

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 34/TL/2024

**Coram:
Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P.K. Singh, Member**

Date of Order: 27th March, 2024

In the matter of

Petition under Section 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 for grant of transmission license to Neemrana II Kotputli Transmission Limited.

And

In the matter of

Neemrana II Kotputli Transmission Limited,

DLF Cyber Park, Tower-B, 9th Floor,
Udyog Vihar, Phase-III, Sector 20,
Gurugram-1220008, Haryana

....Petitioner

Vs

1. Central Transmission Utility of India Limited,

Saudamini, Plot No.2, Sector-29,
Gurgaon-122 001

2. PFC Consulting Limited,

9th Floor, A-Wing, Stateman House,
Connaught Place,
New Delhi- 110001

3. Central Electricity Authority,

Seva Bhawan, R.K. Puram,
New Delhi-110016

4. Union Territory of Jammu & Kashmir,

Power Development Department,
SLDC Building, 1st Floor,
Gladani Power House,
Narwal-180006, Jammu

5. Union Territory of Ladakh,

Superintending Engineer, Distribution Circle,

Power Development Department,
Choglamsar-194101, Leh

6. Powergrid Corporation of India Limited,
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi-110016

7. HVDC Dadri,
Powergrid Corporation of India Limited,
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi-110016

8. HVDC Rihand,
Power Grid Corporation of India Limited,
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi-110016

9. Union Territory of Chandigarh,
Electricity Wing of Engineering Department,
Room No. 511, 5th Floor,
UT Secretariat (Deluxe) Building,
Sector 9D, Chandigarh-160009

10. BSES Rajdhani Power Limited,
BSES Bhawan, Nehru Place,
New Delhi -110019

11. BSES Yamuna Power Limited,
B-Block, Shakti Kiran Building,
Near Karkadooma Court, Karkadooma,
New Delhi-110092

12. New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi-110 002

13. Tata Power Delhi Distribution Limited,
NDPL house, Hudson Lines Kingsway Camp,
New Delhi -110 009

14. Himachal Pradesh State Electricity Board,
Vidyut Bhawan, Kumar House Complex Building II,
Shimla-171004, Himachal Pradesh

15. Haryana Power Purchase Centre,
Shakti Bhawan, Sector-6,
Panchkula-134109, Haryana

16. Punjab State Power Corporation Limited,
PP&R, Shed T-1, Thermal Design,

Patiala-147001, Punjab

17. Ajmer Vidyut Vitran Nigam Limited,
132 kV, GSS RVPNL Sub-station Building,
Caligiri Road, Malviya Nagar,
Jaipur-302017, Rajasthan

18. Jaipur Vidyut Vitran Nigam Limited,
132 kV, GSS RVPNL Sub-station Building,
Caligiri Road, Malviya Nagar,
Jaipur-302017, Rajasthan

19. Jodhpur Vidyut Vitran Nigam Limited,
New Power House, Industrial Area,
Jodhpur-342003, Rajasthan

20. North Central Railway,
DRM Office, Nawab Yusuf Road,
Prayagraj-211011, Uttar Pradesh

21. Uttaranchal Power Corporation Limited,
Urja Bhawan, Kanwali Road,
Dehradun-248001, Uttarakhand.

22. Uttar Pradesh Power Corporation Limited,
(Formerly Uttar Pradesh State Electricity Board)
Shakti Bhawan, 14, Ashok Marg,
Lucknow- 226001, Uttar Pradesh.

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

....Respondents

Parties present:

Shri Gaurav Dudeja, Advocate for the Petitioner
Shri Siddharth Sharma, CTUIL

ORDER

The Petitioner, Neemrana II Kotputli 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 the establishment of the “Transmission System for Evacuation of Power from Rajasthan REZ Ph-IV (Part 1) (Bikaner Complex): PART B” (“the Project”) on a Build, Own, Operate and Transfer (BOOT) basis, and to provide transmission services as per the terms of the Transmission Service Agreement (“ the TSA”) dated 27.12.023. The details of the Project are as follows:

| Transmission System for Evacuation of Power from Rajasthan REZ Ph-IV (Part 1) (Bikaner Complex): PART B | | |
|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| S. No. | Name of Transmission Element | Scheduled COD in months from Effective Date |
| 1. | <p><i>Establishment of 765/400 kV, 4x1500 MVA (along with one spare unit of 500 MVA) Neemrana-II S/s along with 2x330 MVA (765 kV) Bus Reactor (along with one spare unit of 110 MVA) & 2x125 MVA (420kV) Bus Reactor at a suitable location near Neemrana</i></p> <ul style="list-style-type: none"> • <i>765/400 kV 1500 MVA ICTs – 4 nos. (13x500 MVA including one spare unit)</i> • <i>330 MVA Bus Reactor-2 nos. (7x110 MVA, including one spare unit)</i> • <i>765 kV reactor bays- 2 nos.</i> • <i>125 MVA, 420kV bus reactor - 2 nos.</i> • <i>420 kV reactor bays - 2 nos.</i> • <i>765 kV ICT bays – 4 nos.</i> • <i>400 kV ICT bays – 4 nos.</i> • <i>400 kV line bays - 6 nos. (4 nos. for LILO of Gurgaon -Sohna Road D/c line & 2 nos. for Kotputli D/c line)</i> <p><i>Future provisions: Space for</i></p> <ul style="list-style-type: none"> • <i>765/400kV ICT along with bays- 2 nos.</i> • <i>765 kV line bays along with switchable line reactors – 12 nos.</i> • <i>765 kV Bus Reactor along with bay: 1 no.</i> • <i>400 kV line bays along with switchable line reactor –6 no.</i> | 24 months |

| | | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------|--|
| | <ul style="list-style-type: none"> • 400 kV Bus Reactor along with bay: 1 no. • 400kV Sectionalization bays: 2 sets | |
| 2. | Neemrana-II -Kotputli 400 kV D/c line (Quad) | |
| 3. | 2 no. of 400 kV line bays at Kotputli <ul style="list-style-type: none"> • 400 kV line bays at Kotputli - 2 nos. | |
| 4. | LILO of both ckts of 400 kV Gurgaon (PG) - Sohna Road (GPTL) D/c line (Quad) at Neemrana-II S/s | |

Note:

- (i) Provision of suitable sectionalization shall be kept at Neemrana-II S/s at 400kV level to limit short circuit level.
- (ii) POWERGRID to provide space for 2 nos. of 400 kV line bays at Kotputli S/s.”

2. The Petitioner has made the following prayers:

“(a) Grant Transmission Licence to the Applicant;

(b) Allow sharing and recovery of the Transmission Charges for Inter-State Transmission System for establishment of “Transmission System for Evacuation of Power from Rajasthan REZ Ph-IV (Part 1) (Bikaner Complex): PART B” as per the CERC (Sharing of Inter-state Transmission Charges and Losses) Regulations, 2020 and any other amendments issued thereon from time to time by the Commission;

(c) Condone any inadvertent errors omissions/errors/shortcomings and permit the Petitioner to add/change/modify/alter these filings and make further submissions as may be required going forward; and

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

Hearing dated 6.3.2024

3. During the course of the hearing on 6.3.2024, the learned counsel for the Petitioner submitted that the Petitioner has already 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 Section 15(4) of the Act.

4. The representative of CTUIL submitted that CTUIL vide letter dated 23.1.2024 has already recommended the grant of a transmission licence to the Petitioner company.

5. Vide Record of Proceedings for the hearing dated 6.3.2024, notices were issued to Respondents to file their reply, if any. However, no reply has been received from them.

6. 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, PFC Consulting Limited (PFCCL) was notified by the Ministry of Power, Government of India, vide Gazette Notification. No. CG-DL-E-14012023-241990 dated 13.1.2023 as the Bid Process Coordinator (BPC) for the purpose of selection of bidder as Transmission Service Provider (TSP) to establish the “Transmission System for Evacuation of Power from Rajasthan REZ Ph-IV (Part 1) (Bikaner Complex): PART B” (“the Project”) on a Build, Own, Operate and Transfer basis.

7. PFCCL, in its capacity as the BPC, initiated the bid process on 15.2.2023 and completed the same on 27.12.2023 in accordance with the Guidelines. Sterlite Grid 32 Limited was selected as the successful bidder, having quoted the lowest transmission charges of Rs. 1694.65 million per annum to provide the transmission services to the the transmission system’s beneficiaries.

8. As per the BPC, RfP was issued on 15.2.2023. At the RfP (Technical and Financial) stage, three bidders, namely, (i) Power Grid Corporation of India Limited,

(ii) Sterlite Grid 32 Limited, and (iii) Adani Energy Solutions Limited (formerly known as Adani Transmission Limited) submitted their offers. The RfP (Technical bids) of the three bidders were opened by the Bid Opening Committee on 6.10.2023 in the presence of a representative of the bidders, and the BEC recommended the bids of all the three bidders responsive to qualify for the opening of their RfP (financial bids). Based on the recommendation of the Bid Evaluation Committee (BEC), the RfP (Financial) Bids-Initial Price Offer of the three bidders were opened on 30.10.2023. The lowest Initial Price Offer discovered (Best Deal) at the MSTC portal was Rs. 1850.00 million per annum. The details of the quoted transmission charges by bidders are given below:

| Sr. No. | Name of the Bidder | Quoted Transmission Charges as per the Initial Offer (in Rs. million per annum) |
|----------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. | Power Grid Corporation of India Limited | 1850.00 |
| 2. | Sterlite Grid 32 Limited | 2099.99 |
| 3. | Adani Energy Solutions Limited (formerly known as Adani Transmission Limited) | 2146.60 |

9. As per Clause 2.5 of the RfP document, Initial Offers shall be ranked on the basis of ascending order for 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 submit their Final Offer. Accordingly, the rank of the bidders qualified for participating in the e-reverse auction stage, in the ascending order of the initial offer, is as under:

| Sr. No. | Name of the Bidder | Quoted Transmission Charges as per the Initial Offer (in Rs. million per annum) | Rank |
|---------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------|------|
| 1. | Power Grid Corporation of India Limited | 1850.00 | L1 |
| 2. | Sterlite Grid 32 Limited | 2099.99 | L2 |
| 3. | Adani Energy Solutions Limited (formerly known as Adani Transmission Limited) | 2146.60 | L3 |

10. The e-reverse auction of three bidders was carried out at the MSTC portal on 31.10.2023. The following transmission charges, as quoted by each bidder, emerged:

| Sr. No. | Name of the Bidder | Transmission Charges as per the Final Offer (in Rs. million per annum) | Rank |
|---------|-------------------------------------------------------------------------------|------------------------------------------------------------------------|------|
| 1. | Sterlite Grid 32 Limited | 1694.65 | L1 |
| 2. | Power Grid Corporation of India Limited | 1698.90 | L2 |
| 3. | Adani Energy Solutions Limited (formerly known as Adani Transmission Limited) | 2146.60 (Not participated in e-RA) | L3 |

11. As per the Bid Evaluation Report dated 14.11.2023, Sterlite Grid 32 Limited emerged as the successful bidder with the lowest quoted transmission charges of Rs. 1694.65 million per annum. BEC, vide its certificate dated 14.11.2023, 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 through the e-reverse auction are acceptable.

12. Consequent to its selection as the lowest bidder, a Letter of Intent (LoI) was issued to Sterlite Grid 32 Limited by the BPC on 29.11.2023, which was accepted by

Sterlite Grid 32 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 Central Transmission Utility of India Limited (CTUIL);
- (b) Execute Share Purchase Agreement and Transmission Service Agreement;
- (c) Acquire, for the Acquisition Price, 100% share equity share Neemrana II Kotputli Transmission Limited from PFCCCL along with all its related assets and liabilities;
- (d) Make an application to this Commission for adoption of transmission charges, as required under Section 63 of the Act; and
- (e) Apply to this Commission for grant of transmission licence;

13. The Petitioner has furnished the Contract Performance Guarantee (CPG) in favour of Nodal Agency, i.e. CTUIL, for Rs. 27.30 crore on 26.12.2023 and has acquired a hundred per cent equity holding in Neemrana II Kotputli Transmission Limited on 27.12.2023. The Petitioner entered into a Transmission Service Agreement (TSA) with CTUIL on 27.12.2023.

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 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 the 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 the competent authority in the Ministry of Power/CEA. Central Electricity Authority, vide its letter No. 25-17/22/2023-PG dated 27.9.2023, had issued prior approval to the Project under Section 68 of the Act. The Selection of the Project developer, Neemrana II Kotputli Transmission Limited, has been certified to have been made in accordance with the Guidelines.

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 grant of 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 grant of a transmission licence in accordance with the Transmission Licence Regulations. The

Petitioner has submitted proof of service of the copies of the application on the BPC, CTUIL and Western Region 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 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 Neemrana II Kotputli 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 for the Project. The transmission charges quoted by the Petitioner, which have been recommended by the Bid Evaluation Committee for acceptance, is Rs. 1694.65 million per annum. 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 language and in Hindi (Vernacular) language. No objection has been received from the general public to the notices.

20. The Petitioner has served the 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 23.1.2024, has recommended the grant of a transmission licence to the Petitioner. The Relevant portions of the said letter dated 23.1.2024 are extracted as under:

“This is with reference to Petition having Diary no. 13/2024 filed by M/s N2KTL before Hon’ble Commission for grant of Transmission License to facilitate implementation of Transmission System for Evacuation of Power from Rajasthan REZ Ph-IV (Part 1) (Bikaner Complex): Part- B. In this regard, following is submitted:

- Towards achievement of 500 GW non-fossil generation by 2030, Renewable Energy Zones (REZs) of 181.5GW for likely benefits by 2030, were identified by MNRE/SECI. These REZs are located in eight states, out of which, 75 GW REZs are identified in the state of Rajasthan (Comprising of 15 GW Wind and 60 GW Solar potential). Accordingly, based on the discussion, a comprehensive transmission scheme for evacuation of 75 GW RE potential from Rajasthan has been evolved. This also includes transmission scheme for evacuation of 7.7GW RE power in Bikaner complex, (Bikaner-II: 3.7GW and Bikaner-III:4 GW)*
- The subject transmission scheme was agreed in the 8th Consultation meeting for Evolving Transmission Schemes in NR held on 30/06/2022. Extract of the minutes of 8th NR-CMETS meeting are enclosed at **Annexure-I**. The detailed scope of the subject scheme is attached at **Annexure-II**.*
- Subsequently transmission scheme was agreed in the 9th meeting of National Committee of Transmission (NCT) held on 28/09/2022. Extract of minutes of meeting are attached at **Annexure-III**. Transmission Scheme was also agreed in the 56th NRPC meeting held on 29/07/2022. Extract of the 56th NRPC minutes are enclosed at **Annexure-IV**.*
- Ministry of Power, Govt, of India vide gazette notification dated 13/01/2023 has identified M/s PFC Consulting Ltd. (PFCCL) as Bid Processing Coordinator (BPC) for the purpose of selection of bidder as Transmission Service Provider (TSP) to establish the above referred project through TBCB route. Bid Evaluation Committee appointed by the BPC has selected M/s Sterlite Grid 32 Limited ("SG32L") as successful bidder. M/s SG32L has subsequently acquired Neemrana II Kotputli Transmission Limited after execution of the requisite Share Purchase Agreement (SPA) on 27/12/2023.*
- As part of subject scheme, 765/400 kV Neemrana-II S/s along with LILO of both ckts of 400 kV Sohna Road (GPTL)-Gurgaon (PG) D/c line at Neemrana-II S/s & Neemrana-II -Kotputli 400 kV D/c line (Quad) is to be established with completion schedule as 24 months from effective date (27/12/2023) ie. 26/12/2025. 400 kV Kotputli, Sohna Road & Gurgaon are existing substations.*
- Implementation of this project shall facilitate transfer of power from RE generation (About 7.7 GW) proposed to be connected in Bikaner Complex in Western Rajasthan.*

Keeping above in view and based on details furnished by M/s Neemrana

II Kotputli Transmission Limited, CTU, in line with Section 15(4) of the Electricity Act, 2003, recommends grant of transmission license to M/s Neemrana II Kotputli Transmission Limited for executing the subject transmission scheme.”

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 9.12.2023. Though Lol was issued on 29.11.2023, BPC, vide its letter dated 27.12.2023 in terms of Clauses 2.15.2 of RfP, extended the date up to 27.12.2023 for completion of all activities by the successful bidder. The selected bidder furnished the Contract Performance Guarantee in favour of Nodal Agency (CTUIL) for an amount of Rs. 27.30 crore on 26.12.2023 and acquired a hundred per cent equity-holding in the applicant company on 27.12.2023 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, Sterlite Grid 32 Limited, acquired the SPV on 27.12.2023. Accordingly, the TSP has filed the instant Petition through e-filing for the adoption of transmission charges on 3.1.2024.

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 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 **15.4.2024**.

23. The Petitioner has undertaken to implement the Project as per the provisions of the TSA. The Petitioner has also undertaken that the time overrun and cost overrun, if applicable, shall be claimed by the Petitioner in accordance with the applicable provisions of the TSA read with the provisions of the Act, the bidding documents and the regulations of the Central Electricity Regulatory Commission.

24. 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, testing 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 in a good workman-like manner 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 India Standards. In this regard, the Petitioner has submitted that it would implement the Project as per the provisions of the TSA, including Article 16.4, Article 5.1.1 and Article 5.4 of the TSA. It is expected that while carrying out the survey, the Petitioner has complied with the provisions of clause

2.5.7.3, clause 2.5.7.4 and clause 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.

25. The Petition shall be listed for the hearing on **19.4.2024**.

Sd/-
(P.K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(Jishnu Barua)
Chairperson