

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 22/TL/2024

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

Date of Order: 15th April, 2024

In the matter of

Application 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 License and other related matters) Regulations, 2009 or its subsequent Clarification and Replacement, if any with respect to the grant of transmission licence to Bikaner III Neemrana II Transmission Limited.

And

In the matter of

Bikaner III Neemrana II Transmission Limited,
(Now known as 'TP Bikaner III Neemrana II Transmission Limited')
Through its Authorized Representative,
Flat No. 94, 3rd Floor, Pocket-4, LIG Flats, Sector-11,
Dwarka, New Delhi-110075

....Petitioner

Vs

1. **Central Transmission Utility of India Limited,**
1st, Saudamini, Plot No. 2, Sector-29,
Near IFFCO Chowk Metro Station,
Gurgaon, Haryana-122 001
2. **PFC Consulting Limited,**
1st Floor, "Urjanidhi", 1, Barakhamba Lane,
Connaught Place, New Delhi-110001
3. Chandigarh Electricity Department,
Electricity OP Division No.2 Industrial Area,
Ph-1 BBMB Complex,
Chandigarh-160002, Punjab
4. BSES Rajdhani Power Limited,
2nd Floor, B-Block, BSES Bhavan,
Nehru Place, New Delhi-110019
5. BSES Yamuna Power Limited,
Shakti Kiran Building,

Karkardooma, Delhi-110032

6. New Delhi Municipal Council,
Palika Kendra Building,
Parliament Street, New Delhi-110001
7. Tata Power Delhi Distribution Limited,
NDPL House, Hudson Lines,
Kingsway Camp, Delhi-110 009
8. Himachal Pradesh State Electricity Board
Vidyut Bhawan, Shimla,
Himachal Pradesh - 171004
9. Haryana Power Purchase Centre,
UHBVN, IP 3& 4, 4th floor,
Sector 14, Panchkula, Haryana-134113
10. Power Development Department,
Jammu Exhibition Ground, Opposite J&K High Court,
Srinagar, Jammu and Kashmir, Srinagar,
Jammu & Kashmir - 190009
11. Punjab State Power Corporation Limited,
Dy. CE/ISB, shed T-1A, Shakti Vihar,
PSPCL, Patiala, Punjab-147001
12. HVDC Dadri, POWERGRID,
B-9 Qutab Institutional Area,
Katwaria Sarai, New Delhi-110016
13. HVDC Rihand, POWERGRID,
B-9 Qutab Institutional Area,
Katwaria Sarai, New Delhi-110016
14. Ajmer Vidyut Vitran Nigam Limited
Vidyut Bhawan, Panchsheel Nagar,
Makarwali Road, Ajmer, Rajasthan-305004
15. Jodhpur Vidyut Vitran Nigam Limited
New Power House, Industrial Area,
Jodhpur, Rajasthan-342003
16. Jaipur Vidyut Vitran Nigam Limited,
VQVX+M6J, Janpath,
Jyothi Nagar, Lalkothi, Jaipur- 302005,
Rajasthan.
17. North Central Railway,
M627+5R3, Shankar Road Market,

Nabi Karim, Paharganj,
New Delhi-110060

18. Uttarakhand Power Corporation Limited,
V.C.V. Gabar Singh Urja Bhawan, Kanwali Road,
Dehradun, Uttarakhand-248001

19. Uttar Pradesh Power Corporation Limited,
10th Floor Shakti Bhawan Extn.,
14 Ashok Marg, Lucknow-226001,
Uttar Pradesh

20. AD Hydro Power Limited,
Bhilwara Towers, A-12, Sector-1,
Noida, Uttar Pradesh - 201301

21. GMR Kamalanga Energy Limited,
New Shakti Bhawan, New Udan Bhawan Complex,
Near Terminal 3, IGI Airport,
New Delhi-110037

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

23. HVDC Agra, POWERGRID
Chintel House, POP-303, Station Road,
Lucknow-226001, Uttar Pradesh

24. HVDC Balia, POWERGRID,
Chintel House, POP-303, Station Road,
Lucknow-226001, Uttar Pradesh.

25. HVDC Bhiwadi, POWERGRID,
SCO Bay 5-10, near Haryana Pollution Control Board Office,
Sector 16A, Faridabad-121002, Haryana

26. HVDC Kurukshetra, POWERGRID
SCO Bay 5-10, near Haryana Pollution Control Board Office,
Sector 16A, Faridabad-121002, Haryana

27. Northern Indian Railway,
Northern Railway,
Headquarters Office, Kasturba Gandhi Marg,
New Delhi- 110001.

28. Noida Power Company Limited,
Corporate Office Building,
Plot No. ESS, Sector - Knowledge Park - IV,
Greater Noida, Uttar Pradesh – 201310

29. Northern Railways,
Northern Railways Head Quarter,
Baroda House, New Delhi- 110001

....**Respondents**

Parties present:

Shri Venkatesh, Advocate, B3N2TL
Shri Ashutosh Srivastava, Advocate, B3N2TL
Shri Kartikay Trivedi, Advocate, B3N2TL
Shir Siddarth Sharma, CTUIL
Shri Akshayvat Kislay, CTUIL
Shri Yatin Sharma, CTUIL
Ms. Priydarshini Advocate, PFCCL
Shri Anubhav Sansal, PFCCL

ORDER

The Petitioner, Bikaner III Neemrana II Transmission Limited (now known as 'TP Bikaner III Neemrana II 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 establishment of the "Transmission system for evacuation of power from Rajasthan REZ Ph-IV (Part-1) (Bikaner Complex): Part-C" ("Project"), on a Build, Own, Operate and Transfer (BOOT) basis, consisting of the following elements:

Sr. No.	Name of Transmission Element	SCOD in months from Effective Date
1.	Bikaner-III - Neemrana-II 765 kV D/C line (2nd) along with 330 MVAR switchable line reactor for each circuit at each end <ul style="list-style-type: none">• 765 kV, 330 MVAR Switchable line reactors at Bikaner- III PS – 2 nos.• 765 kV, 330 MVAR Switchable line reactors at Neemrana-II – 2 nos.• Switching equipment for 765kV 330	24 months

	MVAr switchable line reactors at Bikaner-III PS – 2 nos. <ul style="list-style-type: none"> Switching equipment for 765kV 330 MVAr switchable line reactors at Neemrana-II S/s – 2 nos. 	
2.	2 no. of 765 kV line bays each at Bikaner-III PS & Neemrana- II S/S <ul style="list-style-type: none"> 765kV line bays - 4 nos. (2 nos. each at Bikaner-III PS & Neemrana-II S/S) 	

Note:

Developer of Bikaner-III PS & Neemrana-II S/s shall provide space for 2 nos. of 765 kV line bays along with space for Switchable line reactor each at Bikaner-III PS & Neemrana-II S/s for termination of Bikaner-III - Neemrana-II 765 kV D/c line (2nd)."

2. Based on the competitive bidding carried out by the PFC Consulting Limited (PFCCL), 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, Tata Power Company Limited was declared a successful bidder with the lowest quoted annual transmission charges of Rs. 1626.59 million per annum.

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 21.3.2024, *prima facie* proposed to grant a transmission licence to the Petitioner. The relevant extracts of the order dated 21.3.2024 are extracted as under:

*"22. Considering the material on record, we are prima-facie of the view that the Petitioner satisfies the conditions for the grant of inter-State transmission licence under Section 15 of the Act read with the Transmission Licence Regulations for the establishment 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 **3.4.2024.**"*

4. A public notice under Sub-section (5) of Section 15 of the Act was published on 29.3.2024 in all editions of 'The Hindu' (English) and 'Amar Ujala' (Hindi). No

suggestions/ objections have been received from members of the public in response to the public notice.

5. The case was called out for the hearing on 10.4.2024. It was submitted by the learned counsel for the Petitioner that, in response to a public notice published by the Commission, no objection has been received. The learned counsel for the Petitioner further submitted that the Petitioner company's name has been changed from 'Bikaner III Neemrana II Transmission Limited' to 'TP Bikaner III Neemrana II Transmission Limited' and sought permission to place on record the affidavit in this regard.

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

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

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

7. In our order dated 21.3.2024, we had proposed to grant a transmission licence to the Petitioner company and directed the issue of a public notice. In response to the public notice, no suggestions/objections have been received. CTUIL, in its letter dated 23.1.2024, has recommended the grant of a transmission licence to the Petitioner. We find that the Petitioner company meets the requirements of the Act and the Transmission Licence Regulations for the grant of a transmission licence for

the subject Transmission System mentioned in paragraph 1 of this order. Considering the submissions of the Petitioner and CTUIL, we direct that a transmission licence be granted to the Petitioner, 'Bikaner III Neemrana II Transmission Limited,' for the grant of an inter-State transmission licence for the establishment of the "Transmission system for evacuation of power from Rajasthan REZ Ph-IV (Part-1) (Bikaner Complex): Part-C" ("Project"), on a Build, Own, Operate and Transfer (BOOT) basis as per the details given in paragraph 1 above.

8. The grant of the transmission licence to the Petitioner (hereinafter referred to as "the licensee") is subject to the fulfilment of the following conditions throughout the period of licence:

(a) The transmission licence shall, unless revoked earlier, remain in force for a period of 25 years from the date of issue;

(b) The transmission licensee shall comply with the provisions of the Transmission Licence Regulations or any subsequent enactment thereof during the period of subsistence of the licence;

(c) The licensee may make an application, two years before the expiry of the initial licence period, for the grant of the transmission licence for another term in accordance with Regulation 13 (2) of the Transmission Licence Regulations, which shall be considered by the Commission in accordance with law;

- (d) The licensee shall not enter into any contract for or otherwise engage in the business of trading in electricity during the period of subsistence of the transmission licence;
- (e) The licensee shall have the liability to pay the license fee in accordance with the provisions of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, as amended from time to time or any subsequent enactment thereof. Delay in payment or non-payment of licence fee or a part thereof for a period exceeding sixty days shall be construed as a breach of the terms and conditions of the licence;
- (f) The licensee shall comply with the directions of the National Load Despatch Centre under Section 26 of the Act, or the Regional Load Despatch Centre under sub-section (3) of Section 28 or sub-section (1) of Section 29 of the Act, as may be issued from time to time for maintaining the availability of the transmission system;
- (g) The licensee shall remain bound by the provisions of Central Electricity Regulatory Commission (Standard of Performance of inter-State transmission licensees) Regulations, 2012 or subsequent enactment thereof;
- (h) The licensee shall provide the non-discriminatory open access to its Transmission System for use by any other licensee, including a distribution licensee, an electricity trader, or generating company or any other person in accordance with the Act; the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008; the Central Electricity Regulatory Commission (Connectivity and General Network Access to the

inter-State Transmission System) Regulations, 2023; the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2023, as amended from time to time or any subsequent re-enactments thereof;

- (i) The licensee shall not undertake any other business for optimum utilization of the Transmission System without prior intimation to the Commission and shall comply with the provisions of the Central Electricity Regulatory Commission (Sharing of Revenue Derived from Utilization of Transmission Assets for other business) Regulations, 2020;
- (j) The licensee shall remain bound by provisions of the Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2020, as amended from time to time;
- (k) The licensee shall remain bound by the provisions of the Act, the Rules and Regulations framed thereunder, in particular the Transmission Licence Regulations, the Grid Code, the Standards specified by the Central Electricity Authority, orders and directions of the Commission issued from time to time;
- (l) The licensee shall ensure the execution of the Project as per the Technical Standards and Grid Standards of CEA;
- (m) The licensee shall submit all such report or information as may be required under Transmission Licence Regulations, Standard of Performance Regulations or any other regulation of the Commission or as per the directions of the Commission as may be issued from time to time;

(n) The licensee shall ensure that the EPC contract for the execution of work under the scope of the project is awarded through a competitive bidding process.

9. CTUIL / its appointed Independent Engineer and the Central Electricity Authority shall monitor the execution of the Project and bring to the Commission's notice any lapse on the part of the licensee in meeting the schedule for further appropriate action in accordance with the provisions of the Transmission Service Agreement executed between the licensee and the Nodal Agency, the Act and the Transmission Licence Regulations.

10. It is expected that while carrying out the survey, the Petitioner has complied with the provisions of clauses 2.5.7.3, 2.5.7.4 and 2.5.7.5 of the RfP. The Petitioner will comply with the provisions of the bidding documents and the TSA for the commissioning of the Project within the SCOD in letter and spirit.

11. The Petitioner, vide its affidavit dated 21.3.2024, has submitted that the execution of the Project shall not be delayed due to time taken in obtaining statutory clearances required under the Request for Proposal dated 2.3.2023 and/or adjudication of any claim of the Petitioner arising under the Transmission Service Agreement dated 27.12.2023.

12. The Petitioner, vide its affidavit dated 11.4.2024, has informed that the name of the Petitioner company has been changed from 'Bikaner III Neemrana II Transmission Limited' to 'TP Bikaner III Neemrana II Transmission Limited' with effect from 5.4.2024. The certificate of change of name from 'Bikaner III Neemrana II Transmission Limited' to 'TP Bikaner III Neemrana II Transmission Limited' dated

5.4.2023 issued by Office of the Central Processing Centre, the Ministry of Corporate Affairs, Government of India, has been placed on record. Accordingly, the name of the Petitioner has been changed to 'TP Bikaner III Neemrana II Transmission Limited' on the record of the Commission.

13. Let an extract copy of this order be sent to CTUIL, CEA and BPC for information and necessary action.

14. Petition No. 22/TL/2024 is allowed in terms of the above.

Sd/-
(Arun Goyal)
Member

sd/-
(Jishnu Barua)
Chairperson