

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 244/TL/2023

Coram:

Shri Jishnu Barua, Chairperson

Shri Arun Goyal, Member

Shri P.K. Singh, Member

Date of Order: 30th January, 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 with respect to Grant of Transmission Licence to Fatehgarh IV Transmission Limited.

And

In the matter of

Fatehgarh IV Transmission Limited,
T-15 A, Third Floor, Salcon Rasvilas,
Saket, New Delhi-110017

...Petitioner

Versus

1. Central Transmission Utility of India Limited,
Saudamini, Plot No.2, Sector-29,
Gurgaon-122 001
2. PFC Consulting Limited,
First Floor, Urja Nidhi
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
4. BSES Rajdhani Power Limited,
2nd Floor, B Block, BSES Bhawan,
near Kalkaji Mandir metro station,
Nehru Place, New Delhi- 110019

5. BSES Yamuna Power Limited,
Shakti Kiran Building,
Karkardooma, Delhi- 110032
6. North Delhi Municipal Corporation,
(NDMC Head Office), Palika Kendra, Parliament Street,
New Delhi- 110001
7. Tata Power Delhi Distribution Limited,
NDPL House, Hudson Lines Kingsway Camp
New Delhi- 110009
8. Himachal Pradesh State Electricity Board,
Vidyut Bhawan Kumar House
Shimla, Himachal Pradesh- 171004
9. Haryana Power Purchase Centre
UHBVN, IP 3 & 4, 4th Floor,
Sector 14- Panchkula-134113,
Haryana
10. Power Development Department, Jammu
Exhibition Ground, Opposite J&K High Court,
Srinagar-190009,
Jammu and Kashmir
11. Punjab State Power Corporation Limited,
Dy CE/ISB, shed T-1A,
Shakti Vihar, PSPCL
Patiala- 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, Makarwali Rd, Panchsheel Nagar,
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, Jan Path, Janpath,
Jyoti 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,
Victoria Cross Vijeyta Gabar Singh
Urja Bhawan, Kanwali Road,
Dehradun- 248001, Uttarakhand
19. Uttar Pradesh Power Corporation Limited,
10th Floor, Shakti Bhawan, 14 Ashok Marg,
Lucknow- 22600, U.P.
20. GMR Kamalanga Energy Limited,
New Shakti Bhawan, New Udaan Bhawan,
Opp. Terminal 3, IGI Airport, New Delhi- 110037
21. HVDC Agra,
Chintel House, POP-303, Station Road,
Lucknow-226001, Uttar Pradesh
22. HVDC Balia,
Chintel House, POP-303, Station Road,
Lucknow-226001, Uttar Pradesh
23. HVDC Bhiwadi,
SCO Bay 5-10, near Haryana Pollution Control Board Office,
Sector 16A, Faridabad-121002, Haryana
24. HVDC Kurukshetra,
SCO Bay 5-10, near Haryana Pollution Control Board Office,
Sector 16A, Faridabad, Haryana 121002
25. East Central Railway,
Hajipur, Vaishali-844101, Bihar
26. Adani Power (Mundra) Limited,
Adani Corporate House,
Shantigram Near Vaishno Devi Circle,
SG Highway, Ahmedabad- 382421, Gujarat

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,
Knowledge Park- IV,
Greater Noida- 201310, Uttar Pradesh
29. Northern Railway,
Headquarters Office,
Baroda House, New Delhi- 110001
30. North-Western Railway,
Near Jawahar Circle, Jaipur- 302017
31. GMR Bajoli Holi Hydropower Private Limited,
Airport Building 302, 1st Floor,
New Shakti Bhawan, New Udaan Bhawan Complex,
Near Terminal 3, IGI Airport, New Delhi- 110037
32. Delhi International Airport Limited,
New Udaan Bhawan,
Opp. Terminal 3, IGI Airport,
New Delhi- 110037
33. ABC Renewable Energy Private Limited,
ABC RJ Land 01 Private Limited,
H.No.6-3-680/8/3, Plot no.3,2nd Floor, PMR Plaza
Thakur Mansion Lane, Somajiguda
Hyderabad - 500082,Telangana
34. Amp Energy Green Private Limited,
309, Rectangle One, Behind Sheraton Hotel, Saket,
New Delhi, Delhi 110017, Delhi
35. Juniper Green Stellar Private Limited,
Plot No. 18, 1st Floor, Institutional Area, Sector 32,
Gurugram, 122022, Haryana, India
36. Luceo Solar Private Limited,
Unit Nos. 3, 4 & 5, Sixth Floor,
Fountainhead Tower 2,
Viman Nagar-411014, Pune

.....Respondents

Parties present:

Shri Aniket Prasoan, Advocate, FVITL
Shri Aman Shaikh, Advocate, FIVTL
Shri Yatin Sharma, CTUIL
Shri Ranjeet Singh Rajput, CTUIL
Ms. Priyansi Jadiya, CTUIL
Ms. Kavya Bhardwaj, CTUIL

ORDER

The Petitioner, Fatehgarh IV Transmission Limited, has filed the present Petition 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 “the Transmission Licence Regulations”) for the grant of an inter-State transmission licence for the establishment of the “Transmission system for evacuation of power from REZ in Rajasthan (20 GW) under phase III-Part A1” (“Project”) on Build, Own, Operate and Transfer (BOOT) basis, consisting of the following elements:

S. No.	Name of Transmission Element	Scheduled COD in months from Effective Date
1.	<i>Establishment of 5x500 MVA, 400/220 kV pooling station at Fatehgarh-4 PS along with 2x125 MVAR Bus Reactor</i> <ul style="list-style-type: none">• 400/220 kV, 500 MVA ICT- 5 Nos.• 400 kV ICT bays – 5 nos.• 220 kV ICT bays – 5 nos.• 400 kV line bays – 2 nos.• 220 kV line bays – As per connectivity granted to RE developers (7 no. of bays considered at present).• 125 MVAR, 420 kV bus reactor – 2 nos.• 420 kV reactor bay – 2 nos.• 220 kV Sectionalization bay: 1 set• 220 kV Bus Coupler (BC) Bay -2 nos.	18 months

	<ul style="list-style-type: none"> • 220 kV Transfer Bus Coupler (TBC) Bay - 2 nos <p><u>Future provisions: Space for:</u></p> <ul style="list-style-type: none"> • 765/400kV ICTs along with bays: 6 nos. • 765kV line bay along with switchable line reactor: 6 nos. • 765kV Bus Reactor along with bays: 3 nos. • 400/220 kV ICTs along with bays: 8 nos. • 400 kV line bays along with switchable line reactor: 10 nos. • 400kV Bus Reactor along with bays: 2 nos. • 400kV Sectionalization bay: 2 sets • 220 kV line bays: 13 nos. • 220 kV Sectionalization bay: 3 sets • 220 kV Bus Coupler (BC) Bay -3nos • 220 kV Transfer Bus Coupler (TBC) Bay - 3nos. 	
2.	Fatehgarh-4 PS- Fatehgarh-3 PS 400 kV D/c twin HLTS* line	
3.	2 no. of 400 kV line bays at Fatehgarh-3 PS	

- With a minimum capacity of 2100 MVA on each circuit at a nominal voltage

Note:

i. Developer of Fatehgarh-3 S/s(new section) to provide space for 2 nos. of 400 kV line bays at Fatehgarh-3 S/s for termination of Fatehgarh-4 Fatehgarh-3 400 kV D/c twin HLTS line.

ii. Scheme to be awarded after SECI/ /REIA awards first bid of RE project at Fatehgarh-4 pooling station.”

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, Apraava Energy Private Limited was declared a successful bidder with the lowest quoted annual transmission charges of Rs. 248.67 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 22.11.2023, *prima facie* proposed to grant a transmission licence to the Petitioner. The relevant extracts of the order dated 22.11.2023 are extracted as under:

*“21. 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 Transmission Licence Regulations for construction, operation and maintenance 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 **29.11.2023.**”*

4. A public notice under Sub-section (5) of Section 15 of the Act was published on 2.12.2023 in all editions of the Times of India (English) and Hindustan (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 8.12.2023. 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. Vide Record of Proceedings for the hearing dated 8.12.2023, CTUIL was directed to submit within a week a copy of the approval of the Central Government as required under 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. In this regard, CTUIL, vide its affidavit dated 19.1.2024, has submitted that the Transmission System Planning Rules, 2021” were notified by the Ministry of Power, Government of India *vide* Gazette Notification dated 1.10.2021. As per Rule 3(5), all Inter-State Transmission System projects, along with their

timeline for implementation, are required to be approved by the Central Government. Subsequently, the National Committee on Transmission (NCT) was reconstituted *vide* Ministry of Power Office Order dated 28.10.2021 as per the decision taken in a meeting held under the Chairmanship of the Hon'ble Minister of Power & NRE on 5.10.2021 to discuss the transmission related issues for renewable energy. In the above order dated 28.10.2021, it was decided that (a) for the ISTS Projects costing more than Rs. 500 crore, NCT shall recommend to the Ministry of Power for the implementation of such projects along with their mode of implementation, (b) for ISTS Projects costing between Rs. 100 crore to Rs. 500 crore, NCT shall approve such projects along with their mode of implementation under intimation to Ministry of Power, and (c) for ISTS Projects costing less than or equal to Rs. 100 crore, CTUIL will approve such projects along with their mode of implementation under intimation to NCT and Ministry of Power. In line with the above decision, for the ISTS Projects costing more than Rs. 500 crore, the Central Government approves these transmission projects through various Gazette Notifications. The Central Government also appoints Bid Process Coordinators for the approved transmission projects in the same Gazette. Accordingly, the appointment of BPC by the Ministry of Power Gazette Notifications can be considered by this Commission as approval of the transmission project.

6. It is noticed that CTUIL, *vide* its letter dated 15.12.2023, has sought clarification from the Ministry of Power on the approval of the Central Government to the transmission scheme as per order dated 28.10.2021 of the Ministry of Power. However, as per CTUIL, no response has been received from the Ministry of Power so far. Considering the submissions, CTUIL is directed to place on record the response received from the Ministry

of Power as and when it is received. Meanwhile, we proceed to grant the transmission licence to the Petitioner Company so that the construction work of the transmission line may not be delayed.

7. 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.”

8. In our order dated 22.11.2023, 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 8.9.2023, 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 at paragraph 1 of this order. Accordingly, we direct that a transmission licence be granted to the Petitioner, 'Fatehgarh IV Transmission Limited,' for the grant of an inter-State transmission licence for the establishment of the “Transmission system for evacuation of power from REZ in Rajasthan (20 GW) under phase III-Part A1” (“Project”) on Build, Own, Operate and Transfer (BOOT) basis as per the details given in paragraph 1 above.

9. 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 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 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.

10. CTUIL / its appointed Independent Engineer and the Central Electricity Authority shall monitor the execution of the Project and bring to the notice of the Commission any apse on the part of the licensee to meet the schedule for further appropriate action in

accordance with the provisions of the Transmission Service Agreement executed between the licensee & Nodal Agency, the Act and the Transmission Licence Regulations.

11. 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.

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

13. Petition No. 244/TL/2023 is allowed in terms of the above.

Sd/-
(P.K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(Jishnu Barua)
Chairperson