

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 102/TL/2024**

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

**Date of Order: 31<sup>st</sup> May, 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 Ishanagar Power Transmission Limited.

**And  
In the matter of**

**Ishanagar Power Transmission Limited,**  
Windsor, 1<sup>st</sup> 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-122 001.
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,**  
4WR7+CFF, Shakti Bhawan Rd, MPSEB Colony,  
Rampur, Jabalpur-482008, Madhya Pradesh.
4. **Chhattisgarh State Power Distribution Co. Limited,**  
Sunder Nagar, Dangania-492013, Raipur.
5. **Goa Electricity Department,**  
Goa Electricity Dept., Curti,  
Ponda-403401.

6. **Gujarat Urja Vikas Nigam Limited,**  
Sardar Patel Vidyut Bhavan,  
Racecourse, Vadodara-390007.
7. **Heavy Water Board,**  
O Floor Vikram Sarabhai Bhavan,  
Trombay, Anushaktinagar,  
Mumbai-400094, Maharashtra.
8. **HVDC Bhadrawati, PGCIL,**  
PGCIL RHQ, WR-I, Sampriiti Nagar,  
Off National Highway No. 8  
Taluka: Kamrej, PO: Uppalwadi, Nagpur, 440026  
Maharashtra.
9. **HVDC Vindhyachal, PGCIL,**  
PGCIL RHQ, WR-I, Sampriiti Nagar,  
Off National Highway No. 8,  
Taluka: Kamrej, PO: Uppalwadi, Nagpur, 440026  
Maharashtra
10. **M.P. Power Management Company Limited,**  
14, Shakti Bhawan, Rampur,  
Jabalpur-482008.
11. **Maharashtra State Electricity Distribution Co. Limited,**  
Plot No 9, "prakashgad",  
A K Marg, Bandra East,  
Mumbai-400051.
12. **ACB India Limited,**  
7<sup>th</sup> floor, Corporate Tower, Ambience Mall,  
NH-8, Gurgaon-122001 (Haryana).
13. **Torrent Power Limited,**  
Naranpura Zonal Office,  
Sola Road, Ahmedabad-380013.
14. **West Bengal State Elect. Dist. Co. Limited,**  
6<sup>th</sup> Floor Vidyut Bhawan, Karunamoyee,  
Salt Lake, Kolkata-700091, West Bengal.
15. **Thermal Powertech Corporation India,**  
6-3-1090, Clock C, Level 2,  
TSR Towers, Raj Bhavan Road,  
Somajiguda, Hyderabad, 500082,  
Telangana.
16. **BARC,**  
Bhabha Atomic Research Centre,

Anushakti Nagar, Mumbai-400085,  
Maharashtra.

17. **GMR Warora Energy Limited,**  
Plot B-1, GMR Warora Energy Ltd.  
Mohabala MIDC Growth Centre,  
Post-Warora, Distribution-Chandrapur-442907,  
Maharashtra.

18. **HVDC Champa,**  
PGCIL RHQ, WR-I, Sampriti Nagar,  
Off National Highway No. 8  
Taluka: Kamrej, PO: Uppalwadi,  
Nagpur- 440026 Maharashtra.

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,  
Bihar-844101.

22. **DB Power Limited-United,**  
Opp Dena Bank, C-31, G-Block, Mumbai.

23. **Chhattisgarh State Power Trading Co. Limited,**  
2nd Floor, Vidyut Sewa Bhawan, Raipur.

24. **TRN Energy Private Ltd. -United,**  
7<sup>th</sup> Floor, Ambience Office Block, Gurugram.

25. **Adani Power (Mudra) Limited,**  
Adani Corporate House, Shantigram,  
Near Viashnavdevi Circle, S G Road,  
Ahmedabad-382421.

26. **Raigarh HVDC Station,**  
RPT HVDC Office, Hebbal,  
Bangalore-560094.

27. **Arcelor Mittal Nippon Steel India Limited,**  
27, AMNS House, 2th KM Surat Hazira Road,  
Hazira-394270, Gujarat.

28. **Central Railways,**  
Pcee's Office, 2<sup>nd</sup> Floor, Parcle Building,  
CSMT Mumbai-400001.

29. **Dadra and Nagar Haveli and Daman and Power Distribution Corporation Ltd.,**  
1<sup>st</sup> and 2<sup>nd</sup> Floor, Vidyut Bhavan,  
Nex Silvassa & Daman.

30. **MPSEZ Utilities Limited,**  
3<sup>rd</sup> Floor, Adani Corporate House,  
Ahmedabad.

....Respondents

**Parties present:**

Ms. Aparajita Upadhyay, Advocate, IPTL  
Shri Pranagobinda, IPTL  
Shri Jitendra Singh, RECPDCL  
Shri Ranjeet Rajput, CTUIL  
Shri Akshayvat Kislay, CTUIL

**ORDER**

The Petitioner, Ishanagar 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") for the establishment of the "Western Region Expansion Scheme XXXIII (WRES-XXXIII): Part C" on a Build, Own, Operate and Transfer basis (hereinafter referred to as "the Project") consisting of the following elements:

<b>S. No.</b>	<b>Name of Transmission Element</b>	<b>Scheduled COD in months from Effective Date</b>
1.	Establishment of 2x1500 MVA, 765/400 kV and 2x500 MVA, 400/220 kV S/s at Ishanagar (New) along with 1x330 MVA, 765 kV & 1x125 MVA, 420 kV bus reactor	

S. No.	Name of Transmission Element	Scheduled COD in months from Effective Date
	<ul style="list-style-type: none"> <li>➤ 765/400 kV, 1500 MVA ICT – 2 Nos.(7x500 MVA 1-phase units including one spare ICT unit)</li> <li>➤ 400/220 kV, 500 MVA ICT – 2 Nos.</li> <li>➤ 765 kV ICT bays – 2 Nos.</li> <li>➤ 400 kV ICT bays – 4 Nos.</li> <li>➤ 220 kV ICT bays – 2 Nos.</li> <li>➤ 765 kV Line bays – 2 Nos.</li> <li>➤ 330 MVA, 765 kV Bus Reactor – 1 No. (4x 110 MVA including one spare unit)</li> <li>➤ 125 MVA, 420 kV Bus reactor – 1 No.</li> <li>➤ 765 kV Bus reactor bay: 1 No.</li> <li>➤ 400 kV Bus reactor bay: 1 No.</li> <li>➤ 220 kV Bus coupler bay- 1 No.</li> <li>➤ 220 kV Transfer Bus Coupler (TBC) bay - 1 No.</li> <li>➤ 220 kV line bays – 6 Nos. (for 220 kV lines to be implemented by MPPTCL#)</li> </ul> <p>Future provisions:</p> <p>Space for</p> <ul style="list-style-type: none"> <li>➤ 765/400 kV ICT along with bays- 4 Nos.</li> <li>➤ 765 kV line bays along with switchable line reactors – 8 Nos.</li> <li>➤ 765 kV Bus Reactor along with bay: 3 Nos.</li> <li>➤ 765 kV Sectionalizer: 1 set</li> <li>➤ 400 kV line bays along with switchable line reactor – 10 Nos.</li> <li>➤ 400/220 kV ICT along with bays -7 Nos.</li> <li>➤ 400 kV Bus Reactor along with bays: 3 Nos.</li> <li>➤ 400 kV Sectionalization bay: 1- set</li> <li>➤ 220 kV line bays: 12 Nos.</li> <li>➤ 220 kV Sectionalization bay: 2 sets</li> <li>➤ 220 kV BC and TBC: 2 Nos</li> </ul>	24 months
2.	LILO of one circuit of Jabalpur - Orai 765 kV D/c line at Ishanagar 765 kV S/s (New)	

*#220 kV Ishanagar 765/400/220 kV - Jatara 220 kV D/C line and LILO of Chhatarpur – Tikamgarh 220 kV 2xS/c line at 765/400/220 kV Ishanagar (Chhatarpur –Tikamgarh 220 kV 2nd ckt is currently under implementation)*

**Note:**

- (i) Implementation timeframe: 24 months from date of SPV transfer.
- (ii) MPPTCL shall execute downstream network in matching time-frame of ISTS system.

2. The Petitioner has made the following prayers:

*“(a) Issue/Grant the transmission license to the Applicant/ Petitioner, Ishanagar Power Transmission Limited for establishing, operating and maintaining the Inter-State Transmission System for “Western Region Expansion Scheme XXXIII (WRES-XXXIII): Part C” 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 and 8.5.2024**

3. During the course of the hearing on 10.4.2024, the Petitioner was directed to implead the Western Region Beneficiaries, including MPPTCL, as parties to the Petition and to file a revised memo of parties. Accordingly, the respondents were directed to file their respective replies.

4. During the course of the hearing on 8.5.2024, the learned counsel for the Petitioner submitted that, as per direction of the Commission, the Petitioner had served the copy of the Petition on the Respondents. However, no reply has been received from the Respondents and the learned counsel for the Petitioner requested to adopt the transmission charges discovered through a competitive bidding route.

5. 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 successful bidder as Transmission Service Provider (TSP) for the grant of a transmission licence in order to implement the transmission system for “Western Region Expansion Scheme XXXIII (WRES-XXXIII): Part C” on a Build, Own, Operate and Transfer basis.

6. 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. Consortium of M/s Indigrd 2 Limited (Lead Member) and Indigrd 1 Limited was selected as the successful bidder, having quoted the lowest transmission charges of Rs. 625.88 million in order to provide the transmission services to the beneficiaries of the transmission system.

7. The RfP was issued on 22.5.2023. At the RfP (Technical and Financial) stage, seven bidders, namely, (i) M/s Indigrd 2 Limited and Indigrd 1 Limited- Consortium, (ii) M/s GR Infraprojects Limited, (iii) M/s Techno Electric & Engineering Company Limited, (iv) M/s Power Grid Corporation of India Limited, (v) M/s Apraava Energy Private Limited (formerly known as CLP India Private Limited), (vi) M/s Sterlite Grid 39 Limited, and (vii) M/s Megha Engineering & Infrastructures Limited submitted their offers. The RfP (Technical bids) of the seven bidders were opened by the Bid Opening

Committee on 21.12.2023 in the presence of a representative of the bidders. The lowest Initial Price Offer discovered (Best Deal) at the MSTC portal was Rs. 702.50 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 Indigrd 2 Limited and Indigrd 1 Limited- Consortium	702.50	L1
2.	M/s GR Infraprojects Limited	720.70	L2
3.	M/s Techno Electric & Engineering Company Limited	760.00	L3
4.	M/s Power Grid Corporation of India Limited	765.40	L4
5.	M/s Apraava Energy Private Limited (formerly known as CLP India Private Limited)	779.30	L5
6.	M/s Sterlite Grid 39 Limited	847.80	L6
7.	M/s Megha Engineering & Infrastructures Limited	1103.00	L7

8. As per Clause 3.5.1 of the RfP document, Initial Offers shall be ranked on the basis of ascending order for the 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.

9. The e-reverse auction of four bidders was carried out at the MSTC portal on 22.12.2023. 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.	M/s Indigrd 2 Limited and Indigrd 1 Limited- Consortium	702.50	625.88	L1



2.	M/s Power Grid Corporation of India Limited	765.40	627.45	L2
3.	M/s GR Infraprojects Limited	720.70	661.43	L3
4.	M/s Techno Electric & Engineering Company Limited	760.00	No bid received in electronic reverse auction	L4

10. As per the Bid Evaluation Report dated 28.12.2023, 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. 625.88 million. BEC, vide its certificate dated 28.12.2023, 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.

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

- (a) Provide Contract Performance Guarantee in favour of Central Transmission Utility of India Limited (CTUIL);
- (b) Execute Share Purchase Agreement and Transmission Service Agreement;
- (c) Acquire, for the Acquisition Price, a 100% equity share of Ishanagar Power Transmission Limited from RECPDCL along with all its related assets and liabilities;
- (d) Make an application to this Commission for adoption of transmission charges, as required under Section 63 of the Act; and

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

12. The Petitioner has furnished the Contract Performance Guarantee (CPG) in favour of Nodal Agency, i.e., CTUIL, for Rs. 22 crore on 9.2.2024 and has acquired a hundred per cent equity holding in Ishanagar Power Transmission Limited on 9.2.2024. The Petitioner entered into a Transmission Service Agreement (TSA) with CTUIL on 9.2.2024.

13. 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”*

14. 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 No. 25-1713112023-PG dated 16.10.2023 had issued prior approval to the Project under Section 68 of the Act. The selection of the project developer, Ishanagar Power Transmission Limited, has been certified to have been made in accordance with the Guidelines for competitive bidding.

15. 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 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.*

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*(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.”*

16. 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 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 Western Region 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 Ishanagar Power Transmission Limited with respect to the transmission system as per the details given in paragraph 1 above.

17. The Petitioner 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 served a copy of the Application on the Western Region beneficiaries. The transmission charges quoted by the Petitioner, which have been recommended by the Bid Evaluation Committee for acceptance, are Rs. 625.88

million. The Petitioner has also enclosed copies of the recommendations of the Bid Evaluation Committee.

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

19. 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 11.3.2024, has recommended the grant of a transmission licence to the Petitioner. The Relevant portions of the said letter dated 11.3.2024 are extracted as under:

*“This has reference to the Petition with Dairy No. 97/2024 dated 19.02.2024 filed by **M/s Ishanagar Power Transmission Limited (IPTL)** before Commission vide which **M/s IPTL** has requested CTU for issuance of recommendation for grant of Transmission Licence for implementation of subject transmission scheme. In this regard, the following is submitted:*

*1. **M/s IPTL** has filed a petition under Section 14, 15 and 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 implementation of “**Western Region Expansion Scheme XXXIII (WRES - XXXIII): Part C**” project on Build, Own, Operate and Transfer (BOOT) basis as ISTS. The detailed scope of the transmission scheme is enclosed at **Annexure-I**.*

*2. **M/s IPTL** has mapped Nodal Agency i.e., CTUIL on the e-portal of Hon’ble Commission, to serve a copy of the application for the grant of transmission license, for the above transmission system as per section 15(3) of the Electricity Act, 2003 and Regulation 7(6) of Transmission License Regulations, 2009 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 “**Western Region Expansion Scheme XXXIII (WRES - XXXIII): Part C**”, the following is submitted:*

*(i) WRES-XXXIII: Part C scheme was planned for drawl of power by*

MPPTCL through downstream system to cater to the electricity demand of Chhatarpur, Tikamgarh & Jatara areas along with Bulk Consumer loads as well as for interconnection of 630MW NTPC Barethi Solar Park with the planned Ishanagar Substation. The subject scheme includes establishment of 765/400 kV, 2x1500 MVA ICTs and 400/220 kV, 2x500 MVA ICTs at Ishanagar (New) S/s with LILO of one circuit of Jabalpur - Orai 765 kV D/c line at Ishanagar 765 kV S/s (New).

(ii) Further, associated downstream network would be implemented by MPPTCL in the matching timeframe which inter-alia includes 220 kV Ishanagar 765/400/220 kV - Jatara 220 kV D/C line and LILO of Chhatarpur - Tikamgarh 220 kV 2xS/c line at 765/400/220 kV Ishanagar (Chhatarpur - Tikamgarh 220 kV 2nd ckt is currently under implementation).

(iii) The subject transmission scheme is also inter-linked with WRES-XXXIII: Part C1 project, which involves Conversion of 1x330 MVAR, 765 kV Fixed line reactor at Orai end of Ishanagar - Orai 765 kV line [formed after LILO of one circuit of Jabalpur - Orai 765 kV D/c line at Ishanagar (New) S/s] to Bus reactor at Orai S/s & is presently under implementation by POWERGRID under RTM route in matching timeframe of the subject scheme.

(iv) The subject transmission scheme was discussed and agreed upon in the 45<sup>th</sup> WRPC meeting held on 02.12.2022. Extracts of the minutes of 45<sup>th</sup> WRPC meeting are enclosed at **Annexure-II**.

(v) The subject transmission scheme was also discussed and agreed in the 11<sup>th</sup> NOT meeting held on 28.12.2022 & 17.01.2023 wherein it was decided to implement this transmission scheme through TBCB route. Extracts of the minutes of 11<sup>th</sup> NCT meeting is enclosed at **Annexure-III**.

(vi) MoP, Govt, of India, vide Gazette notification dated 13.04.2023, had appointed M/s REC Power Distribution Company Ltd. (RECPDCL) as the Bid Process Coordinator (BPC) for the purpose of selection of bidder as Transmission Service Provider (TSP) to establish the subject transmission scheme through Tariff Based Competitive Bidding (TBCB) process. Copy of Gazette notification is enclosed at **Annexure-IV**.

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

*months from date of SPV transfer.*

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

20. 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 (10) 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. 22 crore on 9.2.2024 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, Consortium of M/s Indigrd 2 (Lead Member) Limited 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 20.2.2024 within a delay of six days. In this regard, the Petitioner, has submitted that it had paid the filing fee on 16.2.2024. However, the application could be filed online on the same date due to the issue of reflecting of 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.

21. 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 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 transmission licence aforesaid. The objections or suggestions, if any, be filed by any person before the Commission by **16.6.2024**.

22. In order to ensure that the Project is implemented within the time schedule as provided in the TSA, the licensee should not approach the Commission for an extension of time for execution of the Project or for an increase in the transmission charges over and above what is permissible under the provisions of the TSA. Accordingly, the Petitioner is directed to file an affidavit by 11.6.2024 to the effect that the execution of the Project shall not be delayed due to time taken in obtaining statutory clearances required under the RfP and/ or adjudication of any claim of the Petitioner arising under the TSA.

23. It is observed that as per Article 5.1.1 of the TSA, the TSP, at its own cost and expense, shall be responsible for designing, constructing, erecting, completing, and commissioning each element of the Project by scheduled COD in accordance with the various regulations of the Central Electricity Authority regarding Technical Standards and Grid Standards, Prudent Utility Practices and other applicable laws. Further, Article 5.4 of the TSA provides that the TSP shall ensure that the Project is designed,

built, and completed with good workmanship using sound engineering and construction practices and using only materials and equipment that are new and of international utility-grade quality such that the useful life of the Project will be till the expiry date. Further, the design, construction, and testing of all equipment, facilities, components, and systems of the Project shall be in accordance with Indian Standards and Codes issued by the Bureau of Indian Standards. Accordingly, the Petitioner is directed to submit the information by 11.6.2024 with regard to the quality control mechanism available or to be put in place to ensure compliance with the requirements stipulated in Article 5.1.1 and Article 5.4 of the TSA.

24. The Petition shall be listed for the hearing on **18.6.2024**.

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

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