

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 229/TL/2024

**Coram:
Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member**

Date of Order: 20th August, 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. **Powergrid, 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 Jitendra Singh, RECPDCL
Shri Sidharth Sharma, CTUIL
Shri Akshayvat Kisan, 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, 125MVAr 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] Additional space for future expansion: <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, 1x125MVAr 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 2x80MVAr switchable line reactor) for termination of Gogamukh-Biswanath Chariali 400kV D/c (Quad) line ○ 6 nos. of 400kV line bays (along with switchable line reactor) for future lines 	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 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. The Petitioner has made the following prayers:

“(a) Grant transmission licence to the Applicant for development and operation of Inter-State Transmission System for Transmission of Electricity under the “Transmission Scheme for North Eastern Region Expansion Scheme-XVI (NERES-XVI)”;

(b) Allow recovery of Transmission Charges for Inter-State Transmission System for Transmission of Electricity under the “Transmission Scheme for North Eastern Region Expansion Scheme-XVI (NERES-XVI)” as per CERC (Sharing of Inter-state Transmission Charges and Losses) Regulations, 2020 and any other amendment thereto issued from time to time by this Ld. Commission;

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

Hearing dated 25.7.2024

3. During the course of the hearing on 25.7.2024, 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 Act. The representative of CTUIL submitted that CTUIL has already recommended granting a transmission licence to the Petitioner company.

4. Vide Record of Proceedings for the hearing dated 25.7.2024, notices were issued to the Respondents to file their respective replies. However, no reply has been received from them.

5. The Petitioner has submitted that 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, REC Power Development & Consultancy Limited (RECPDCL) was notified by the Ministry of Power, Government of India, vide Gazette Notification dated 24.1.2023 as the Bid Process Coordinator (BPC) for the purpose of selection of successful bidder as Transmission Service Provider (TSP) 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.

6. RECPDCL, in its capacity as the BPC, initiated the bid process on 29.3.2023 and completed the same on 30.5.2024 in accordance with the Guidelines. M/s Techno Electric & Engineering Company Limited was selected as the successful bidder, having quoted the lowest transmission charges of Rs. 490.15 million to provide the transmission services to the transmission system's beneficiaries. The BPC, vide its letter dated 29.3.2023, informed the CERC about the initiation of the bid process.

7. RfP was initiated on 29.3.2023. At the RfP (Technical) stage, three bidders, namely, (i) M/s Techno Electric & Engineering Company Limited, (ii) M/s Power Grid Corporation of India Limited, and (iii) M/s Sterlite Grid 12 Limited submitted their offers. The RfP (Technical bids) of the three bidders were opened by the Bid Opening Committee on 12.3.2024 in the presence of the representative of the Bid Evaluation Committee (BEC).

8. Based on the recommendation of the BEC, the RfP (Financial) Bids-Initial Price Offers of the three bidders were opened on 19.3.2024. The lowest Initial Price Offer discovered (Best Deal) at the MSTC portal was Rs. 580.00 million. 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)	Rank
1.	M/s Techno Electric & Engineering Company Limited	580.00	L1
2.	M/s Power Grid Corporation of India Limited	608.50	L2
3.	M/s Sterlite Grid 12 Limited	675.90	L3

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

10. The e-reverse auction of three bidders was carried out at the MSTC portal on 20.3.2024. 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)	Final Transmission Charges as per the Final Offer (in Rs. Million)	Rank
1.	M/s Techno Electric & Engineering Company Limited	580.00	490.15	L1
2.	M/s Power Grid Corporation of India Limited	608.50	491.38	L2
3.	M/s Sterlite Grid 12 Limited	675.90	571.33	L3

11. As per the Bid Evaluation Report dated 22.3.2024, M/s Techno Electric & Engineering Company Limited emerged as the successful bidder with the lowest quoted transmission charges of Rs. 490.15 million. BEC, vide its certificate dated 22.3.2024, 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.

12. Consequent to its selection as the lowest bidder, a Letter of Intent (LoI) was issued to M/s Techno Electric & Engineering Company Limited by the BPC on 15.4.2024, which was accepted by M/s Techno Electric & Engineering Company

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 NERES XVI Power Transmission Limited from RECPDCL 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;

13. The Petitioner furnished the Contract Performance Guarantee (CPG) in favour of Nodal Agency, i.e., CTUIL, for Rs. 8.10 crore on 28.5.2024 and acquired a hundred per cent equity holding in NERES XVI Power Transmission Limited on 28.5.2024. The Petitioner entered into a Transmission Service Agreement (TSA) with CTUIL on 30.5.2024.

14. 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”

15. 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 vide its letter No. 25-1713012023-PG dated 10.10.2023, which had issued prior approval to the Project under Section 68 of the Act. The selection of the project developer, NERES XVI Power Transmission Limited, has been certified to have been made in accordance with the Guidelines for competitive bidding.

16. 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 the grant of a 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."

17. 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 NERES XVI Power Transmission Limited with respect to the transmission system as per the details given in paragraph 1 above.

18. 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, are Rs. 490.15 million. The Petitioner has also enclosed copies of the recommendations of the Bid Evaluation Committee.

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

20. 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 18.6.2024, has recommended the grant of a transmission licence to the Petitioner company. The Relevant portions of the said letter dated 18.6.2024 are extracted as under:

“This has reference to petition filed (with diary no. 299/24) by M/s NERES XVI Power Transmission Limited before Hon'ble CERC under Section 14, 15 and 79(1)(e) of the Electricity Act, 2003 and CERC (Procedure, Terms and Conditions for grant of Transmission License and other related matters) Regulations, 2009 for grant of transmission license to establish the North Eastern Region Expansion Scheme-XVI (NERES-XVI) ISTS scheme on Build, Own, Operate and Transfer (BOOT) basis. In this regard, following is submitted:

1. *Justification for the scheme: Presently, there is no EHV substation in upper Assam or in eastern part of Arunachal Pradesh, above Brahmaputra river. The existing demand in the said areas is met from 132kV transmission systems. The power demand in the areas has been growing progressively and there is issue in reliability of power supply. Further, new 132kV systems are also under implementation in Arunachal Pradesh as part of Comprehensive Scheme. Accordingly, a new 400kV substation is planned to be established at Gogamukh for providing reliable and secure power to upper Assam areas, above Brahmaputra river. The same substation is also planned to be utilised for providing additional feed and strength to under construction long 132kV Pasighat to Khupi corridor (about 410km long without any intermediate anchoring) in Arunachal Pradesh through Gogamukh (ISTS) - Gerukamukh (Arunachal Pradesh) 132kV D/C (Zebra) line. Furthermore, the Gogamukh 400/220/132kV substation in future would also serve the purpose of acting as a pooling point for evacuation of power upcoming large HEPs in Arunachal Pradesh.*

The detailed scope of the transmission scheme is enclosed at Annexure-I.

2. *The NERES-XVI scheme was agreed in the 1st Consultation Meeting for Expansion of Transmission Scheme in NER (CMETS-NER) [erstwhile North Eastern Region Transmission Planning] held on 25-11-2021 (relevant extracts of minutes of meeting are enclosed at Annexure-11). Subsequently, this scheme was agreed in the 9th meeting of NCT held on 28-09-2022 (relevant extracts of the minutes of 9th meeting of NCT & its corrigendum are enclosed at Annexure-IIIa and Annexure-IIIb respectively).*
3. *Thereafter, Ministry of Power vide its Gazette notification no. CG-DL-E-24012023-243182 dated 24-01-2023 had appointed REC Power Development and Consultancy Limited (RECPDCL) as Bid Process Coordinator (BPC) for the selection of Bidder as Transmission Service Provider (TSP) to establish the NERES-XVI scheme through Tariff Based Competitive Bidding (TBCB) process (relevant extract of Gazette notification is enclosed at Annexure-IV). The BPC incorporated M/s NER.ES XVI _Power Transmission Limited (NERES), a Special Purpose Vehicle (SPV), as its wholly owned subsidiary, to initiate various activities for execution of the ISTS scheme viz. NERES-XVI, and to subsequently act as the TSP.*
4. *Subsequently meetings were held on 09-11-2023 and 18-12-2023 to deliberate on issue of land at existing Gerukamukh S/s (Arunachal Pradesh) under Transmission Scheme for NERES-XVI (minutes of meetings are enclosed at Annexure-Va & Annexure-Vb respectively). The proposed modification in scope was agreed in the 17th meeting of NCT held on 31-01-2024 (relevant extracts of minutes of meeting are enclosed at Annexure-VI). Thereafter, CEA vide letter no. CEA-PS-12-13/32019-PSPA-II Division dated 16-02-2024 intimated the revised scope of work of NERES-XVI scheme to the BPC (copy of the said letter is enclosed at Annexure-VII).*

5. *Pursuant to the process of competitive bidding conducted by the BPC, M/s Techno Electric and Engineering Company Limited (hereinafter referred as M/s TEECL) has emerged as the successful bidder. Thereafter, the BPC issued a Letter of Intent in favour of M/s TEECL on 15-04-2024. Subsequently, M/s TEECL acquired 100% equity shareholding of M/s NERES XVI Power Transmission Limited on 30-05-2024, upon execution of the Share Purchase Agreement and after completion of all procedural requirements as specified in the bid documents. The scheduled COD of the ISTS scheme viz. NERES-XVI is 30 months transfer of SPV i.e. 30-11-2026.*
6. *In line with Section 15(4) of the Electricity Act, 2003; Regulation 7(11) of CERC Transmission License Regulations, 2009; and based on details furnished by M/s NERES XVI Power Transmission Limited (NERES) in its petition, CTU recommends the grant of transmission license to M/s NERES XVI Power Transmission Limited for executing the ISTS scheme namely "North Eastern Region Expansion Scheme-XVI (NERES-XVI)" with detailed scope of works at Annexure-1."*

21. 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 25.4.2024. Though Lol was issued on 15.4.2024, BPC, vide its letter dated 30.5.2024 in terms of Clauses 2.15.2 of RfP, extended the date up to 6.6.2024 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. 8.10 crore on 28.5.2024 and acquired a hundred per cent equity-holding in the applicant company on 30.5.2024 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, M/s Techno Electric & Engineering Company Limited, acquired the SPV on

30.5.2024. Accordingly, the TSP has filed the instant Petition through e-filing for the grant of a transmission licence on 6.6.2024. It is noticed that there is a delay of one day in filing the present Petition. However, the Petitioner has not explained about the delay. The Petitioner is directed to explain on an affidavit within a week the reason for the delay in filing the present Petition.

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**.

23. 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 23.8.2024 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.

24. The Petition shall be listed for the hearing on **5.9.2024**.

Sd/-
(Ramesh Babu V.)
Member

sd/-
(Jishnu Barua)
Chairperson