

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 116/TL/2024

Coram:

**Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member**

Date of Order: 15th October, 2024

In the matter of

Application under Sections 14 & 15 of the 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 with respect to Transmission License to Bidar Transmission Limited.

And

In the matter of

**POWERGRID Bidar Transmission Limited,
(erstwhile Bidar Transmission Limited)**

C/o ED (TBCB),
Power Grid Corporation of India Limited,
Saudamini, Plot No.2,
Sector -29, Gurgaon-122001

.....Petitioner

Versus

**1. Central Transmission Utility of India Limited,
Saudamini, Plot No.2, Sector-29,
Gurgaon-122001.**

**2. REC Power Development and Consultancy Limited,
REC Corporate Head Quarter,
D Block, Plot No. I – 4,
Sector-29, Gurugram-122001.**

**3. Andhra Pradesh Power Purchase Coordination Committee,
Andhra Pradesh Power Co-ordination Committee,
Vidyut Soudha, Gunadala,
Vijayawada-520004, Andhra Pradesh.**

**4. Bangalore Electricity Supply Company,
Corporate Office, BESCOM K.R Circle,
Bangalore-560001.**

5. Gulberga Electricity Supply Company,
Gulbarga Electricity Supply Company,
Gulbarga-585102.

6. Hubli Electricity Supply Company,
HESCOM, Navanagar,
P.B Road, Hubballi-580025.

7. Mangalore Electricity Supply Company,
3rd Floor, MESCOM Bhavan,
Corporate Office, MESCOM,
Kavoor Cross Road, Bejai,
Mangalore – 575004.

8. Chamundeswari Elect. Supply Co. Limited,
CESC Mysore, Corporate Office, #29,
Vijayanagara 2nd Stage,
Hinkal, Mysuru-570017.

9. KSEB Limited,
Kerala Electricity Board,
Vydyuthi Bhavanam, Pattom,
Thiruvananthapuram-695004, Kerala.

10. Tamilnadu Gen & Dist. Co. Limited,
Chief Financial Controller/Revenue / Eastern Wing,
7th floor, NPKRR Maaligai, 144,
Anna Salai- 600002, Chennai.

11. Telangana State PC Committee,
Vidyut Soudha, Khairathabad,
Hyderabad-500082, Telangana.

12. Puducherry Electricity Department,
1st Floor, Main Building, Electricity Department,
Govt of Puducherry, Puducherry-605001.

13. Goa Electricity Department-SR,
Electricity Department, Division No: III,
Curti, Ponda-403401, Goa.

14. HVDC, Kolar, Power Grid Corporation,
SRTS# II, Pragati Mahalakshmi,
South Block, (2nd & 3rd Floor), No.62,
Bangalore-560001 Karnataka.

15. Thermal Powertech Corporation India,
Door No. 6-3-1090, 2nd Floor, C Block,

TSR Towers, Rajbhavan Road,
Somajiguda,
Hyderabad - 500082 (Opposite Villae Marie College).

16. SAIL-Salem Steel Plant,
Salem Steel Plant,
Steel Authority of India Limited, Salem – 636013.

17. Sembcorp Gayatri Power Limited,
6-3-1090, 5th Floor, A Block,
TSR Towers, Rajbhavan Road,
Somajiguda, Hyderabad-500082.

18. South Western Railways,
Office of Senior Divisional Electrical Engineer,
Divisional Railway Manager Building,
Traction Distribution Branch, Ground Floor,
Adjacent to City Railway Station, Bengaluru- 560023.

19. Pugalur HVDC Station, POWERGRID,
HVDC-Pugalur Nochipalayam Post,
Sirukinar Village Dharmapuram Taluk,
Tiruppur Dist-638706, Tamil Nadu.

20. Thrissur HVDC Station, POWERGRID,
HVDC-THRISSUR Substation,
Power Grid Corporation of India Ltd.,
Near Cashew Research Station,
Mannuthy Thannikudem Road,
Madakathara, Thrissur-680651, Kerala.

.....**Respondents**

Parties present:

Shri Rohit Jain, BTL
Shri S. Vallinayagam, Advocate, TANGEDCO
Ms. Suparna Srivastava, Advocate, CTUIL
Ms. Divya Sharma, Advocate, CTUIL

ORDER

The Petitioner, Bidar Transmission Limited' (now known as 'POWERGRID Bidar Transmission Limited' has filed the present Petition for the grant of a transmission licence under Sections 14 and 15 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 establish the Inter-State transmission system for “Transmission Scheme for Solar Energy Zone in Bidar (2500 MW), Karnataka” on a Build, Own, Operate and Transfer basis (hereinafter referred to as ‘the Project’) consisting of the following elements:

Sl. No.	Name of the Transmission Element	Scheduled COD in months from the Effective Date	Percentage of Quoted Transmission Charges Recoverable on Scheduled COD of the Element of the Project	Element(s) which are pre-required for declaring the commercial operation (COD) of the respective Element
1.	<p>Establishment of 3x1500 MVA (765/400 kV), 5x500 MVA (400/220 kV) station at a suitable border location near Bidar with 765 kV (1x240 MVAR) and 400 kV (1x125 MVAR) Bus Reactor</p> <p>A. 765kV</p> <p>i) ICT: 10x500MVA, 765/400 kV (including 1x500 MVA, 765/400 kV Transformer unit as common spare for three banks)</p> <p>ii) ICT bay: 3 nos.</p> <p>iii) Line bay: 2 nos.</p> <p>iv) Bus Reactor: 3x80 MVAR (one bank of 240 MVAR)</p> <p>v) Line Reactor: 6x80 MVAR (two banks of 240 MVAR each)</p> <p>vi) Spare Reactor: 1x80 MVAR (common spare unit</p>	24 months	38.07	Element at Sl. No 2, 3 & 4

	<p>for banks of Bus Reactor & Line Reactor)</p> <p>vii) Bus Reactor bay: 1 no.</p> <p>viii) Switching equipments for Switchable Line Reactor: 2 nos.</p> <p>ix) Space for future 765/400 kV ICT along with associated bay: 1 no.</p> <p>x) Space for future 765kV Bus Reactor along with associated bay: 1 no.</p> <p>xi) Space for additional future line bay with SLR: 8 nos.</p> <p>xii) Space for additional future 765/400 kV ICT along with associated 765kV bay: 2 nos.</p> <p>B. 400kV</p> <p>i) ICT: 5x500MVA, 400/220kV</p> <p>ii) ICT bay: 8 nos. (3 nos. for 765/400 kV and 5 nos. for 400/220 kV)</p> <p>iii) Bus Reactor: 1x125 MVAR, 420kV</p> <p>iv) Bus Reactor bay: 1 nos.</p> <p>v) Space for future line bay: 8 nos.</p> <p>vi) Space for future 765/400kV ICT bay: 1 nos.</p> <p>vii) Space for future 400/220kV ICT along with associated bay: 2 nos.</p> <p>viii) Space for additional future line bay with SLR: 2 nos.</p> <p>ix) Space for additional future 765/400kV ICT bay: 2 nos</p> <p>x) Space for additional future 400/220 kV ICT along with associated bay: 4 nos</p> <p>C. 220kV</p> <p>i) ICT bay: 5 nos.</p> <p>ii) Line bay: 8 nos.</p>			
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	iii) Bus sectionalizer: 1 set iv) Bus coupler bay: 2 nos. v) Transfer Bus coupler bay: 2 nos. vi) Space for future 400/220kV ICT bay: 2 nos. vii) Space for future line bay: 4 nos. viii) Space for additional future 400/220kV ICT bays: 4 nos. ix) Space for additional future line bay: 6 nos. x) Space for additional future 220 kV Bus Sectionalizer : 2 sets xi) Space for additional future 220 kV TBC bay: 2 nos. xii) Space for additional future 220 kV BC bay: 2 nos			
2.	Bidar PS- Maheshwaram (PG) 765kV D/C line		54.81	Element at Sl. No 1, 3 & 4
3.	2 nos. of 765 kV GIS Line bays at Maheshwaram (PG) GIS substation for termination of Bidar PS- Maheshwaram (PG) GIS 765kV D/C line		2.92	Element at Sl. No 1, 2, & 4
4.	765kV, 1x240 MVAR Switchable Line Reactor for each circuit at Bidar PS end [as per A. v), vi) & viii) above] & Maheshwaram end of Bidar PS-Maheshwaram (PG) GIS 765kV D/C line		4.20	Element at Sl. No 1, 2, & 3

Note:

POWERGRID shall provide space for 2 no. of 765 kV line bays with provision for 240 MVar SLR at Maheshwaram (PG) substation for termination of Bidar PS – Maheshwaram (PG) 765 kV D/c line.

- 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, Power Grid Corporation of India Limited was declared a successful bidder with the lowest quoted annual transmission charges of Rs. 2368.09 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 30.4.2024, *prima facie* proposed to grant a transmission licence to the Petitioner. The relevant extracts of the order dated 30.4.2024 are extracted as under:

“23. 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 transmission licence aforesaid. The objections or suggestions, if any, be filed by any person before the Commission by 20.5.2024.”

4. A public notice under Sub-section (5) of Section 15 of the Act was published in all editions of the Times of India (English) and Amar Ujala (Hindi) on 8.5.2024. No suggestions/ objections have been received from members of the public in response to the public notice.

Hearing dated 22.5.2024

5. The matter was called out for a hearing on 22.5.2024, and during the course of the hearing, the representative of the Petitioner submitted that no suggestions or objections have been received so far. In addition, the learned counsel appearing on behalf of the Respondent, TANGEDCO, pointed out that in Petition No. 200/MP/2019 in the matter of PGCIL v. TANGEDCO and Ors., regulatory approval was sought for

the execution of the Transmission System for 18.5 GW of Solar and Wind Energy Zones in the Southern Region and the Commission in its order dated 26.11.2021 did not accord the regulatory approval to the proposed transmission system for approximately 10.5 GW of RE Zones which also included the transmission system involved in the present case. Accordingly, the learned counsel submitted that there is no regulatory approval for the transmission project involved in the present case. In response, the representative of CTUIL submitted that a similar objection regarding the absence of regulatory approval of the Commission to the transmission projects/schemes had also been raised by the Respondent in other transmission licence matters, and CTUIL is already in the process of filing its reply in the said cases.

6. Vide Record of Proceedings for the hearing dated 22.5.2024, the Respondent TANGEDCO, the Petitioner, and CTUIL were directed to file their reply and responses, respectively. The Respondent, TANGEDCO, vide its affidavit dated 7.6.2024, has mainly submitted as under:

a) The transmission system for evacuation of the RE power in the Bidar area was initially proposed by CTUIL under the 18.5 GW RE scheme, and CTUIL sought regulatory approval for the schemes in Petition No.200/MP/2019. The Commission rejected the proposal for Bidar area and granted the regulatory approval for 8.0 GW only vide its order dated 26.11.2021. As no appeal was filed against the said order, the same is binding on the parties. Accordingly, the implementation of the project by the Petitioner herein is in violation of the order passed by the Commission.

- b) The mandates of the Act, National Electricity Policy, National Tariff Policy, and provisions of the various regulations of CERC are to be complied with by the stakeholders governed by these statutes.
- c) On 13.4.2006, the Ministry of Power, Government of India issued the “Guidelines for Encouraging Competition in Development of Transmission Projects,” which were further revised vide Resolution dated 10.8.2021 wherein the statutory requirement of a bilateral agreement between the TSP and the LTTC has been removed, and the Central Transmission Utility of India (CTUIL) has been authorized to enter into the TSA with the TSP. The obligation of the LTTCs to protect the interest of the consumer has been violated through the notification. The TSA provided under the said guidelines is contrary to the CERC advisory dated 22.6.2020. The Respondent, vide letter dated 6.9.2021, requested the SRPC, to take up the matter with the MoP for withdrawing the notification of the revised guidelines.
- d) The revised Transmission Service Agreement entered into between the TSP and the nodal agency CTUIL is not in compliance with Section 61 of the Act. The Guidelines are contrary to the provisions of Sharing Regulations, 2020 and the Guidelines of the MoP have no statutory value in the eyes of the law.
- e) The rights and protections given to the DICs are removed in the revised TSA, and the nodal agency, being a planning agency and supposed to be a revenue-neutral agency, has been empowered to act on behalf of the DICs without the consent of the DICs which is totally unlawful. The Commission may declare the TSA invalid and issue appropriate direction to the nodal agency to

draft a model TSA and seek approval of this Commission after duly including the DICs as parties to the agreement so as to protect the interest of consumers and to make the agreement legally tenable.

f) The Central Electricity Regulatory Commission (Planning, Coordination and Development of Economic and Efficient Inter-State Transmission System by Central Transmission Utility and other related matters) Regulations, 2018 (“2018 Planning Regulations”) *inter alia* mandate that in case the Regional Power Committee does not agree with the proposal of CTUIL either fully or partially and CTUIL is of the view that the scheme is in interest of grid security/stability or decongesting the network or overcoming a contingency, it shall record this in writing and seek a regulatory approval of the Commission.

g) Regulations 3.1(i), 4, and 5 of the Central Electricity Regulatory Commission (Grant of Regulatory Approval for execution of Inter-State Transmission Scheme to Central Transmission Utility) Regulations, 2010 (“2010 Regulatory Approval Regulations”) mandate obtaining regulatory approval for the transmission schemes that are not recommended by the RPCs and where the generators have applied for open access, and the PPAs have not been signed by all the beneficiaries.

h) The Electricity (Transmission System Planning, Development and Recovery of Inter-State Transmission Charges) Rules, 2021 do not have overriding provisions over the Commission’s Regulations, and hence, the provisions of the 2018 Planning Regulations and the 2010 Regulatory Approval Regulations shall be mandatorily complied with by all the stakeholders.

i) Therefore, the present Petition seeking a transmission licence is not maintainable since CTUIL has not complied with the provisions of the 2010 Regulatory Approval Regulations.

Rejoinder of the Petitioner

7. The Petitioner, vide its rejoinder dated 11.6.2024, has mainly submitted as under:

a) Power Grid Corporation of India Limited (POWERGRID) was selected as the successful bidder pursuant to the Tariff Based Competitive Bidding conducted by REC Power Development & Consultancy Limited (RECPDCL)- Bid Process Coordinator, and a Letter of Intent was issued on 5.1.2024. Post - award of the Project, POWERGRID acquired the SPV (the Petitioner) on 9.2.2024, which became its fully owned subsidiary. In addition, the Petitioner has no role in the planning aspect of the subject project and its role of the Transmission Service Provider after its acquisition by the successful bidder in the bidding process conducted by the Bid Process Coordinator. Therefore, the issue raised here by TANGEDCO may be replied to by CTUIL and the Bid Process Coordinator as they are related to the planning of the subject project on the basis of which the bidding process was conducted by the Bid Process Coordinator subsequently with due approval of the MoP as per the relevant guidelines.

b) The implementation activities for the subject project herein have been started, and capex is being undertaken by the Petitioner. In case there is any impact on timelines/cost of the project due to issues raised by TANGEDCO;

then the Petitioner shall be entitled to cost overrun and/or time overrun as the issues raised are beyond the control of the Petitioner.

8. With regard to the regulatory approval, CTUIL, vide its affidavit dated 25.6.2024, has submitted as under:

a) In terms of Rule 3 under the Electricity (Transmission System Planning, Development and Recovery of Inter-State Transmission Charges) Rules, 2021 (“the Transmission Planning Rules, 2021”), CTUIL has been mandated to draw plans for implementation of the transmission system under ISTS for up to five years on the rolling basis by identifying the required transmission system after considering the plans made by the Central Electricity Authority (CEA) and based on the progress in generation capacity and demands in different parts of the country. Further, in terms of sub-rule (3), for preparing the said plans, CTUIL is required to consult with the State Transmission Utilities (STUs), Central and State Governments, generating companies, Regional Power Committees (RPCs), CEA, System Operators, licensees, and other persons notified by the Central Government in that behalf and as per sub-rule (4), such transmission systems are required to be planned and developed matching with the growth of generation and load, as far as possible, so as to ensure that there is no wasteful investment.

b) Additionally, the required transmission systems as planned by CTUIL have been mandated under sub-Rule (5) to be placed before the National Committee on Transmission (NCT) constituted by the Central Government, along with their timelines for implementation. The same are required to be

approved by the Central Government after considering the recommendations of the NCT.

c) The MoP, vide its office order dated 28.10.2021, has reconstituted the then existing NCT and has issued new Terms of Reference (ToR) for the NCT, providing completely new dispensation regarding approvals of the transmission schemes and, therefore, the transmission schemes involving costs greater than Rs. 100 crores are now required to be placed before the NCT by CTUIL after consultation with the State STUs, Central and State Governments, generating companies, RPCs, and once such schemes are recommended by the NCT, the same can be implemented, subject to final approval by the Central Government.

d) Accordingly, with the promulgation of the Transmission Planning Rules, 2021 and the reconstitution of the NCT with the mandate to recommend transmission system schemes to the Ministry of Power for their implementation, obtaining regulatory approval for any transmission system being planned by CTUIL no longer required from this Commission under the 2010 Regulatory Approval Regulations.

e) The Transmission Planning Rules, 2021 being statutory in nature, having been issued in the exercise of powers conferred under Section 176(1) and (2) (z) of the Act, have an overriding effect on any regulations framed by the Commission which are in the nature of a delegated legislation. In this regard, CTUIL has relied upon the judgment of the Hon'ble Supreme Court in the case of the Government of Andhra Pradesh Vs. P. Laxmi Devi [(2008) 4 SCC 720] dated 25.2.2008.

- f) The actions of Respondent No. 1 and the recommendation granted for the implementation of the subject Transmission Scheme are in compliance with the law.
- g) Power Grid Corporation of India Limited (as CTUIL), the Petitioner in Petition No. 200/MP/2019, had submitted that since no connectivity/LTA applications had been received for Bidar, its implementation was proposed to be taken up after receipt of the applications for Stage-II connectivity/LTA and as such, Respondent No.1, CTUIL had itself scaled down the proposal of transmission system for regulatory approval from 18.5 GW to 8GW. Accordingly, TANGEDCO has misconstrued the findings of the Commission in Petition No. 200/MP/2019 and has, therefore, made a misplaced submission that the Commission had rejected the proposal for the Bidar area and had granted regulatory approval for only 8.0 GW, whereas, the approval for the transmission system for Bidar area was put on hold due to non-receipt of the LTA applications and as such, there had been no rejection of the regulatory approval by the Commission with respect to the subject Transmission Scheme for the Bidar area.
- h) The Ministry of Power (MoP), through its Resolution dated 10.8.2021, issued updated Guidelines for Promoting Competition in the Development of Transmission Projects. These guidelines eliminate the need for a bilateral agreement between the Transmission Service Provider (TSP) and long-term transmission customers (LTTCs). Instead, Respondent No. 1 has been authorized to enter into a Transmission Service Agreement (TSA) with the TSP. Consequently, by signing a TSA with the Petitioner, Respondent No. 1

has adhered to the legal framework established by the MoP. Any issues or concerns related to the MoP Resolution should be directed to the appropriate authority by TANGEDCO.

- i) Therefore, the transmission schemes forming the subject matter of the present Petition having evolved after due consultation with all the relevant stakeholders and the SRPC (which, in fact, has recommended for the same) and having received approvals by the NCT and the Central Government, has been planned strictly in accordance with the Transmission Planning Rules, 2021 and as such no regulatory approval, as envisaged under the 2010 Regulatory Approval Regulations is required to be obtained by CTUIL.

Hearing dated 27.6.2024

9. During the course of the proceedings, the learned counsel for Respondent, CTUIL, submitted that CTUIL has already filed its reply to the objection(s) raised by Respondent, TANGEDCO, wherein it has been stated that since the Transmission System involved in the present case has been planned in accordance with the Transmission Planning Rules, 2021, no regulatory approval, as envisaged under the 2010 Regulatory Approval Regulations, is required as such. Further, the learned counsel for Respondent, TANGEDCO, submitted that the Respondent, in its written submissions, has already pointed out that there is no regulatory approval to the Transmission System involved in the present case, which may be considered by the Commission and in addition sought liberty to file a response to the reply filed by CTUIL.

10. The Commission, vide Record of Proceedings dated 27.6.2024, permitted Respondent TANGEDCO to file its response to the CTUIL's reply.

11. In response to the reply filed by CTUIL, TANGEDCO vide its additional submissions dated 6.7.2024, has mainly submitted as under:

(a) The purpose of the 2010 Regulatory Approval Regulations is to oversee the planning and implementation of ISTS projects. This regulatory framework aims to prevent the imposition of excessive tariff burdens on end consumers due to discrepancies between the commercial operation of generation projects and the associated transmission infrastructure. The Statement of Reasons for the 2010 Regulatory Approval Regulations underscores the necessity of obtaining Regulatory Approval for ISTS projects, regardless of whether they are executed by PGCIL or any other private transmission licensee.

(b) The 2010 Regulatory Approval Regulations have been framed to fulfil the mandate of the National Tariff Policy to take up the transmission projects after due regulatory approval where there is no prior agreement with the beneficiaries. The transmission system in question is based on the renewable energy potential rather than confirmed generation capacity. Therefore, being a subordinate legislation under the Statute, the 2010 Regulatory Approval Regulations cannot be overridden by conflicting rules created by the Ministry of Power. Such rules would contravene the powers granted by the Statute and the provisions of the Act 2003.

(d) The Central Commission notifies Regulations under Section 178 of the Act and once a Regulations are in force, the Central Commission is bound to follow the same. The Hon'ble Supreme Court, in its judgment in the case of '*PTC vs. CERC & Ors*', ruled that the Commission is bound to make decisions strictly in accordance with the provisions set out in the relevant notified regulations.

Additionally, reference can be made to the recent judgment by the Appellate Tribunal for Electricity in Appeal No. 352 of 2022, which addresses the advisory issued by the Government of India under Section 107(1) of the Act.

(e) The Commission, through its statutory advice dated 15.10.2020, advised the MoP against proceeding with the formulation of rules on matters that fall under the jurisdiction of the Commission. Accordingly, the statutory advice issued by the Commission and the rules established by the Central Government that exceed the powers granted under the Statute are not binding on the Central Commission. The Commission retains authority to implement the provisions of the Act and the Tariff Policy through its own regulations. Henceforth, the provisions of the 2018 Planning Regulations and the 2010 Regulatory Approval Regulations shall be mandatorily complied with by all the stakeholders.

(f) Since CTUIL has received a connectivity application for the Bidar area, it must now obtain regulatory approval. However, the transmission scheme for the Bidar area was not approved by the Commission in its order dated 26.11.2021, in Petition No. 200/MP/2019. Therefore, Bidar Transmission Limited, a wholly owned subsidiary of Power Grid Corporation of India Limited, is not permitted to implement the project, as this would violate the aforementioned order.

(g) The revised Transmission Service Agreement entered into between the TSP and the nodal agency, CTUIL, under the guidelines of the MoP is not in compliance with Section 61 of the Act, 2003. The guidelines of the MoP are contrary to the provisions of the Sharing Regulations, 2020 and the guidelines of the MoP have no statutory value in the eyes of law. The Act specifically provides for distancing

the Government from the regulatory responsibilities, which are vested with the Regulatory Commissions.

(h) As per the statutory advice issued by the Commission on 15.10.2020, the Ministry of Power was advised not to proceed with framing rules on the matters that fall under the Commission's jurisdiction. Therefore, it is the responsibility of CTUIL to adhere to the 2018 Planning Regulations and the 2010 Regulatory Approval Regulations, and it cannot require the Commission to dispense with the extant regulations.

Hearing dated 22.8.2024

12. Since the order in the present Petition, which was reserved on 27.6.2024, could not be issued prior to one Member of this Commission, who formed part of the Coram, demitting office, the matter was re-listed for hearing on 22.8.2024. During the course of the representative of the Petitioner and the learned counsel for TANGEDCO submitted that the documents placed on record by the parties may be considered while passing the order. After hearing the representative of the Petitioner and learned counsel for the TANGEDCO, the Commission reserved the order in the matter.

Analysis and Decision

13. We have considered the submissions of the Petitioner, TANGEDCO, and the CTUIL. At the outset, we note that the Respondent, TANGEDCO, has sought various objections to the overall scheme of the Guidelines and the TSA issued thereunder. TANGEDCO has submitted that the Guidelines dilute the rights and protection given to DICs and de-link the DICs from the TBCB projects, except for the liability to make the payment. The said Guidelines, being contrary to the provisions of the Act and

Regulations issued by the Commission, have no statutory value in the eyes of law. It is also submitted that the revised TSA issued along with the Guidelines empowers the nodal agency, being a planning agency and supposedly a revenue-neutral agency, to act on behalf of DICs without their consent, which is completely unlawful. TANGEDCO has also urged the Commission to declare the said TSA as invalid and direct a nodal agency to re-draft a modal TSA with the inclusion of DICs as parties therein.

14. We have considered the above submissions made by the Respondent, TANGEDCO. Apart from these submissions being entirely outside the scope of the present proceedings, we also find that this Commission is not an appropriate authority to examine such objections. The Guidelines, along with the model TSA, have been issued by the Central Government under the provisions of Section 63 of the Act, and the functions of the Central Commission, as prescribed under Section 79 of the Act, do not include examining the *vires* of such Guidelines. Therefore, if, at all, TANGEDCO has any grievance to the provisions of the Guidelines and the model TSA issued thereunder, it may take up such aspects with the Ministry of Power, Government of India, which is the custodian of the Guidelines and/or the standard bidding documents issued thereunder.

15. TANGEDCO has also submitted that the CTUIL vide Petition No.200/MP/2019 had sought regulatory approval of the Commission for the transmission system for evacuation of RE power in the Bidar area under the 18.5 GW RE scheme and the Commission vide its order dated 26.11.2021 has rejected the proposal for the Bidar area and granted the regulatory approval for 8.0 GW only and hence the implementation of the project by the Petitioner herein, is in violation of the order passed

by the Commission. *Per Contra*, the CTUIL has submitted that during the proceeding of Petition No. 200/MP/2019, CTUIL had itself scaled down the proposal of the transmission system for regulatory approval from 18.5 GW to 8GW by submitting that since no connectivity/LTA applications had been received for Bidar, its implementation was proposed to be taken up after receipt of the applications for Stage-II connectivity/LTA. We have perused the Order dated 26.11.2021 in Petition No. 200/MP/2019 quoted as under:

“Hearing dated 25.06.2021

37. The Petitioner submitted that, based on information filed by SECI, the implementation of transmission systems for Koppal REZ and Phase-I of Gadag REZ, Karur/ Tiruppur PS are required to be taken on priority. For Bidar REZ and Kurnool REZ, since no application for connectivity/ LTA has been received, implementation of transmission systems is proposed to be taken up after the receipt of applications for Stage-II connectivity/ LTA.

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52. In accordance with the above directions, the Petitioner vide affidavit dated 28.07.2021, has submitted that it is now seeking regulatory approval to undertake phase-wise execution of transmission system for only 8 GW based on receipt of corresponding LTA applications in the solar and wind energy zones in Southern Region, namely, Koppal (2.5 GW), Karur (2.5 GW), Gadag (2.5 GW) and Tuticorin-II (0.5 GW). The Petitioner has submitted that the estimated cost of proposed transmission system is about Rs.1,628 crore (Phase-I: Rs.1,267 crore and Phase-II: Rs.361 crore).

53. The Petitioner has subsequently submitted that it has discussed the proposed revised scheme for 8 GW (revised from erstwhile proposal of 18.5 GW) in the 3rd SRPC (TP) meeting held on 24.08.2021 and the scheme was agreed to be undertaken for phase-wise implementation based on receipt of corresponding LTA applications.

54. We observe that after a number of hearings in the matter over a period of two years, on the persistent queries of constituents in various RPC meetings and in the hearings of the Commission and on the analysis of various factors including availability of land, comprehensive All India study and applications for LTA as directed by the Commission, CTUIL has finally scaled down the proposal of transmission system for regulatory approval from 18.5 GW to 8 GW.

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64. With due regard to the guiding principle of promoting renewable energy as enshrined under Section 61(h) of the Act, we, in exercise of our Powers under Regulation 8 of the Regulatory Approval Regulations, relax the provisions of Regulation 3(1)(i) of the Regulatory Approval Regulations and grant Regulatory approval for execution of the proposed transmission system (along with proposed timelines and phasing) for 8 GW as given in Annexure-I to this order.

.....”

As per the above, the Petitioner had proposed to undertake phase-wise execution of a transmission system for only 8 GW based on receipt of corresponding LTA applications in the solar and wind energy zones in the Southern Region, namely, Koppal (2.5 GW), Karur (2.5 GW), Gadag (2.5 GW) and Tuticorin-II (0.5 GW). There was nothing on record to prove that regulatory approval for Bidar was denied based on the merits of the case; rather, the approval for the same was deferred considering the submissions of CTUIL. Accordingly, we do not agree with TANGEDCO's contention that the Commission has rejected the proposal to grant the regulatory approval for the implementation of the transmission system for the Bidar area vide Order dated 26.11.2021 in Petition No. 200/MP/2019.

16. The Respondent, TANGEDCO, has further submitted that as per Regulations 3. 1(i), 4, and 5 of the 2010 Regulatory Approval Regulations, CTUIL was required to obtain the regulatory approval for the transmission schemes that are not recommended by RPCs and where the generators have applied for open access, and the PPAs have not been signed by all the beneficiaries. However, in the present case, no such regulatory approval has been obtained by the CTUIL. Therefore, the present Petition seeking a transmission licence is not maintainable. *Per contra*, the CTUIL has submitted that the transmission schemes forming the subject matter of the present Petition have evolved after due consultation with all the relevant stakeholders and the SRPC (which, in fact, has recommended for the same) and having received approvals by the NCT and the Central Government, has been planned strictly in accordance with the provisions of the Transmission Planning Rules, 2021 and as such, no regulatory approval, as envisaged under the 2010 Regulatory Approval Regulations, has been required to be obtained by CTUIL. CTUIL has also submitted that the Transmission

Planning Rules, 2021 being statutory in nature and having been issued in the exercise of powers conferred under Section 176(1) and (2) (z) of the Act, have an overriding effect on any regulations framed by the Commission which are in the nature of a delegated legislation. In support, the CTUIL has placed reliance on the judgment of the Hon'ble Supreme Court dated 25.2.2008 in the case of the Government of Andhra Pradesh Vs. P. Laxmi Devi [(2008) 4 SCC 720]. CTUIL has submitted that the transmission schemes have been planned strictly in accordance with the provisions of the Transmission Planning Rules, 2021, and, as such, no regulatory approval, as envisaged under the 2010 Regulatory Approval Regulations, is required to be obtained by CTUIL.

17. We have considered the submissions of the parties. The Ministry of Power, Government of India, on 1.10.2021, notified the Electricity (Transmission System Planning, Development and Recovery of Inter-State Transmission Charges) Rules, 2021 ("Transmission System Planning Rules") in the exercise of the powers conferred under sub-section (1) and clause (z) of sub-section (2) of Section 176 of the Act. As per the provisions of the Transmission System Planning Rules, the ISTS plan drawn up by the CTUIL is required to be placed before the National Committee on Transmission (NCT) constituted by the Central Government, and the projects, along with their timeline for implementation shall be approved by the Central Government after considering the recommendations of the NCT and further the Central Government may approve any transmission project as deemed necessary from the system or strategic point of view, without waiting for the recommendation of the National Committee on Transmission. In the present case, the transmission scheme in question was recommended by the NCT for implementation through the TBCB route

in the 4th Meeting of NCT held on 31.7.2019, and thereafter, the Ministry of Power, Government of India vide Gazette Notification dated 24.1.2020 appointed the REC Transmission Projects Company Limited as the BPC for the bidding of the said transmission scheme. Further, CTUIL has also submitted the transmission scheme was kept on hold on the direction of the MNRE vide letters dated 13.10.2020 and 03.11.2020, and subsequently, in the CEA meeting held on 03.11.2022 it was decided to start the bidding process of the associated transmission scheme for evacuation of power from the Bidder Zone. Subsequently, the matter was discussed in the 10th NCT meeting held on 7.11.2022. The relevant extract of the minutes of the 10th NCT meeting is as under:

“4 Resumption of bidding process of transmission schemes at Bidar, Ananthapuram and Kurnool

4.1 Member Secretary, NCT, informed that the issue regarding resumption of bidding process of the transmission scheme for Solar Energy Zone in Bidar (2500 MW), Karnataka, and transmission scheme for Solar Energy Zone in Ananthapuram (Anantapur) (2500 MW) and Kurnool (1000 MW), Andhra Pradesh, has already been discussed with CTUIL, SECI, MNRE and BPC on 03.11.2022 and BPCs have been directed to initiate the bidding process of the schemes. POWERGRID has also been directed to immediately start the works of the transmission scheme “Evacuation of power from RE Sources in Kurnool Wind Energy Zone (3000 MW) / Solar Energy Zone (1500 MW) Part A and Part B” awarded under RTM route.

4.2 NCT noted the same.”

As per the above, the NCT, in a meeting held on 7.11.2022, has noted the development regarding the resumption of the bidding process of transmission schemes at Bidar, Ananthapuram, and Kurnool.

18. Further, as per the discussions in the 10th NCT meetings held on 7.11.2022 and the 15th NCT meetings held on 25.8.2023 where the additional space for (future provisions) for ICTs/bays and certain modifications to the earlier approved scheme

were also agreed upon, which thereafter came to be notified by the Ministry of Power vide gazette notifications dated 28.3.2023 and 7.11.2023 respectively.

19. From the 10th NCT meeting held on 7.11.2022, and 15th Meeting held on 25.8.2023, and subsequent gazette notifications of the scheme by MoP on 28.3.2023 and 7.11.2023, we observe that the subject Transmission Scheme was undertaken after approval of the NCT in terms of the Transmission System Planning Rules, 2021 and the procedure prescribed under Rule 3(5) appears to have been complied with for the transmission scheme. However, the Respondent, TANGEDCO, has sought to contend that CTUIL has not obtained the regulatory approval for the said transmission scheme as required under the 2010 Regulatory Approval Regulations of this Commission. *Per contra*, CTUIL has submitted that the transmission scheme, having been evolved after due consultation with the relevant stakeholders and SRPC and having received approval by the NCT and the Central Government, has been planned strictly in accordance with the Transmission System Planning Rules and as such, no regulatory approval as envisaged under 2010 Regulatory Approval Regulations is required to be obtained by the CTUIL.

20. We have considered the submissions made by the parties. Indisputably, both the Transmission System Planning Rules as well as the 2010 Regulatory Approval Regulations are in the nature of delegated legislations enacted under the enabling provisions of the Act. While the Transmission System Planning Rules have been notified by the Central Government under provisions of Sections 176(1) and 176(2)(z) of the Act, the 2010 Regulatory Approval Regulations have been notified by this Commission under Section 178(1) and 178(2)(ze) read with Section 79(1)(c) of the Act. We have also perused the judgment of the Hon'ble Supreme Court in the case of

the Government of Andhra Pradesh Vs. P. Laxmi Devi [(2008) 4 SCC 720] dated 25.2.2008. The Relevant portions of the said judgments are extracted as under:

“34. In India the Grundnorm is the Indian Constitution, and the hierarchy is as follows:

(i) The Constitution of India;

(ii) Statutory law, which may be either law made by Parliament or by the State Legislature;

(iii) Delegated legislation, which may be in the form of rules made under the statute, regulations made under the statute, etc.

(iv) Purely executive orders not made under any statute.

35. If a law (norm) in a higher layer in the above hierarchy clashes with a law in a lower layer, the former will prevail. Hence a constitutional provision will prevail over all other laws, whether in a statute or in delegated legislation or in an executive order. The Constitution is the highest law of the land, and no law which is in conflict with it can survive. Since the law made by the legislature is in the second layer of the hierarchy, obviously it will be invalid if it is in conflict with a provision in the Constitution (except the directive principles which, by Article 37, have been expressly made non-enforceable).”

21. The Hon`ble Supreme Court, in the said judgment, has held that both the Rules and the Regulations are delegated legislations and are below the statutory Act and above the executive orders. We note that the judgement is silent about *inter-se* priority between Rules and Regulations issued by the different authorities under the parent Act. We are of the view that the provisions of the Regulations and the Rules have to be read harmoniously. It is noticed that the CTUIL has complied with the procedure laid down in the Transmission System Planning Rules with respect to the planning and approval of the transmission scheme involved in the matter.

22. We have perused the 2010 Regulatory Approval Regulations, which provide as under:

“3. Scope and applicability

(1) *These regulations shall apply to:*

(i) *An ISTS Scheme proposed by Central Transmission Utility, for which generators have sought long-term access as per the Central Electricity Regulatory Commission (Grant of Connectivity, Long-Term Access and Medium-Term Open Access to the Inter-State Transmission and Related Matters) Regulations, 2009, and for which consultation with Central Electricity Authority and beneficiaries if already identified has been held for setting up the ISTS Scheme, but for which Power Purchase Agreements with all the beneficiaries have not been signed on the date of application.*

(ii) *An ISTS Scheme for system strengthening / up-gradation, identified by Central Transmission Utility to enable reliable, efficient, co-ordinated and economical flow of electricity within and across the region for which consultation with Central Electricity Authority and beneficiaries if identified has been held.*

(iii) *ISTS Scheme proposed by CTU, for which the Central Government authorized Solar Power Park Developer has sought long term access, and for which consultation with CEA and beneficiaries wherever identified has been held for setting up the ISTS scheme and the Solar Power Park Developer undertakes to bear all liabilities on behalf of the solar power generators to be set up in the Solar Park. (2) These regulations shall not apply to ISTS Scheme, for which all the beneficiaries/respective STUs have signed Bulk Power Transmission Agreement to share the transmission charges.”*

As per the above provisions, regulatory approval can be sought *inter-alia* in the cases (i) where the long-term access (LTA) has been sought by the generators under 2009 Connectivity Regulations and for which consultation with the CEA and beneficiaries, if identified, has been held but the PPA has not been signed, (ii) scheme for system strengthening/up-gradation, identified by CTUIL to enable the reliable, efficient, co-ordinated and economical flow of electricity within and across the region for which consultation with CEA and beneficiaries, if identified has been held, and (iii) where long term access has been sought by the Central Government authorized Solar Power Park Developer for which consultation with CEA and the beneficiaries, wherever identified has been held for setting up the ISTS scheme.

23. We observe that the said scheme identified based on the RE potential is not covered under the 2010 Regulatory Approval Regulations. We also note that in the past, CTUIL had approached the Commission in a few cases for the grant of regulatory approval for schemes based on RE potential. The Commission, after taking note of the absence of explicit provisions for regulatory approval for the transmission system planning for RE potential, granted the regulatory approval after exercising the powers to relax, including under Petition No. 200/MP/2019. TANGEDCO has also pointed out that since CTUIL has now received a connectivity application in the Bidar area, the scheme would require prior regulatory approval as envisaged under the 2010 Regulatory Approval Regulations. We also note that the Transmission System Planning Rules, as notified by the Ministry of Power, Government of India, on 1.10.2021, provide as under:

“3. Planning and Approvals.-(1)The Central Electricity Authority shall draw up short term plan every year on rolling basis for upto next five years and perspective plan every alternate year on rolling basis for next ten years for development of the electricity system and co-ordinate the activities of the planning agencies for the optimal utilisation of resources to subserve the interests of the national economy and to provide reliable and affordable electricity in accordance with section 73 of the Act.

(2) The Central Electricity Authority shall also draw up the perspective plan for development of transmission system after consultation with all the relevant stakeholders such as, Central Transmission Utility, State Transmission Utilities, System Operators, generating and distribution companies, industry associations and the State Governments, etc., and after assessing the rate of growth in demand as well as the growth of generation in different areas of country.

(3) The Central Transmission Utility shall draw up plan for Inter-State Transmission System for upto next five years on rolling basis every year identifying specific transmission projects which are required to be taken up along with their implementation time lines, after considering the plans made by Central Electricity Authority and studying the progress in generation capacity and demand in different parts of the country as well as taking note of General Network Access requests made by Designated Inter-state Customers, any signals of any congestion in any part of the Inter-State Transmission System and difficulties in obtaining right of way for development of transmission corridors. For preparing this plan, Central

Transmission Utility shall consult with State Transmission Utilities, Central Government, State Governments, generating companies, Regional Power Committees, Central Electricity Authority, System Operators, licensees and any other person notified by the Central Government in this behalf.

(4) The principle for planning of the Inter-State Transmission System shall be to ensure that it is available as per the requirements of the States and the generators, as reflected by their General Network Access requests and the planning should be such that the lack of availability of the transmission system does not act as a brake on the growth of different regions. The transmission system shall, be planned and developed matching with growth of generation and load, as far as possible and while doing the planning, care shall be taken that there is no wasteful investment.

(5) The Inter-State Transmission System projects drawn up by Central Transmission Utility shall be placed before the National Committee on Transmission constituted by the Central Government and the National Committee on Transmission shall also include a nominee of each Regional Power Committee. The projects along with their timeline for implementation shall be approved by the Central Government after considering the recommendations of the National Committee on Transmission:

Provided that the Central Government may approve any transmission project as deemed necessary from the system or strategic point of view, without waiting for the recommendation of the National Committee on Transmission.”

24. As per the above provisions, the ISTS plan drawn up by the CTUIL is required to be placed before the National Committee on Transmission (NCT) constituted by the Central Government, and the projects, along with their timeline for implementation, shall be approved by the Central Government after considering the recommendations of the NCT and further the Central Government may approve any transmission project as deemed necessary from the system or strategic point of view, without waiting for the recommendation of the National Committee on Transmission.

25. We observe that the NCT has recommended the scheme as envisaged under the Transmission Planning Rules 2021. Considering the above, we are of the view that

CTUIL has complied with the requirements of the statutory framework in force qua the transmission system in question.

26. While the Respondent, TANGEDCO, has also sought to raise objections regarding the scope of the Rule making power of the Central Government under Section 176 of the Act, we are not inclined to consider such submissions/objections as they squarely fall beyond the purview of this Commission.

27. Now we proceed to examine whether the Petitioner has satisfied the provisions under the Transmission Licence Regulations for the subject ISTS scheme for the grant of transmission licence.

28. With regard to the status of the connectivity granted at Bidar PS at 220kV, Respondent, CTUIL vide its affidavit dated 10.5.2024, has submitted as under:

*“Status of the Connectivity granted at Bidar PS
Connectivity of 750 MW has been granted/agreed for grant/ under process at Bidar PS at 220kV level with “Transmission scheme for Solar Energy Zone in Bidar (2500 MW), Karnataka”. The details of the applications granted/agreed for grant/ under process are as below:*

S.No.	Applicant Name	Connectivity Quantum (MW)	Connectivity Sought From	Start date of Connectivity
<i>Bidar PS</i>				
1	<i>Hero Solar Energy Pvt. Ltd.</i>	300	31.12.2026	<i>December 2026</i>
2	<i>Sprng Powerinfra Pvt. Ltd.</i>	200	30.06.2027	<i>30.06.2027 (Agreed for grant)</i>
3	<i>Hero Solar Energy Pvt. Ltd.</i>	250	31.03.2027	<i>31.03.2027 (Agreed for grant)</i>
<i>Total</i>		<i>750</i>		

29. 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.”

30. In our order dated 30.4.2024, 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 15.3.2024, 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 2009 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, TANGEDCO, and CTUIL, we direct that a transmission licence be granted to the Petitioner, 'POWERGRID Bidar Transmission Limited,' for the grant of a transmission licence in order to implement the transmission system for "Transmission Scheme for Solar Energy Zone in Bidar (2500 MW), Karnataka" on a Build, Own, Operate, and Transfer basis as per the details given in paragraph 1 above.

31. 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, 2024 (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 reenactments 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.

32. The Petitioner has informed that the name of the Petitioner company has been changed from 'Bidar Transmission Limited' to 'POWERGRID Bidar Transmission Limited' with effect from 21.5.2024. The certificate of change of name from 'Bidar Transmission Limited' to 'POWERGRID Bidar Transmission Limited' dated 21.5.2024 issued by the Registrar of Companies, Delhi, has been placed on record. Accordingly,

the name of the Petitioner has been changed to “POWERGRID Bidar Transmission Limited’ on the record of the Commission.

33. 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.

34. It is expected that while carrying out the survey, the Petitioner 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.

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

36. Petition No. 116/TL/2024 is allowed in terms of the above.

Sd/-
(Harish Dudani)
Member

sd/-
(Ramesh Babu V)
Member

sd/-
(Jishnu Barua)
Chairperson