmission Licence Regulations. The Petitioner has submitted proof of service of the copies of the application on the BPC, CTUIL and the Respondents (beneficiaries) and proof of web posting of the complete application. The Petitioner has further undertaken to pay the applicable licence fee upon the grant of transmission licence in terms of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012. The Petitioner has prayed for the grant of a transmission licence to Dhule Power Transmission Limited with respect to the transmission system as per the details given in paragraph 1 above.

25. The Petitioner has made the Application as per Form-I and paid a fee of Rs. one lakh as prescribed by the Central Government. As per the direction of the Commission, the Petitioner has served a copy of the Application on the beneficiaries

of the transmission project for the Project. The transmission charges quoted by the Petitioner, which have been recommended by the Bid Evaluation Committee for acceptance, are Rs. 528.27 million. The Petitioner has also enclosed copies of the recommendations of the Bid Evaluation Committee.

26. The Petitioner has published the notices on the e-filing portal of the Commission and on its website in Form-II in English language and in Hindi (Vernacular) language. No objection has been received from the general public to the notices.

27. The Petitioner has served the copy of the Application on the Central Transmission of Utility of India Limited (CTUIL) as required under Section 15(3) of the Act and Regulation 7(6) of the Transmission Licence Regulations. CTUIL, vide its letter dated 6.3.2024, has recommended the grant of a transmission licence to the Petitioner. The Relevant portions of the said letter dated 6.3.2024 are extracted as under:

*“This has reference to the Petition (Diary) No. 107/2024 dated 21.02.2024 filled by **M/s Dhule Power Transmission Limited (DPTL)** before Hon’ble Commission vide which **M/s DPTL** has requested CTU for issuance of its recommendation for grant of Transmission License for subject transmission scheme. In this regard, the following is submitted:*

1. **M/s Dhule Power Transmission Limited (DPTL)** has filed an application/petition under Section 14, 15 & 79(1) (e) of the Electricity Act, 2003 read with CERC (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2009 for grant of transmission license for **“Transmission Scheme for evacuation of power from Dhule 2 GW REZ”** project on Build, Own, Operate and Transfer (BOOT) basis as ISTS. The detailed scope of the transmission scheme is enclosed at **Annexure-I**.

2. As per section 15(3) of the Electricity Act, 2003 and Regulation 7(6) of Transmission License Regulations, 2009, a copy of the application for the grant of transmission license, for the above transmission system has been received on 21.02.2024 for recommendation required u/s 15(4) of the Electricity Act, 2003 and Regulation 7(11) of Transmission License Regulations, 2009.

3. In reference to the Transmission Scheme “**Transmission Scheme for evacuation of power from Dhule 2 GW REZ**”, the following is submitted:

(a) The Government of India has set a target for establishing 500GW non fossil generation capacity by 2030, out of which MNRE/SECI had identified the Renewable Energy Zones (REZs) with a total capacity of 181.5 GW for likely benefits by the year 2030. Out of 181.5GW REZ, 2GW potential at Dhule has been identified under Phase-I (2025) of 181.5GW and has been prioritized.

The subject transmission scheme has been planned to enable evacuation of power from Dhule 2 GW REZ, which is part of 181.5 GW REZ planned towards achievement of 500 GW target by 2030.

The subject scheme includes the establishment of a new 400/220 kV Pooling Station near Dhule alongwith Dhule PS - Dhule (BDTCL) 400 kV D/c Line. The scheme will facilitate integration of 2 GW REZ in Dhule area. The detailed scope of the transmission scheme is enclosed at **Annexure-I**.

(b) The transmission system was discussed and agreed upon in the 11th Consultation Meeting for Evolving Transmission Schemes in Western Region (CMETS-WR) held on 30.09.2022. A copy of the minutes of the 11<sup>th</sup> CMETS-WR meeting is enclosed at **Annexure-II**.

(c) The transmission system was discussed in the 45th meeting of WRPC held on 02.12.2022. Copy of the minutes of the 45th WRPC meeting is enclosed at **Annexure-III**.

(d) The transmission system was discussed and agreed upon in the 11<sup>th</sup> NCT meeting held on 28.12.2022 & 17.01.2023. Copy of the minutes of the 11<sup>th</sup> NCT meeting is enclosed at **Annexure-IV**.

(e) The Government of India, Ministry of Power, vide Gazette notification dated 13.04.2023 had appointed REC Power Distribution Company Limited (RECPDCL) as the Bid Process Coordinator (BPC) for the purpose of selection of Bidder as Transmission Service Provider (TSP) to establish the subject ISTS through Tariff Based Competitive Bidding (TBCB) process on build, own operate & transfer basis. Copy of Gazette notification is enclosed at **Annexure-V**.

4. Pursuant to the process of competitive bidding conducted by the BPC, Consortium of IndiGrid 1 Limited and IndiGrid 2 Limited emerged as the successful bidder. Thereafter, the BPC issued a Letter of Intent in favour of Consortium of IndiGrid 1 Limited and IndiGrid 2 Limited on 29.12.2023. Subsequently, Consortium of IndiGrid 1 Limited and IndiGrid 2 Limited acquired M/s Dhule Power Transmission Limited on **09.02.2024**, after execution of the Share Purchase Agreement (SPA) and completing all procedural requirements specified in the RFP documents. The scheduled COD for the proposed ISTS scheme is 24 months from the date of SPV acquisition.

5. *In line with Section 15(4) of the Electricity Act, 2003 and Regulation 7(11) of Transmission License Regulations, 2009, CTU recommends the grant of transmission license to M/s Dhule Power Transmission Limited for executing the transmission scheme as mentioned in Para-1 above.*”

28. We have considered the submissions of the Petitioner, BPC, and CTUIL. The proviso to Clause 2.15.2 of the RfP provides that "if for any reason attributable to the BPC, the said activities are not completed by the selected bidder within the above period of ten days as mentioned in this clause, such period of 10 days shall be extended, on a day to day basis till the end of the Bid validity period". As per the above provision, the selected bidder was required to complete all the activities, including the acquisition of SPVs, by 9.2.2024. Though Lol was issued on 29.12.2023, BPC, vide its letter dated 9.2.2024 in terms of Clauses 2.15.2 of RfP, extended the date up to 16.2.2024 for completion of all activities by the successful bidder. The selected bidder furnished the Contract Performance Guarantee in favour of Nodal Agency (CTUIL) for an amount of Rs. 18.00 crore on 8.2.2024 and acquired a hundred per cent equity-holding in the applicant company on 9.2.2024 after execution of the Share Purchase Agreement. As per clause 2.15.4 of the RfP, TSP is required to apply to the Commission for the grant of a transmission licence within five working days of the issuance of the acquisition of the SPV to the successful bidder. The successful bidder, namely, the consortium of M/s Indigrd 2 Limited (Lead Member) and Indigrd 1 Limited, acquired the SPV on 9.2.2024. Accordingly, the TSP has filed the instant Petition through e-filing for the grant of transmission licence on 21.2.2024. There is a delay of twelve days in filing the Petition. In this regard, the Petitioner, during the course of the hearing dated 10.4.2024, submitted that it had paid the transmission Petition fee on 16.2.2024. However, the application could be filed online on 21.2.2024 due to the issue of reflecting the payment in the e-filing portal. The Petitioner has prayed for condoning the delay in filing the application. Since the Petitioner could not

file the application due to procedural issues, the same is condoned.

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**.

30. The Petition shall be listed for the hearing on **25.7.2024**.

**Sd/-**  
**(Arun Goyal)**  
**Member**

**sd/-**  
**(Jishnu Barua)**  
**Member**