

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 108/TL/2024

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

Date of Order: 15th June, 2024

In the matter of

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

**And
In the matter of**

Pachora Power Transmission Limited,
2nd Floor, Novus Tower
Plot No. 18, Sector-18
Gurugram, Haryana-122015

...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. Chhattisgarh State Power Transmission Company Limited,
P.O. Sunder Nagar, Danganiya, Raipur- 492 013,
Chhattisgarh
4. Chhattisgarh State Power Generation Company Limited,
P.O. Sunder Nagar, Danganiya, Raipur- 492 013,
Chhattisgarh
5. Chhattisgarh State Power Distribution Company Limited,

P.O. Sunder Nagar, Danganiya, Raipur- 492 013,
Chhattisgarh

6. Gujarat Power Corporation Limited,
Block No. 8, Sixth Floor,
Udhyog Bhavan, Sector 11,
Gandhinagar – 382 011

7. Gujarat Energy Transmission Company Limited,
9th floor, Sardar Patel Vidyut Bhawan, Race Course,
Vadodara- 390 007, Gujarat

8. Dakshin Gujarat Vij Company Limited (Gujarat Discom)
" Urja Sadan ", Nana Varachha Road, Kapodara,
Surat-395 006, Gujarat

9. Gujarat Urja Vikas Nigam Limited,
Sardar Patel Vidyut Bhawan,
Race Course,
Vadodara: 390 007

10. Madhya Pradesh Power Transmission Company Limited,
Shakti Bhavan, Rampur, Jabalpur- 482 008
Madhya Pradesh

11. Madhya Pradesh Power Generation Company Limited,
Shakti Bhavan, Viduyt Nagar, Rampur, Jabalpur- 482 008,
Madhya Pradesh

12. Madhya Pradesh Poorva Kshetra Vidyut Vitran Company Limited,
Block No.-7, Shakti Bhavan
PO: Vidyut Nagar, Rampur
Jabalpur - 482008 (M.P)

13. Maharashtra State Electricity Transmission Company Limited,
Prakashganga, Plot No.C-19,
E-Block, Bandra Kurla Complex, Bandra (East),
Mumbai – 400051

14 Maharashtra State Power Generation Company Limited,
Prakashgad, 2nd Floor, Plot No G-9, Bandra (East),
Mumbai: 400051

15. Maharashtra State Electricity Distribution Company Limited,
Prakashgad, 6th Floor, Plot No G-9, Bandra (East),
Mumbai- 400 051

16. Electricity Department Goa,
Vidyut Bhawan, 3rd floor,
Panaji- 403 001 Goa.

17. Dadra And Nagar Haveli And Daman and Diu Power Distribution
Corporation Limited
Vidyut Bhavan, Near 66 kV Sub-Station, Kachigam,
Daman 396 215

18. Power Grid Corporation of India Limited,
"Saudamini", Plot No.2, Sector – 29, Near Iffco Chowk,
Gurgaon- 122 001 (Haryana).

19. Tata Power Company Limited,
Bombay House,
24 Homi Modi Street,
Mumbai 400 001

20. Ratnagiri Gas & Power Private Limited,
Jubilee Tower, 5th Floor, B35-B36, Sector -1,
Noida: 201 301(U.P)

21. NHDC Limited,
NHDC Parisar, Shyamala Hills,
Bhopal – 462 013(M.P.)

22. Torrent Power Limited,
Sugen Mega Power Project, Off National Highway No.8,
Taluka Kamrej, Surat – 394155 (Gujarat).

23. Adani Power (Mundra) Limited,
1st Floor, South Wing, Adani Corporate House,
Shantigram, S.G.Highway,
Ahmedabad-38242, Gujarat.

24. M/s JSW Energy Limited,
4th Floor, NTH Complex, A-2, Shaheed Jeet Singh Marg,
Qutab Institutional Area,
New Delhi-110016.

25. Jindal Power Limited,
P.O.Tamnar, District:Raigarh,
Chhattisgarh-496 107.

26. Coastal Gujarat Power Limited,

4000 MW UMPP, At & Post: Tunda, Mundra,
Kutch, Gujarat-370435

27. RattanIndia Power Limited,
Plot No. D2 & D2, Part Additional Industrial Area,
Nandgaonpeth, Amravati

28. D.B.Power Limited,
Village: Badadhra, Block & Tehsil: Dabhra,
Dist : Janjgir, Champa,
Chhattisgarh- 495695.

29. Adani Power Limited,
1st Floor, South Wing, Adani Corporate House,
Shantigram, S.G. Highway,
Ahmedabad– 384 421

30. KSK Mahanadi Power Co.Ltd.,
Akaltara (Nariyara) TPP, Bilaspur,
Chhattisgarh- 495552.

31. MB Power (Madhya Pradesh) Limited,
239, Okhla Industrial Estate, Phase III,
New Delhi -110020

32. Sasan UMPP, Sasan Power Limited,
Village-Siddikhurd, P.O. Tiyra, Sasan, Waidhan,
Singroli-486 886
Madhya Pradesh.

33. R.K.M. Powergen Pvt. Limited,
No.14, Dr. Giriappa Road, T. Nagar,
Chennai 600 017

34. Bhopal Dhule Transmission Company Limited,
101, Windsor, CST Road, Santacruz East,
Mumbai 400098

....Respondents

Parties present:

Shri Hemant Singh, Advocate, PPTL
Ms. Lavanya Panwar, Advocate, PPTL
Ms. Ankita Bafna, Advocate, PPTL
Shri Vivek Pratap Singh, PPTL
Shri Ritam Biswas, RECPDCL
Shri Ranjeet Singh Rajput, CTUIL
Shri Akshyvat Kislav, CTUIL

ORDER

The Petitioner, Pachora 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 Transmission system for Evacuation of Power from RE Projects in Rajgarh (1000 MW) SEZ in Madhya Pradesh-Phase II (hereinafter referred to as “Project”) on a Build, Own, Operate and Transfer basis, consisting of the following elements:

Sl. No	Scope of the Transmission Scheme	Scheduled COD in months from Effective Date
1	400/ 220 kV, 3x500 MVA ICT augmentation (4 th , 5 th & 6 th) Pachora PS <ul style="list-style-type: none">➤ 400/220 kV, 500 MVA ICT bays – 3 Nos➤ 400 kV ICT bays- 3 Nos.➤ 220 kV ICT bays- 3 Nos.➤ 400 kV line bays- 2 Nos➤ 220 kV line bays- 4 Nos. 400 kV Bus Sectionaliser- 1 set 220 kV Bus Sectionaliser- 1 set 220 kV TBC bay- 1 No. 220 kV BC bay-1 No.	24 Months
2	Pachora PS-Ujjain (MPPTCL) 400 kV D/c line (Quad ACSR/ AAAC/ AL59 Moose equivalent)	
3	2 no. of 400 kV line bays at Ujjain (MPPTCL) for Pachora- Ujjain 400 kV D/c line <ul style="list-style-type: none">➤ 400 kV line bays- 2 Nos.	
Note: MPPTCL shall provide space for 2 Nos. of 400 kV bays at Ujjain for termination of Pachora PS – Ujjain 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, GR Infraprojects Limited was declared a successful bidder with the lowest quoted annual transmission charges of Rs. 419.74 million. Thereafter, the BPC issued a Letter of Intent in favour of GR Infraprojects Limited on 5.1.2024. Subsequently, GR Infraprojects Limited acquired the Pachora Power Transmission Limited on 14.2.2024, after execution of the Share Purchase Agreement (SPA).

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 24.5.2024, *prima facie* proposed to grant a transmission licence to the Petitioner. The relevant extracts of the order dated 24.5.2024 are extracted as under:

*“22. 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 a transmission licence aforesaid. The objections or suggestions, if any, be filed by any person before the Commission by **11.6.2024.**”*

4. A public notice under sub-section (5) of Section 15 of the Act was published on 30.5.2024 in all editions of the Times of India (English) and Amar Ujala (Hindi). 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 13.6.2024. It was submitted by the learned counsel for the Petitioner that, in response to a public notice published by

the Commission, no objection had been received.

6. As regards the grant of a transmission licence, Clauses (15) and (16) of Regulation 7 of the Transmission Licence Regulations provide as under:

“(15) The Commission may after consideration of the further suggestions and objections, if any, received in response to the public notice as aforesaid, grant licence as nearly as practicable in Form-III attached to these regulations or for reasons to be recorded in writing, reject the application if such application is not in accordance with the provisions of the Act, the rules or regulations made thereunder or any other law for the time being in force or for any other valid reason.

(16) The Commission may, before granting licence or rejecting the application, provide an opportunity of hearing to the applicant, the Central Transmission Utility, the long-term customers, or the person who has filed suggestions and objections, or any other person: Provided further that the applicant shall always be given a reasonable opportunity of being heard before rejecting the application.”

7. In our order dated 24.5.2024, we had proposed to grant a transmission licence to the Petitioner company and directed the petitioner to issue a public notice. In response to the public notice, no suggestions/objections have been received. CTUIL, in its letter dated 11.3.2024, 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 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, ‘Pachora Power Transmission Limited,’ for the establishment of the “Transmission system for Evacuation of Power from RE Projects in Rajgarh (1000 MW) SEZ in Madhya Pradesh-Phase II” 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 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 13 (2) of the 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 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 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. Let an extract copy of this order be sent to CTUIL, CEA and BPC for information and necessary action.

12. Petition No. 108/TL/2024 is allowed in terms of the above.

Sd/-
(Ramesh Babu V.)
Member

sd/-
(Arun Goyal)
Member

sd/-
(Jishnu Barua)
Chairperson