

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 172/TL/2024

Coram:

Shri Jishnu Barua, Chairperson

Shri Arun Goyal, Member

Shri Ramesh Babu V., Member

Date of order: 11th July, 2024

In the matter of:

Application under Section 14 of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission Licence and other related matters) Regulations, 2009 for grant of separate Transmission Licence to POWERGRID Ananthpuram Kurnool Transmission Limited for Implementation of 3 nos. of 400kV line bays at Ananthpuram PS for integration of RE generation projects under "Regulated Tariff Mechanism" (RTM) mode.

And

In the matter of

POWERGRID Ananthpuram Kurnool Transmission Limited,
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi - 110016

Address for correspondence:

ED(TBCB), Power Grid Corporation of India Limited,
Saudamini, Plot no.2, Sector-29,
Gurgaon-122001, Haryana

.....Petitioner

Vs.

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

2. PFC Consulting Limited
9th Floor, A-Wing, Statesman House,
Connaught Place, New Delhi- 110001.

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. Gulbarga 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, Kavour Cross Road, Bejai, Mangalore- 575 004

8. Chamundeswari Elect. Supply Company 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. Tamil Nadu Generation and Distribution Company Limited,
Chief Financial Controller/Revenue / Eastern Wing,
7th Floor, NPKRR Maaligai,144,
Anna Salai,Chennai - 600 002

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 of India Limited,
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, Raj Bhavan Road,
Somajiguda, Hyderabad - 500082
(Opposite Villae Marie College)

16. SAIL-Salem Steel Plant,

Salem Steel Plant, Steel Authority of India Limited,
Salem - 636 013

17. Sembcorp Gayatri Power Limited,

6-3-1090, 5th Floor, A Block,
TSR Towers, Raj Bhavan Road,
Somajiguda, Hyderabad.

18. South Western Railway,

Office of Senior Divisional Electrical Engineer,
Divisional Railway Manager Building,
Traction Distribution Branch, Ground Floor,
Adjacent to City Railway Station, Bengaluru- 560 023

19. Pugalur HVDC Station, POWERGRID,

HVDC-Pugalur Nochipalayam Post,
Sirukinar Village Dharmapuram Taluk,
Tiruppur -638706, Tamil Nadu.

20. Thrissur HVDC Station, POWERGRID,

HVDC-THRISSUR sub-station,
Power Grid Corporation of India Limited,
Near Cashew Research Station,
Mannuthy Thannikudem Road,
Madakathara, Thrissur-680651, Kerala

...Respondents

The following were present:

Shri Vijay G. PAKTL
Shri Abhijit Daimari, PAKTL
Shri Ranjeet Rajput, CTUIL
Shri Akshyavat Kislav, CTUIL
Shri Siddharth Sharma, CTUIL

ORDER

The Petitioner, POWERGRID Ananthpuram Kurnool Transmission Limited (in

Short 'PAKTL'), has filed the present Petition under Section 14 and of the Electricity Act, 2003 (hereinafter referred to as 'the Act') read with the provisions of the Central Electricity Regulatory Commission (Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009 (hereinafter referred to as 'the Transmission Licence Regulations') for the grant of a separate transmission licence for the implementation of transmission system for Implementation of 3 nos. of 400kV line bays at Ananthpuram PS for integration of RE generation projects through "Regulated Tariff Mechanism" (RTM) mode (hereinafter referred to as the 'transmission scheme/project'). The scope of the project for which a transmission licence has been sought is as follows:

Sl. No.	Scope of the Transmission Scheme	Item Description	Implementation Time Frame
1	2nos. of 400 kV line bays at Ananthpuram PS for Connectivity to M/s Renew Vikram Shakti Pvt. Ltd.	400kV line bays – 2 Nos.	31.3.2026
2	1no. of 400 kV line bay at Ananthpuram PS for Connectivity to M/s ABC Cleantech Pvt. Ltd.	400kV line bays – 1No.	31.3.2026

2. The Petitioner has made the following prayers:

“(a) Grant separate Transmission Licence to the Applicant for implementation of additional scope of work under RTM mode as detailed at para 3 above.

(b) Allow the Applicant liberty to approach the Commission for determination of transmission charges after commissioning of the scope of works mentioned at Para 3 above, in accordance with Section 61, 62 of the Electricity Act, 2003 and as per 8(2) of the Transmission Licence Regulations, 2009.

(c) Condone any inadvertent omissions/shortcomings/errors and permit the Applicant to add/modify/alter this application and make further submissions as may be required at a future date.

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

3. The Petitioner, POWERGRID Ananthpuram Kurnool Transmission Limited (a 100% wholly owned subsidiary of Power Grid Corporation of India Limited) is an Inter-State Transmission Licensee implementing the "Transmission Scheme for Solar Energy Zone in Ananthpuram (Ananthapur) (2500 MW) and Kurnool (1000 MW), Andhra Pradesh “on a Build, Own, Operate and Transfer (BOOT) basis through TBCB route (hereinafter referred to as "TBCB Project"). The Commission, vide its order dated 29.2.2024 in Petition No. 340/TL/2024, granted a transmission licence to POWERGRID Ananthpuram Kurnool Transmission Limited for aforesaid TBCB Project consisting of the following elements:

Sl.No.	Project elements	Scheduled COD
1.	<p><i>Establishment of 400/220 kV, 7x500 MVA pooling station at suitable border location between Ananthpuram & Kurnool Distt with 400kV (2x125 MVAR) bus reactor</i></p> <p>A. 400kV</p> <p><i>i ICT: 7x500MVA, 400/220kV</i></p> <p><i>ii ICT bay: 7 nos.</i></p> <p><i>iii Line bay: 4 nos.</i></p> <p><i>iv Bus Reactor: 2x125 MVAR, 420kV</i></p> <p><i>v Bus Reactor bay: 2 nos.</i></p> <p><i>vi Line Reactor: 2x80 MVAR, 420kV</i></p> <p><i>vii Switchable line reactor bay: 2 nos.</i></p> <p><i>viii Space for future line bays along with switchable line reactor: 12 nos.</i></p> <p><i>ix Space for future 400/220kV ICTs along with associated bay: 4 nos.</i></p> <p>B. 220Kv</p> <p><i>i ICT bay: 7 nos.</i></p> <p><i>ii Line bay: 12 nos.</i></p> <p><i>iii Bus sectionalizer: 2 sets</i></p> <p><i>iv Bus coupler bay: 3 nos.</i></p>	24 months from SPV Transfer.

Sl.No.	Project elements	Scheduled COD
	<i>v Transfer Bus coupler bay: 3 nos.</i> <i>vi Space for future 400/220kV ICTs along with associated bays: 4 nos.</i> <i>vii Space for future line bays: 8 nos.</i> <i>viii Space for additional future 220kV Bus</i> <i>Sectionalizer:</i> <i>1set</i> <i>ix Space for additional future 220kV TBC bay: 1 nos.</i> <i>x Space for additional future 220kV BC bay: 1 nos</i>	
2.	<i>Ananthpuram PS-Kurnool-III PS 400 kV (Quad moose) D/c Line</i>	24 months from SPV Transfer.
3.	<i>2 Nos 400 kV line bays at Kurnool-III PS for Ananthpuram PS-Kurnool-III PS 400 kV D/c line</i>	24 months from SPV Transfer.
4.	<i>Ananthpuram PS-Cuddapah-400kV (Quad moose) D/c Line</i>	24 months from SPV Transfer.
5.	<i>2 Nos 400 kV line bays at Cuddapah PS for Ananthpuram PS-Cuddapah 400 kV D/c line</i>	24 months from SPV Transfer.
6.	<i>80 MVA, 420 KV switchable line reactor at Ananthpuram PS for each circuit of Ananthpuram PS Cuddapah 400 kV D/c line along with associated switching equipment</i>	24 months from SPV Transfer.

Note:

i. Developer of Kurnool-III PS shall provide space for 2 no. of 400 kV line bays at Kurnool-III PS for termination of Ananthpuram PS-Kurnool-III PS 400 kV (Quad Moose) D/c Line.

ii. Powergrid shall provide space for 2 no. of 400 kV line bays at Cuddapah PS for termination of Ananthpuram PS-Cuddapah 400 kV (Quad Moose) D/c Line.”

4. The Central Transmission Utility of India Limited (CTUIL) has issued an Office Memorandum dated 22.3.2024 to the Petitioner wherein it has approved and nominated the Petitioner company to implement the transmission scheme through “Regulated Tariff Mechanism” (RTM) mode.

5. The Petitioner has submitted that after the grant of a separate transmission licence, the Petitioner shall proceed to implement the transmission scheme under RTM mode. The estimated cost of the transmission scheme as per CTUIL's Office Memorandum (OM) dated 22.03.2024, is Rs.45.64 crore. After completion of the transmission scheme, the Petitioner shall approach the Commission for determination of the transmission charges in accordance with Sections 61 and 62 of the Act and Tariff Regulations in vogue as per Regulation 8 (2) of the Transmission Licence Regulations.

Hearing dated : 12.6.2024

6. The matter was called out for the hearing on 12.6.2024. During the course of the hearing, the representative of the Petitioner submitted that the Petitioner has complied with all the requirements under the Transmission Licence Regulations, and CTUIL has submitted its recommendations for the grant of a transmission licence to the Petitioner under RTM mode under Section 15(4) of the Act. The representative of CTUIL submitted that CTUIL has already recommended granting a separate transmission licence to the Petitioner company.

7. The CTUIL vide Record of Proceedings for the hearing dated 12.6.2024 was directed to submit the following information on or before 21.6.2024:

- (i) How the implementation time frame of these three bays, allotted for implementation in RTM mode, has been decided.
- (ii) Status of the commissioning of the generators, which are going to connect at these three bays for which licence has been sought by the Petitioner.

8. CTUIL vide affidavit dated 3.7.2024 has submitted as under:

a) In-principle grant of connectivity for 1710 MW was issued to Renew Vikram Shakti Pvt. Ltd. under the GNA Regulations at Ananthapuram PS through 400 kV D/c dedicated transmission line with allocation of 2 nos. of 400 kV bays for line termination as agreed in the 23rd CMETS-SR held on 29.9.2023 with start date of connectivity as 31.3.2026 as sought by the applicant. Further, an in-principle grant of connectivity of the 250 MW was issued to ABC Cleantech Pvt. Ltd. under the GNA Regulations at Ananthapuram PS through 400 kV S/c dedicated transmission line with allocation of 1 no. of 400kV bay for line termination as agreed in the 25th CMETS-SR held on 28.11.2023 with the start date of connectivity as 31.3.2026 as sought by the applicant. ABC CT RE Park (01) Pvt. Ltd., ABC CT RE Park (02) Pvt. Ltd., and ABC CT RE Park (03) Pvt. Ltd. were also granted connectivity through the sharing of dedicated transmission infrastructure of ABC Cleantech Pvt. Ltd. (who is also the lead generator as per the Sharing Agreement) as agreed in the 25th CMETS-SR held on 28.11.2023. The above RE developers requested the implementation of a 400kV bay at Ananthapuram PS under ISTS. Accordingly, the implementation timeframe of the above 3 nos. of bays under ISTS has been decided.

(b) As per the application submitted and the deliberations during the CMETS-SR meetings, the commissioning schedules of the above entities are as follows:

Sl. No.	Name of the Applicant	Commissioning schedule (as per application & CMETS)	Connectivity granted (MW)
1.	Renew Vikram Shakti Private Limited	31.03.2026	1710
2.	ABC Cleantech Pvt. Ltd.	31.03.2026	250

Sl. No.	Name of the Applicant	Commissioning schedule (as per application & CMETS)	Connectivity granted (MW)
1.	Renew Vikram Shakti Private Limited	31.03.2026	1710
3.	ABC CT RE Park (03) Pvt. Ltd.*	30.06.2025	250
4.	ABC CT RE Park (02) Pvt. Ltd.*	30.06.2026	250
5.	ABC CT RE Park (01) Pvt. Ltd.*	30.06.2026	250

Analysis and Decision

9. We have considered the submissions of the Petitioner and CTUIL. The Petitioner has filed the present petition for the grant of a separate transmission licence for the Implementation of the 3 nos. of 400 kV line bays at Ananthpuram PS for integration of RE generation projects on the Regulated Tariff Mechanism mode.

10. The Ministry of Power, Government of India, vide its letter dated 28.10.2021, issued terms of reference to the NCT and, *inter alia*, directed that the NCT will approve the ISTS costing between Rs.100 crore and Rs.500 crore or such limit as prescribed by the Ministry of Power from time to time, along with their mode of implementation under intimation to the Ministry of Power. The Ministry of Power further directed that ISTS costing less than or equal to Rs.100 crore, or such limit as prescribed by the Ministry of Power from time to time, will be approved by the Central Transmission Utility of India Limited (CTUIL) along with the mode of implementation under intimation to the NCT and the Ministry of Power, Government of India. The relevant portion of the said order dated 28.10.2021 is extracted as under:

*"2. Terms of Reference (ToR) of the NCT are as under: i. *****"*

VIII. The NCT shall recommend to Ministry of Power (MoP) for implementation of the ISTS for projects with cost more than Rs 500 crore, along with their mode of implementation i.e. Tariff Based Competitive Bidding (TBCB) / Regulated Tariff Mechanism (RTM), as per the existing Tariff Policy. However, the NCT shall approve the ISTS costing between Rs.100 crore to Rs.500 crore or such limit as

prescribed by MoP from time to time, along with their mode of implementation under intimation to MoP. The ISTS costing less than or equal to Rs.100 crores, or such limit as prescribed by MoP from time to time, will be approved by the CTU along with their mode of implementation under intimation to the NCT and MoP. After approval of the ISTS by the NCT or the CTU (as the case may be), the TBCB project shall be allocated to Bid Process Coordinators through Gazette Notification, while the RTM project shall be allocated to CTU.”

11. The subject transmission scheme was discussed and agreed upon in the 1st sitting of the 28th CMETS-SR meeting held on 29.2.2024. Based on the same, CTUIL, vide its Office Memorandum (OM) dated 22.3.2024, has approved the Implementation of 3 nos. of 400kV line bays at Ananthpuram PS for integration of RE generation projects. Relevant portions of the CTUIL letter dated 22.3.2024 are extracted as under:

“Sub : Inter-State Transmission Schemes (costing up to Rs.100 Cr.) to be taken up for implementation under Regulated Tariff Mechanism (RTM).”

The undersigned is directed to inform that CTU has approved implementation of the following ISTS costing less than or equal to Rs.100Cr. in line with the MoP office Order dated 28.10.2021 under the Regulated Tariff mechanism (RTM) mode by the implementing agencies as indicated in the table below:

Sl.No	Name of Transmission Scheme	Implementation Agency
Southern Region		
8.	<i>Implementation of 3 nos. of 400kV line bays at Ananthpuram PS for integration of RE generation projects</i>	<i>Ananthpuram Kurnool Transmission Limited. (a Subsidiary of Power Grid Corporation of India Ltd.)</i>

The above transmission schemes are awarded to the Implementing Agency for its implementation under RTM mode. The implementing agency shall enter into a concession agreement with CTU for the implementation of the above-mentioned transmission schemes through the Regulated Tariff Scheme (RTM).”

12. 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 judicial person. The Petitioner company has been incorporated under the Companies Act 2013 and is already a transmission licensee. 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”

13. 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 Clauses (4), (7), (9) and (12) and dispensed with Clause (10) of Regulation 7], provides for the procedure for the grant of a transmission licence as under:

“(1) The application for grant of 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.”

14. The Petitioner has submitted proof of web posting of the complete application. On perusal of the application, it is also noted that the Petitioner has served a copy of the application on the LTTCs for the Project.

15. The Petitioner has made the application as per Form-I prescribed in the Transmission Licence Regulations. The Petitioner posted its application on its website in Form-II on 18.4.2024 in English and Telugu. It has been submitted by the Petitioner that no objection has been received in response to the public notices.

16. The Petitioner has served a copy of the application on CTUIL as required under Section 15(3) of the Act and Regulation 7(6) of the Transmission Licence Regulations. CTUIL, vide its letter dated 19.4.2024, has recommended the grant of a transmission licence to the Petitioner. The relevant portion of the said letter dated 19.4.2024 is extracted as under:

“This has reference to the Petition filed M/s POWERGRID Ananthapuram Kurnool Transmission Limited for grant of Transmission Licence for the scheme “Implementation of 3 nos. of 400kV line bays at Ananthapuram PS for integration of RE generation projects”. In this regard, the following is submitted:

1. M/s POWERGRID Ananthapuram Kurnool Transmission Limited has filed a petition under Section 14 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 the scheme “Implementation of 3 nos. of 400kV line bays at Ananthapuram PS for integration of RE generation projects”. Under RTM mode. The detailed scope of the transmission scheme is enclosed at Annexure-I.

3. *In reference to subject Transmission Schemes following is submitted:*

- i. *The Transmission Scheme involves implementation of 3 nos. of 400kV line bays at Ananthapuram PS for integration of RE generation projects. The Transmission Scheme was agreed in the 28th Consultation Meeting for Evolving Transmission Scheme in Southern Region (CMETS_SR) held on 29.02.2024. Extract of minutes of 28th CMETS-SR is enclosed at Annexure-II*
- ii. *CTU vide its OM dated 22.03.2024 had approved the implementation of the above scheme under RTM. Copy of OM enclosed at Annexure-III. The commissioning schedule of the scheme is 31.03.2026.*

“In line with Section 15 (4) of Electricity Act, 2003, based on the details by M/s POWERGRID Ananthapur Kurnool Transmission Limited, CTU recommends grant of Transmission Licence to M/s PAKTL for executing the transmission scheme “Implementation of 3 nos. of 400kV line bays at Ananthapuram PS for integration of RE generation projects” as mentioned in Para-1 above.”

17. Section 14 of the Act provides that the Appropriate Commission may, on an application made to it under Section 15, grant a licence to any person to transmit electricity as a transmission licensee in any area as may be specified in the licence. Section 16 of the Act provides that the Appropriate Commission may specify any general or specific conditions which shall apply either to a licensee or a class of licensees, and such conditions shall be deemed to be conditions of such licence. The Commission has specified the Transmission Licence Regulations. Regulation 6 of the said Regulation lays down the eligibility criteria for the grant of a transmission licence as under:

“6. Eligibility for Grant of licence:

- a. *No person shall be eligible for grant of licence unless it is—(a) selected through the process under the guidelines for competitive bidding, or*
- b. *a State owned or controlled company identified as a project developer on or before 5.1.2011, or*
- c. *a generating company which has established the dedicated*

transmission line, and intends to use such dedicated transmission line as the main transmission line and part of the inter-State transmission system.”

18. In the present case, the Petitioner does not fulfil any of the eligibility conditions for the grant of a transmission licence. However, the instant transmission scheme has been approved by CTUIL vide its OM dated 22.3.2024 and allocated to the Petitioner under RTM mode. The non-grant of a transmission licence to any agency nominated by CTUIL to implement a transmission scheme through a regulated tariff mechanism in view of the provisions of Regulation 6 defeats the purpose of the Policy decision of the Government. Considering the above, we are of the view that it is a fit case for a relaxation of the provisions of Regulation 6 by invoking the power vested under Regulation 24 of the Transmission Licence Regulations.

19. Regulation 24 of the Transmission Licence Regulations, dealing with the power to relax in appropriate cases, provides as under:

“24. The Commission may, when it considers necessary or expedient to do so and for reasons to be recorded in writing, relax or depart from any of the provisions of these regulations”.

20. It is an established principle of law that the power to relax has to be strictly construed and is to be exercised judiciously and with caution. Further, the power to relax is to be exercised only when undue hardship is caused by the application of the rules or regulations. In the present case, the Petitioner is a transmission licensee who is already implementing the project defined under its scope through the TBCB mechanism. The present Petition is consequent to the office order 28.10.2021 notified by the Ministry of Power Government of India wherein CTUIL has been authorized to determine the mode of implementation of ISTS

projects costing up to Rs. 100 crore. Pursuant to the direction of the Ministry of Power, CTUIL, vide its Office Memorandum dated 22.03.2024, has informed regarding a list of Projects to be implemented through a Regulated Tariff Mechanism, which also includes the transmission scheme of the present petition.

21. Since the Petitioner is already an inter-State transmission licensee and has been identified as an agency to implement the project as per RTM, the Commission, in the exercise of power under Regulation 24, hereby relaxes the provision of Regulation 6 of the Transmission Licence Regulations and holds that the Petitioner is eligible for the grant of a transmission licence. We, hereby, 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 grant a transmission licence aforesaid. The objections or suggestions, if any, shall be filed by any person before the Commission by **20.7.2024**.

22. CTUIL is directed to submit on an affidavit within two weeks a copy of the approval of the Central Government for 3 nos. of 400kV line bays at Ananthpuram PS for integration of RE generation projects through “Regulated Tariff Mechanism” basis in terms of the Electricity (Transmission System Planning, Development and Recovery of Inter-State Transmission Charges) Rules, 2021 notified by the Ministry of Power on 1.10.2021.

23. Further, the relevant snap of the intimation issued by CTUIL for the in principle grant of Connectivity to ABC CT RE Park (03) Pvt. Ltd. is as under:

10b	Augmentation (Other than ATS)	
i.	Scheme details	: Common Transmission system required for effectiveness of connectivity/GNA (Augmentation other than ATS): <ul style="list-style-type: none"> • ISTS Network Expansion scheme in Western Region & Southern Region for export of surplus power during high RE scenario in Southern Region as per Annexure-I • Transmission scheme for Solar Energy Zone in Ananthpuram (Ananthapur) (2500 MW) and Kumool (1000 MW), Andhra Pradesh as per Annexure-II.
ii.	Scheduled commissioning date of Augmentation	: <ul style="list-style-type: none"> • ISTS Network Expansion scheme in WR & SR for export of surplus power during high RE scenario in SR as per Annexure-I : 16.07.2024 • Transmission scheme for Solar Energy Zone in Ananthpuram (Ananthapur) (2500 MW) and Kumool (1000 MW), Andhra Pradesh as per Annexure-II: 27.09.2025.
11.	Start date of Connectivity	: 28.09.2025*

Intimation No. CTU/S/5/Conn/INT-1A-2200000273

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		[With the availability of common transmission system required for effectiveness of GNA]
C Bank Guarantees to be submitted		
i.	Amount of Conn-BG1	: Rs. 50 lakhs.
ii.	Amount of Conn-BG2	: NA
iii.	Amount of Conn-BG3 @2 lakh/MW	: Rs. 5.0 Crs. (@Rs.2 lakhs/MW)
D Details of communication system		
i.	Details of communication system	: As per Annexure-III

* M/s ABC Cleantech Pvt. Ltd. has been granted in-principle grant of Connectivity with start date of Connectivity as 31.03.2026, while M/s ABC CT RE Park(03) Pvt. Ltd. has been granted with start date of connectivity as 27.09.2025. Further, M/s ABC CT RE Park (03) Pvt. Ltd. shall shared the dedicated connectivity transmission system of M/s ABC Cleantech Pvt. Ltd. as per its request, therefore M/s ABC CT RE Park (03) Pvt. Ltd. shall be responsible for timely availability of dedicated connectivity tr. system.

As per the above, the start date of the connectivity is 28.9.2025.

24. We observe that the implementation of the time schedule of all three bays is 31.3.2026. Whereas for ABC CT RE Park (03) Pvt. Ltd., the start date of connectivity, as

intimated by the CTUIL is 28.9.2025. CTUIL is directed to clarify on an affidavit within two weeks whether the scheduled commissioning of the bay on which ABC CT RE Park (03) Pvt. Ltd has been given an in-principle connectivity and needs any alignment with the start date of connectivity for this applicant.

24. The Petition shall be listed for hearing on **25.7.2024**.

**Sd/-
(Ramesh Babu.V)
Member**

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

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