

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 146/TL/2024

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

Date of Order: 30th May, 2024

In the matter of

Petition under Sections 14, 15 and 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 for the grant of transmission licence to Solapur Transmission Limited for establishing the Inter-State Transmission system for evacuation of power from the RE Projects in Solapur (1500 MW) SEZ in Maharashtra.

And

In the matter of

Solapur Transmission Limited,
2, Dharam Marg, Chanakyapuri
New Delhi-110021

...Petitioner

Vs

1. **Central Transmission Utility of India Limited,**
Saudamini, Plot No.2, Sector-29,
Gurgaon-122 001, Haryana
2. **Western Regional Power Committee,**
F-3, MIDC Area, Marol,
Opp. SEEPZ, Central Road,
Andheri (East), Mumbai-400093
3. **PFC Consulting Limited,**
Urjanidhi, 1, Barakhamba Lane, Connaught Place,
New Delhi- 110001
4. **Gujarat Urja Vikas Nigam Limited,**
Sardar Patel Vidhyut Bhavan, Race Course,
Vadodara, Gujarat – 390007
5. **Maharashtra State Electricity Distribution Company Limited,**
Prakashgad, 4th Floor, Bandra (East),
Mumbai- 400051.
6. **Madhya Pradesh Power Management Company Limited,**

Shakti Bhavan, Vidhyut Nagar,
Rampur, Jabalpur-482008

7. **Chhattisgarh State Power Trading Company Limited,**
Vidyut Seva Bhawan,
Danganiya, Raipur- 492013

8. **Goa Electricity Department,**
Government of Goa, 3rd Floor, Vidyut Bhawan,
Panaji, Goa-403001.

9. **Dadra and Nagar Haveli and Daman and Diu Power Distribution Corporation Limited,**
1st & 2nd Floor, Vidyut Bhawan,
Silvassa, U.T. of Dadra & Nagar Haveli– 396230

10. **Central Electricity Authority,**
Sewa Bhawan, Sector-1,
R.K. Puram, New Delhi -110066

11. **Power Grid Corporation of India Limited,**
“Saudamini”, Plot No. 2, Sector-29, Near IFFCO Chowk,
Gurgaon-122001 (Haryana)

....Respondents

Parties present:

Shri Sunder Singh, STL
Ms. Priyadarshini, Advocate, PFCCL
Shri Deepak Kumar, PFCCL
Shri Ranjeet Rajput, CTUIL
Shri Akshayvat Kislay, CTUIL

ORDER

The Petitioner, Solapur 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 “Inter-state Transmission system for Evacuation of Power from RE Projects in Solapur (1500

MW) SEZ in Maharashtra” on a Build, Own, Operate and Transfer basis (hereinafter referred to as “the Project”) consisting of the following elements:

| SI. No. | Name of Transmission Element | Scheduled COD in months from the effective date |
|---------|--|---|
| 1. | <p>Establishment of 400/220 kV, 4x500 MVA ICTs at Solapur PS along with 2x125 MVAR, 420 kV Bus Reactors</p> <ul style="list-style-type: none"> • 400/220 kV, 500 MVA ICT- 4 • 400 kV ICT bays- 4 • 220 kV ICT bays- 4 • 400 kV line bays -2. • 220 kV line bays for solar park interconnection -5 • 125 MVAR, 420 kV Bus reactor – 2 Nos • 400 kV Bus reactor bay: 2 Nos. • 220 kV TBC bay – 1 No. • 220 kV BC bay – 1 No. <p>Future provisions: Space to accommodate:</p> <ul style="list-style-type: none"> • 400/220 kV, 500 MVA ICT along with associated bays – 6 Nos. • 400 kV line bays along with switchable line reactors: 12 Nos. • 420 kV, 2x125 MVAR Bus Reactor with Bays • 15 nos. of 220 kV line bays • Sectionaliser arrangement at 220 kV level (3 Sets) & 400 kV level (1 Set) • 220 kV TBC bay – 3 Nos. • 220 kV BC bay – 3 Nos. | 24 months |
| 2. | Solapur PS -Solapur (PG) 400 kV D/c line (Quad ACSR/AAAC/AL59 moose equivalent) | |
| 3. | 2 nos. of 400 kV line bays at Solapur (PG) S/s for termination of Solapur PS- Solapur (PG) 400 kV D/c line. | |

Note: POWERGRID shall provide space for 2 Nos. of 400kV bays at Solapur (PG) for termination of Solapur PS- Solapur (PG) 400kV D/c line.”

2. The Petitioner has made the following prayers:

“(a) Grant transmission licence to the Petitioner.

(b) Allow sharing and recovery of the Transmission Charges for Inter-State Transmission System for establishment of “Transmission System for Evacuation of Power from RE Projects in Solapur (1500 MW) SEZ in Maharashtra as per the CERC (Sharing of Inter-State Transmission

Charges and Losses) Regulations, 2020 and any other amendments issued thereon from time to time by the Commission.

(c) Condone any inadvertent errors omissions/errors/shortcomings and permit the Petitioner to add/change/modify/alter these filings and make further submissions as may be required going forward; and

(d) Pass such order(s) as the Commission may deem fit and proper in the facts and circumstances of this case.”

Hearing dated 8.5.2024

3. During the course of the hearing on 8.5.2024, the representative of the Petitioner submitted that the Petitioner has complied with the requirements, including publication of notice(s) under the provisions of the Transmission Licence Regulations and CTUIL has submitted its recommendations for the grant of a transmission licence to the Petitioner company under Section 15(4) of the Electricity Act, 2003.

4. In response to the specific query of the Commission with regard to the status of generation at Solapur SEZ, the representative of CTUIL submitted that it has already received connectivity applications for approximately 1600 MW.

5. Vide Record of Proceedings for the hearing dated 8.5.2024, the Petitioner was directed to implead the beneficiaries of Western Region and to file revised Memo of Parties. In response, the Petitioner has filed the amended memo of parties impleading the beneficiaries of Western Region. Notices were issued to Respondents, including impleaded Respondents, to file their respective replies. However, no reply has been filed by them.

6. The Petitioner, vide Record of Proceedings for the hearing dated 8.5.2024, was directed to file (i) the current status of RE Connectivity at Solapur PG S/s., and (ii) the current status of the Connectivity at the new Solapur PS along with its commissioning schedules. It was further observed that in the 12th NCT meeting, approval for the

instant scheme was granted with the direction that to avoid the GIB area for the proposed Solapur PS-Solapur (PG) 400 kV D/c line, the Solapur PS should be planned accordingly and the Petitioner was asked to submit a final adopted Survey Report highlighting the site selection for the new Solapur PS along with connection with Solapur PG through the proposed transmission line. In response, the Petitioner vide its affidavit dated 21.5.2024 has submitted as under:

(a) With regard to the status of the RE connectivity, CTUIL is the relevant authority for the granting connectivity and such information is available with the CTUIL.

(b) With regard to the status of the project, the Petitioner has already initiated the activities, and procurement of land is under way for the establishment of the Solapur sub-station. The Petitioner has also carried out transmission line route survey considering proposed land and avoiding GIB area. The Petitioner has placed a copy of the survey report.

7. The Petitioner has submitted that the National Committee on Transmission, in its 12th meetings held on 7.11.2022 and 24.3.2023, decided that the “Transmission System for Evacuation of Power from RE Projects in Solapur (1500 MW) SEZ in Maharashtra” may be taken up for implementation by the Government of India through the competitive bidding route. Accordingly, 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, PFC Consulting Limited (PFCCL) was notified by the Ministry of Power, Government of India, vide Gazette Notification dated 18.5.2023 as the Bid Process

Coordinator (BPC) for the purpose of selection of the bidder as the Transmission Service Provider (TSP) to establish the “Transmission System for Evacuation of Power from RE Projects in Solapur (1500 MW) SEZ in Maharashtra” on a Build, Own, Operate and Transfer (BOOT) basis.

8. PFCCL, in its capacity as the BPC, initiated the bid process on 23.6.2023 and completed the same on 20.3.2024 in accordance with the Guidelines. Torrent Power Limited was selected as the successful bidder, having quoted the lowest transmission charges of Rs. 500.00 million per annum to provide the transmission services to the transmission system’s beneficiaries. The BPC, vide its letter dated 28.6.2023, informed the CERC about the initiation of the bid process.

9. RfP was initiated on 23.6.2023. At the RfP (Technical and Financial) stage, four bidders, namely, (i) Power Grid Corporation of India Limited, (ii) Indigrid 2 Limited, (iii) Sterlite Grid 10 Limited, and (iv) Torrent Power Limited, submitted their offers. The RfP (Technical bids) of the four bidders were opened by the Bid Opening Committee on 22.12.2023 in the presence of the representative of the Bid Evaluation Committee (BEC). The BEC recommended the bids of all four bidders as responsive to qualify for the opening of their RfP (Financial) bids.

10. Based on the recommendation of the BEC, the RfP (Financial) Bids-Initial Price Offers of the four bidders were opened on 20.2.2024. The lowest Initial Price Offer discovered (Best Deal) at the MSTC portal was Rs. 500.00 million per annum. 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 per annum) | Rank |
|---------|--------------------|---|------|
|---------|--------------------|---|------|

| | | | |
|----|---|--------|----|
| 1. | Torrent Power Limited | 500.00 | L1 |
| 2. | Indigrd 2 Limited | 545.00 | L2 |
| 3. | Sterlite Grid 10 Limited | 600.70 | L3 |
| 4. | Power Grid Corporation of India Limited | 614.55 | L4 |

11. 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 three bidders, whichever is higher, shall be considered to be qualified for participating in the electronic reverse auction stage and submitting their final offers.

12. The e-reverse auction of four bidders was carried out at the MSTC portal on 21.2.2024. However, no bidders participated in the e-reverse auction. The Final Offer (Quoted Transmission Charges) of each bidder as quoted at the time of closing of e-reverse bidding is as under:

| Sr. No. | Name of the Bidder | Quoted Transmission Charges as per the Initial Offer (in Rs. Million per annum) | Final Transmission Charges as per the Initial Offer (in Rs. Million per annum) | Rank |
|---------|---|---|--|------|
| 1. | Torrent Power Limited | 500.00 | 500.00 (not participated in e-RA) | L1 |
| 2. | Indigrd 2 Limited | 545.00 | 545.00 (not participated in e-RA) | L2 |
| 3. | Sterlite Grid 10 Limited | 600.70 | 600.70 (not participated in e-RA) | L3 |
| 4. | Power Grid Corporation of India Limited | 614.55 | 614.55 (not participated in e-RA) | L4 |

13. As per the Bid Evaluation Report dated 23.2.2024, Torrent Power Limited emerged as the successful bidder with the lowest quoted transmission charges of Rs. 500.00 million per annum. BEC, vide its certificate dated 23.2.2024, 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 at the time of closing of the e-reverse auction are acceptable.

14. Consequent to its selection as the lowest bidder, a Letter of Intent (LoI) was issued to Torrent Power Limited by the BPC on 26.2.2024, which was accepted by Torrent Power Limited. Under the terms of RfP and the Letter of Intent, the successful bidder is obligated to accomplish the following tasks:

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

15. The Petitioner furnished the Contract Performance Guarantee (CPG) in favour of Nodal Agency, i.e., CTUIL, for Rs. 15 crore on 14.3.2024 and acquired a hundred per cent equity holding in Solapur Transmission Limited on 20.3.2024. The Petitioner entered into a Transmission Service Agreement (TSA) with CTUIL on 20.3.2024.

16. 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”

17. 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 the 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. 25-17/54/2023-PG dated 29.12.2023, which had issued prior approval to the Project under Section 68 of the Act. The selection of the project developer, Solapur Transmission Limited, has

been certified to have been made in accordance with the Guidelines for competitive bidding.

18. 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

.....

(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.”

19. The Petitioner has approached the Commission with a separate application for the adoption of transmission charges in respect of the transmission system, which is presently under consideration of the Commission, and the order in that Petition will be

issued separately. The Petitioner has filed the present Petition for the grant of a transmission licence in accordance with the provisions of the Transmission Licence Regulations. The Petitioner has submitted proof of service of the copies of the application on the BPC, CTUIL and the 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 a 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 Solapur Transmission Limited with respect to the transmission system as per the details given in paragraph 1 above.

20. The Petitioner has made the Application as per Form-I and paid a fee of Rs. one lakh as prescribed by the Central Government. As per the direction of the Commission, the Petitioner has served a copy of the Application on the beneficiaries of the transmission project. The transmission charges quoted by the Petitioner, which have been recommended by the Bid Evaluation Committee for acceptance, is Rs. 500.00 million per annum. The Petitioner has also enclosed copies of the recommendations of the Bid Evaluation Committee.

21. The Petitioner has published the notices on the e-filing portal of the Commission and on its website in Form-II in English, Hindi, and Marathi languages. No objection has been received from the general public to the notices.

22. The Petitioner has served a 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 4.4.2024, has recommended the grant of a transmission licence to the Petitioner

company. The Relevant portions of the said letter dated 4.4.2024 are extracted as under:

"This has reference to the Petition (Diary) No. 178/2024 dated 28.03.2024 filed by M/s Solapur Transmission Limited (STL) before the Commission vide which Mis STL has requested CTU for issuance of its recommendation for grant of Transmission License for subject transmission scheme. In this regard, the following is submitted:

1. *M/s Solapur Transmission Limited (STL) has filed an application/petition under Section 14, 15 & 79(1)(e) of the Electricity Act, 2003 read with CERC (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2009 for grant of transmission license for "Transmission system for Evacuation of Power from RE Projects in Solapur (1500 MW) SEZ in Maharashtra" project on Build, Own, Operate and Transfer (BOOT) basis as ISTS. The detailed scope of the transmission scheme is enclosed at Annexure-I.*

2. *As per section 15(3) of the Electricity Act, 2003 and Regulation 7(6) of Transmission License Regulations, 2009, a copy of the application for the grant of transmission license, for the above transmission system has been received on 28.03.2024 for recommendation required u/s 15(4) of the Electricity Act, 2003 and Regulation 7(11) of Transmission License Regulations, 2009.*

3. *In reference to the Transmission Scheme "Transmission system for Evacuation of Power from RE Projects in Solapur (1500 MW) SEZ in Maharashtra", the following is submitted:*

(i) *The Govt. of India has set a target for establishing 500 GW capacity from non-fossil energy sources by 2030. Towards achievement of the same, about 3.5 GW RE potential has been identified at Solapur out of which 2 GW has been planned for direct injection at Solapur (PG) through 1 no. 400 kV bay whereas the balance 1.5 GW has been planned for injection at a New substation near Solapur (Solapur Pooling Point).*

The present scheme has been planned for evacuation of power from RE projects in Solapur (1500 MW) SEZ in Maharashtra.

The subject scheme includes the Establishment of a new 400/220 kV Solapur Pooling Station alongwith Solapur PS- Solapur (PG) 400 D/C line. The scheme will facilitate integration of 1.5 GW REZ in the Solapur area. The detailed scope of the transmission scheme is enclosed at Annexure-I.

(ii) *The transmission system was discussed and agreed upon in the 15th Consultation Meeting for Evolving Transmission Schemes in Western Region (CMETS-WR) held on 30.01.2023. A copy of the minutes of the 15th CMETS-WR meeting is enclosed at Annexure-II.*

(iii) *The transmission system was discussed and agreed upon in the 12th NCT meeting held on 24.03.2023. Copy of the minutes of the 12th NCT meeting is enclosed at Annexure- III.*

(iv) *The Government of India, Ministry of Power, vide Gazette notification dated 27.04.2023 had appointed PFC Consulting Limited (PFCCCL) as the Bid Process Coordinator (BPC) for the purpose of selection of Bidder as Transmission Service Provider (TSP) to establish the subject ISTS through Tariff Based Competitive Bidding (TBCB) process on build, own operate & transfer basis. Copy of Gazette notification is enclosed at Annexure-IV.*

4. *Pursuant to the process of competitive bidding conducted by the BPC, Torrent Power Limited emerged as the successful bidder. Thereafter, the BPC issued a Letter of Intent in favour of Torrent Power Limited on 26.02.2024. Subsequently, Torrent Power Limited acquired M/s Solapur Transmission Limited (STL) on 20.03.2024, after execution of the Share Purchase Agreement (SPA) and completing all procedural requirements specified in the RFP documents. The scheduled COD for the proposed ISTS scheme is 24 months from the date of SPV acquisition.*

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

23. 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 7.3.2024. Though Lol was issued on 26.2.2024, BPC, vide its letter dated 20.3.2024 in terms of Clauses 2.15.2 of RfP, extended the date up to 20.3.2024 for completion of all activities by the successful bidder. The selected bidder furnished the Contract Performance Guarantee in favour of the Nodal Agency (CTUIL) for an amount of Rs. 15 crore on 14.3.2024 and acquired a hundred per cent equity-holding in the applicant company on 20.3.2024 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, Torrent Power Limited, acquired the SPV on 20.3.2024. Accordingly, the TSP has filed the instant Petition through e-filing for the grant of a transmission licence on 28.3.2024. There is a delay of three days in filing the Petition. In this regard, the Petitioner has submitted that it had paid the transmission Petition fee on 27.3.2024. However, the application could be filed online on 28.3.2024 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.

24. Considering the material on record, we are *prima-facie* of the view that the Petitioner satisfies the conditions for the grant of an inter-State transmission licence under Section 15 of the Act read with the Transmission Licence Regulations. 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 **14.6.2024**.

25. 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.

26. 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.

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

Sd/-
(Arun Goyal)
Member

sd/-
(Jishnu Barua)
Chairperson