

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Petition No. 229/TL/2024

Coram:

Shri Jishnu Barua, Chairperson

Shri Ramesh Babu V., Member

Shri Harish Dudani, Member

Date of Order: 10th September, 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 Licence and other related matters) Regulations, 2009 seeking grant of transmission licence to NERES XVI Power Transmission Limited.

And

In the matter of

NERES XVI Power Transmission Limited,

Core-4, Scope Complex 7

Lodhi Road, New Delhi-110003

....Petitioner

Vs

- 1. Central Transmission Utility of India Limited,**
Saudamini, Plot No.2, Sector-29,
Gurgaon-122001, Haryana.
- 2. REC Power Development & Consultancy Limited,**
D-Block, REC Headquarter, Plot No. I-4,
Sector-29, Gurgaon-122001.
- 3. Department of Power, Government of Arunachal Pradesh,**
Vidyut Bhawan, Zero Point Tinali,
Itanagar- 791111, Arunachal Pradesh.
- 4. Manipur State Power Distribution Co. Limited,**
3rd Floor, New Directorate Building, Near 2nd MR Gate,
Imphal Dimapur Road, Imphal West-795001,
Manipur.
- 5. Power and Electricity Department, Mizoram,**
P&ED, Govt. of Mizoram,
Kawlphetha Building, MINECO,

Aizawl-796001.

6. **Department of Power, Government of Nagaland,**
Electricity House, AG Colony,
Kohima, Nagaland-797001.

7. **Tripura State Electricity Corporation Limited,**
Office of the Deputy General Manager (Commercial & Tariff),
TSECL, Agartala-799001.

8. **Power Grid, Assam,**
Powergrid, Biswanath Chariali 800 kV HVDCS/S,
Biswanath Ghat Road, P.O.: Burigang,
Dist.: Sonitpur- 784176 (Assam)

9. **Assam Power Dist. Co. Limited,**
Bijulee Bhawan, Paltan Nagar,
Guwahati -781001 (Assam)

10. **Meghalaya Energy Corporation Limited,**
Lumjingshai, Short Round Road,
Shillong-793001.

....Respondents

Parties present:

Ms. Poonam Verma Sengupta, Advocate, NERESXVI
Shri Saunak Kumar Rajguru, Advocate, NERESXVI
Shri Pradyuman Amit Sharma, Advocate, NERESXVI
Shri Ranjeet Rajput, CTUIL
Shri Akshayvat Kislay, CTUIL

ORDER

The Petitioner, NERES XVI Power Transmission Limited (hereinafter referred to as “NERES”), 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 transmission of electricity under the “Transmission Scheme for North-Eastern Region Expansion Scheme-XVI (NERES-XVI)” on a Build, Own, Operate and Transfer

(BOOT) basis (hereinafter referred to as “the Project”) consisting of the following elements:

Sl. No.	Scope of Transmission Scheme	SCOD Effective Date
1.	<ul style="list-style-type: none"> ▪ Establishment of Gogamukh substation 400/220/132kV <ul style="list-style-type: none"> ○ 500MVA, 400/220kV ICT: 2 nos. ○ 200MVA, 220/132kV ICT: 2 nos. ○ 420kV, 125MVA_r Bus reactor: 2 nos. ○ 400kV ICT bays: 2 nos. ○ 220kV ICT bays: 4 nos. ○ 132kV ICT bays: 2 nos. ○ 400kV Bus reactor bays: 2 nos. ○ 220kV Bus coupler bay: 1 no. ○ 220kV Transfer bus coupler bay: 1 no. ○ 132kV Transfer Bus coupler bay: 1 no. ▪ 400kV line bays: 4 nos. [for termination of LILO of one D/c line (ckt-1 & ckt-2 of line-1) of Lower Subansiri - Biswanath Chariali 400kV (Twin Lapwing) 2xD/c lines] ▪ 220kV line bays: 2 nos. [for termination of Bihpuria – Gogamukh 220kV D/c line (line to be implemented by AEGCL)] ▪ 132kV line bays: 4 nos. [2 no. for termination of LILO of one circuit of North Lakhimpur – Dhemaji 132kV new D/c line (LILO to be implemented by AEGCL) & 2 no. for termination of Gogamukh (ISTS) – Gerukamukh (Arunachal Pradesh) 132kV D/c line] <p>Additional space for future expansion:</p> <ul style="list-style-type: none"> ▪ 400/220kV, 1x500MVA ICT- 1 no. (along with associated bays at both levels) ▪ 220/132kV, 1x200MVA ICT- 1 no. (along with associated bays at both levels) ▪ 420kV, 1x125MVA_r bus reactor along with associated bays ▪ 12 nos. of 400kV line bays for future lines <ul style="list-style-type: none"> ○ 4 nos. of 400kV line bays for termination of Dibang-Gogamukh 2xD/c lines ○ 2 nos. of 400kV line bays (along with 2x80MVA_r switchable line reactor) for termination of Gogamukh- Biswanath Chariali 400kV D/c (Quad) line 	30 Months from date of signing of the SPA (30.11.2026)

Sl. No.	Scope of Transmission Scheme	SCOD Effective Date
	<ul style="list-style-type: none"> ○ 6 nos. of 400kV line bays (along with switchable line reactor) for future lines ▪ 6 nos. of 220kV line bays for future lines ▪ 6 nos. of 132kV line bays for future lines ▪ 220kV Bus sectionalizer bay :1 set ▪ 220kV Bus coupler bay: 1 no. ▪ 220kV Transfer bus coupler bay: 1 no. ▪ 132kV Bus sectionalizer bay :1 set ▪ 132kV Transfer Bus coupler bay: 1 no. 	
2.	<ul style="list-style-type: none"> ▪ Extension works at Gerukamukh (Arunachal Pradesh) 132kV S/s ▪ 132kV line bays: 2 nos. (<i>for termination of Gogamukh (ISTS) – Gerukamukh (Arunachal Pradesh) 132kV D/c line</i>) 	
3.	Gogamukh (ISTS)-Gerukamukh (Arunachal Pradesh) 132kV D/c (Zebra) line	
4.	LILO of one D/c (ckt-1 & ckt-2 of line-1) of Lower Subansiri- Biswanath Chariali 400 kV (Twin Lapwing) 2xD/c lines at Gogamukh S/s	
<p>Note:</p> <p>(a) DoP, Arunachal Pradesh to provide space at Gerukamukh (Arunachal Pradesh) S/s for implementation of 2 no. 132kV line bays. TSP to provide Rs. 39.36 Lakhs to DoP, Arunachal Pradesh pertaining to additional land acquisition at Gerukamukh (Arunachal Pradesh) S/s and dismantling and erection of already installed structures with the associated civil works in Gerukamukh (Arunachal Pradesh) S/s.</p> <p>(b) Bihpuria (AEGCL)- Gogamukh (ISTS) 220 kV D/C line is to be implemented by AEGCL.</p> <p>(c) LILO of one circuit of North Lakhimpur (AEGCL)-Dhemaji (AEGCL) 132 kV new D/C line is to be implemented by AEGCL.</p>		

2. Based on the competitive bidding carried out by the REC Power Development & Consultancy Limited (RECPDCL), in its capacity as the Bid Process Coordinator (BPC), in accordance with the Guidelines issued by the Ministry of Power, Government of India under Section 63 of the Act, M/s Techno Electric & Engineering Company Limited, was declared a successful bidder with the lowest quoted annual transmission charges of Rs. 490.15 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 20.8.2024, *prima facie* proposed to grant a transmission licence to the Petitioner. The relevant extracts of the order dated 20.8.2024 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 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 **30.8.2024.**”*

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 Dainik Jagran (Hindi) on 24.8.2024. No suggestions/ objections have been received from members of the public in response to the public notice.

5. The case was called out for a hearing on 5.9.2024. The learned counsel for the Petitioner submitted that no objection had been received in response to the public notice published by the Commission under sub-section (5) of Section 15 of the Act. He further submitted that the Petitioner had filed the information regarding quality control, etc., called for vide order dated 20.8.2024. Accordingly, it was requested that a transmission licence be granted to the Petitioner Company. The representative of CTUIL further submitted that CTUIL has already recommended the grant of the transmission licence.

6. 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.”

7. In our order dated 20.8.2024, 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 18.6.2024, 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, ‘NERES XVI Power Transmission Limited,’ for the grant of a transmission licence in order to implement the transmission system for “Transmission Scheme for North-Eastern Region Expansion Scheme-XVI (NERES-XVI)” on a Build, Own, Operate and Transfer basis as per the details given in paragraph 1 above.

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

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

- (b) The transmission licensee shall comply with the provisions of the 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 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 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.

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

12. Petition No. 229/TL/2024 is allowed in terms of the above.

Sd/-
(Harish Dudani)
Member

sd/-
(Ramesh Babu V.)
Member

sd/-
(Jishnu Barua)
Chairperson