

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 340/TL/2024

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

Date of Order: 14th January, 2025

In the matter of

Petition under Sections 14, 15 and 79(1)(e) of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission Licence and other related matters) Regulations, 2024 for grant of Transmission Licence with respect to the Transmission System to be implemented by Khavda IV C Power Transmission Limited.

And

In the matter of

Khavda IV C Power Transmission Limited,

DLF Cyber Park, Tower B, 9th Floor,
Udyog Vihar Phase-III Road, Sector 20,
Gurugram-122008 Haryana.

...Petitioner

Vs

1. Central Transmission Utility of India Limited

Saudamini, Plot No.2, Sector-29,
Gurgaon-122001.

2. REC Power Development and Consulting Limited,

REC Corporate Head Quarter,
D Block, Plot No. I – 4, Sector 29,
Gurugram - 122001.

3. Chhattisgarh State Power Distribution Company Limited,

P.O. Sunder Nagar, Dangania,
Raipur- 492013, Chhattisgarh.

4. Goa Electricity Department-WR,

Goa Electricity DeptCurti,
Ponda-403401.

5. Gujarat Urja Vikas Nigam Limited,

Vidhyut Bhavan, Race Course,
Vadodara-390007.

- 6. Heavy Water Board,**
O Floor, Vikram Sarabhai Bhavan,
Trombay, Anushaktinagar,
Mumbai- 400094, Maharashtra.
- 7. HVDC Bhadrawati, PGCIL,**
PGCIL RHQ, WR-I, Sampriti Nagar,
Off National Highway No. 8,
Taluka: Kamrej, PO: Uppalwadi,
Nagpur-440026, Maharashtra.
- 8. HVDC Vindhyachal, PGCIL,**
PGCIL RHQ, WR-I, Sampriti Nagar,
Off National Highway No. 8,
Taluka: Kamrej, PO: Uppalwadi,
Nagpur-440026, Maharashtra.
- 9. M.P. Power Management Company Limited,**
14, Shakti Bhawan, Rampur,
Jabalpur- 482008.
- 10. Maharashtra State Electricity Distribution Company Limited,**
Prakashgad, 4th Floor, Bandra (East),
Mumbai-400051.
- 11. ACB India Limited,**
7th Floor, Corporate Tower, Ambience Mall, NH-8,
Gurgaon-122001(Haryana).
- 12. Torrent Power Limited,**
Naranpura Zonal Office, Sola Road,
Ahmedabad-380013.
- 13. West Bengal State Electricity Distribution Company Limited,**
6th Floor Vidyut Bhawan, Karunamoyee, Salt Lake,
Kolkata-700091, West Bengal.
- 14. Thermal Powertech Corporation of India,**
6-3-1090, Clock C, Level 2, TSR, Towers,
Raj Bhavan Road, Somajiguda,
Hyderabad-500082, Telangana.
- 15. Bhabha Atomic Research Centre,**
Anushakti Nagar,
Mumbai-400085, Maharashtra.
- 16. GMR Warora Energy Limited,**
Plot B-1, Mohabala MIDC Growth Centre, Post – Warora,
District–Chandrapur-442907, Maharashtra.

- 17. HVDC Champa,**
PGCIL RHQ, WR-I, Sampriti Nagar,
Off National Highway No. 8,
Taluka, Kamrej, PO: Uppalwadi,
Nagpur- 440026, Maharashtra.
- 18. West Central Railway Head Office,**
General Manager's Office, Electrical Branch,
Jabalpur-482001.
- 19. Western Railway,**
Office of Chief Electrical Engineer,
Mumbai.
- 20. East Central Railway, CEDE,**
Office of Chief Electrical Engineer,
ECR, Zonal Head Quarter,
Dighikala-844101, Bihar.
- 21. DB Power Limited – Untied,**
Opp Dena Bank, C-31, G- Block,
Mumbai, Maharashtra.
- 22. Chhattisgarh State Power Trading Company Limited,**
2nd Floor, Vidyut Sewa Bhawan,
Raipur.
- 23. TRN Energy Private Ltd-Untied,**
7th Floor, Ambience Office Block,
Gurugram.
- 24. Adani Power (Mundra) Limited,**
Adani Corporate House, Shantigram,
Near Vaishnavdevi Circle, S G Road,
Ahmedabad–382421.
- 25. Raigarh HVDC Station,**
RPT HVDC Office, Hebbal,
Bangalore-560094.
- 26. Arcelor Mittal Nippon Steel India Limited,**
27, AMNS House, 2th KM Surat Hazira Road,
Hazira-394270, Gujarat, Maharashtra.
- 27. Central Railway, Pcee's office,**
2nd Floor, Parcle Building,
CSMT Mumbai-400001.
- 28. Dadra and Nagar Haveli and Daman
and Power Distribution Corporation Limited,**

1st & 2nd Floor, Vidyut Bhavan,
NexSilvassa & Daman.

29. MPSEZ Utilities Limited,
3rd Floor, Adani Corporate House,
Ahmedabad, Gujarat.

30. Gujarat State Electricity Corporation Limited,
Vidyut Bhavan, Race Course,
Vadodara, Gujarat.

31. Gujarat Industries Power Company Limited,
General Manager (RE Projects & IT), PO, Ranoli,
Dist-Vadodara, Gujarat.

32. NTPC Renewable Energy Limited,
NETRA Building, E-3, Ecotech-II, Udyog Vihar,
Greater Noida, Gautam Budh Nagar-201306, UP.

33. Maharashtra State Electricity Transmission Company Limited,
4th Floor, A Wing,
Prakashganga, E-Block, Plot No. C-19,
BKC Bandra (East),
Mumbai– 400051, Maharashtra

...Respondents

Parties present:

Shri Dhruval Singh, Advocate, KIVCTPL
Shri Nishant Thakur, Advocate, KIVCTPL
Shri Tatimakula Amarendranath Reddy, KIVCTPL
Shri Sandeep Rajpurohit, KIVCTPL
Shri Ritam Biswas, RECPDCL
Shri Akshayvat Kislay, CTUIL

ORDER

The Petitioner, Khavda IV C Power Transmission Limited (hereinafter referred to as the “Petitioner”), has filed the present Petition for the grant of a transmission licence under Sections 14 and 15 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, 2024 (hereinafter referred to as “Transmission Licence Regulations”) to establish Inter-State transmission system for “Transmission System for Evacuation of power from potential renewable energy zone in Khavda area of Gujarat under Phase-

IV (7 GW): Part C on Build, Own, Operate and Transfer basis (hereinafter referred to as “the Project”) consisting of the following elements as per the TSA signed with CTUIL on 15.10.2024:

Transmission System for Evacuation of power from potential renewable energy zone in Khavda area of Gujarat under Phase-IV (7 GW): Part C		
S. No.	Name of Transmission Element	Scheduled COD in months from the Effective Date
1.	<p><i>Establishment of 4x1500 MVA, 765/400 kV and 2x500 MVA, 400/220 kV Boisar-II (GIS) S/s with 2x330 MVAR, 765 kV bus reactors and 2x125 MVAR, 420 kV bus reactors.</i></p> <p><i>(2x1500 MVA, 765/400 kV ICTs shall be on each 400 kV section and 2x500 MVA, 400/220 kV ICTs shall be on 400 kV Bus Section-II. 2x125 MVAR Bus reactors shall be such that one bus reactor is placed on each 400 kV bus section. 400 kV Bus Sectionaliser to be kept under normally OPEN condition)</i></p> <ul style="list-style-type: none"> • <i>765/400 kV, 1500 MVA ICT: 4 Nos. (13x500 MVA single phase units including one spare unit)</i> • <i>400/220 kV, 500 MVA ICT: 2 Nos.</i> • <i>765 kV ICT bays: 4 Nos.</i> • <i>400 kV ICT bays: 6 Nos. (2 Nos. on Bus Section-I and 4 Nos. on Bus Section-II)</i> • <i>400 kV Bus Sectionaliser: 1 set</i> • <i>220 kV ICT bays: 2 Nos.</i> • <i>220 kV BC bay: 1 No.</i> • <i>330 MVAR, 765 kV bus reactor: 2 Nos.</i> • <i>125 MVAR, 420 kV bus reactor: 2 Nos.</i> • <i>765 kV reactor bays: 2 Nos.</i> • <i>765 kV line bays: 6 Nos.</i> • <i>400 kV reactor bays: 2 Nos. (one on each bus section)</i> • <i>400 kV line bay: 6 Nos. (4 Nos. on bus Section-I and 2 Nos. on bus Section-II)</i> • <i>110 MVAR, 765 kV, 1-ph reactor (spare unit for line/bus reactor): 1 No.</i> <p>Future Provisions:</p> <ul style="list-style-type: none"> • <i>765/400 kV ICT along with bays: 2 No.</i> • <i>765 kV line bays along with switchable line reactors: 8 Nos.</i> 	

	<ul style="list-style-type: none"> • 765 kV Bus Reactor along with bay: 2 No. • 765 kV Sectionalizer bay: 1 set • 400 kV line bays along with switchable line reactor: 8 Nos. • 400/220 kV ICT along with bays: 6 Nos. • 420 kV Bus Reactor along with bay: 2 No. • 220 kV line bays: 12 Nos. • 220 kV Sectionalization bay: 1 set • 220 kV BC: 1 No. 	24 Months (15.10.2026)
2.	South Olpad (GIS) – Boisar-II (GIS) 765 kV D/c line	
3.	2 Nos. of 765 kV line bays at South Olpad (GIS) for termination of South Olpad (GIS) – Boisar-II (GIS) 765 kV D/c line <ul style="list-style-type: none"> • 765 kV line bays (GIS) – 2 Nos. (for South Olpad end) 	
4.	240 MVAR switchable line reactors on each ckt at South Olpad (GIS) and Boisar-II (GIS) end of South Olpad (GIS) – Boisar-II (GIS) 765 kV D/c line (with NGR bypass arrangement) <ul style="list-style-type: none"> • 240 MVAR, 765 kV switchable line reactor- 4 [2 for Boisar-II (GIS) and 2 for South Olpad (GIS)] • Switching equipment for 765 kV line reactor- 4 (2 for Boisar-II (GIS) and 2 for South Olpad (GIS)) • 1x80 MVAR, 765 kV 1-ph spare line reactor– 1 No. (for Boisar-II end) • 1x80 MVAR, 765 kV 1-ph spare line reactor proposed for Ahmedabad – South Olpad (GIS) 765 kV line (under Khavda Ph-IV Part B scheme) at South Olpad (GIS) S/s to be used as spare 	
5.	LILO of Navsari (New) – Padghe (PG) 765 kV D/c line at Boisar-II	
6.	Boisar-II (Sec-II) – Velgaon (MH) 400 kV D/c (Quad ACSR/AAAC/AL59 moose equivalent) line	
7.	2 Nos. of 400 kV line bays at Velgaon (MH) for termination of Boisar-II – Velgaon (MH) 400 kV D/c (Quad ACSR/AAAC/AL59 moose equivalent) line <ul style="list-style-type: none"> • 400 kV line bays (GIS): 2 Nos. [for Velgaon (MH) end] 	
8.	LILO of Babhaleswar – Padghe (M) 400 kV D/c line at Boisar-II (Sec-I) using twin HTLS	

	<i>conductor with a minimum capacity of 1700 MVA per ckt at nominal voltage</i>	
9.	<i>80 MVAR switchable line reactors at Boisar-II end of Boisar-II – Babhaleswar 400 kV D/c line (with NGR bypass arrangement) formed after above LILO</i> <ul style="list-style-type: none"> • <i>80 MVAR, 420 kV switchable line reactor including switching equipment: 2 Nos.</i> 	
10.	<i>±200 MVAR STATCOM with 2x125 MVAR MSC, 1x125 MVAR MSR at 400 kV bus section-I of Boisar-II and ±200 MVAR STATCOM with 2x125 MVAR MSC, 1x125 MVAR MSR at 400 kV bus section-II of Boisar-II</i> <ul style="list-style-type: none"> • <i>±200 MVAR STATCOM (with MSC/MSR) on 400 kV Section-I</i> • <i>400 kV bay – 1 No. on Section-I</i> • <i>±200 MVAR STATCOM (with MSC/MSR) on 400 kV section-II</i> • <i>400 kV bay – 1 No. on Section-II</i> 	
11.	<i>± 300 MVAR STATCOM with 3x125 MVAR MSC, 1x125 MVAR MSR at 400 kV level of Navsari (New)(PG) S/s with 1 No. of 400 kV bay (GIS)</i> <ul style="list-style-type: none"> • <i>±300 MVAR STATCOM (with MSC/MSR)</i> • <i>400 kV bay: 1 No.</i> 	

Note:

- i. Bay(s) required for completion of diameter (GIS) in one-and-half breaker scheme shall also be executed by the TSP.*
- ii. MSETCL shall carry out reconductoring of the balance portion of Padghe (M) – Boisar-II 400 kV D/c line (i.e., from LILO point up to Padghe(M)) and shall also carry out corresponding upgradation of 400 kV bays at Padghe (M) as may be required in matching time-frame of the LILO line. MSETCL has confirmed the maximum capacity of the line which can be achieved after reconductoring considering clearances in existing towers of Babhaleswar – Padghe (M) 400 kV D/c line as 1700 MVA per ckt.*
- iii. MSETCL shall implement the LILO of both circuits of Boisar-II – Velgaon 220 kV D/c line at Boisar-II (ISTS) S/s along with 4 Nos. 220 kV GIS bays at Boisar-II in matching time-frame of Boisar-II (ISTS) S/s.*
- iv. TSP of South Olpad (GIS) S/s shall provide space for work envisaged at Sl. No. 3 and 4.*
- v. MSETCL shall provide space for the work envisaged at Sl. No. 7 at Velgaon S/s.*
- vi. TSP of the subject scheme shall implement Inter-tripping scheme on South Olpad (GIS) – Boisar-II (GIS) 765 kV D/c line (for tripping of the switchable line reactor at either end along with the main line breaker).*

vii. *The implementation timeframe: 24 months from the Effective Date (15.10.2026).*

2. Based on the competitive bidding carried out by the REC Power Development & Consultancy Limited (hereinafter referred to as “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, Sterlite Grid 38 Limited was declared a successful bidder with the lowest quoted annual transmission charges of Rs. 13,148.08 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 7.12.2024, *prima facie* proposed to grant a transmission licence to the Petitioner. The relevant extracts of the Order dated 7.12.2024 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 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 in two daily digital newspapers and on the Commission’s website 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 **22.12.2024.**”

4. A public notice under Sub-section (5) of Section 15 of the Act was published in all editions of the Hindustan Times (English) and Dainik Jagran (Hindi) on 10.12.2024. No suggestions/ objections have been received from members of the public in response to the public notice.

Hearing dated 26.12.2024

5. The matter was called out for the hearing on 26.12.2024. During the course of the hearing, the representative of 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 prayed to grant the transmission licence.

6. In response to the specific query of the Commission on the aspect of issuance of transmission licence, the representative of CTUIL submitted that CTUIL is amending the SCOD of the Project in order to avoid any mismatch between the two interconnected Projects, i.e., Part B (bidding by the PFC) and Part C (bidding by RECPDCL). Further, during the course of the hearing, the representative of CTUIL submitted that the recommendation, as already given by CTUIL for the grant of transmission licence to the Petitioner, needs to be amended, especially the SCOD, due to the difference of 45 days between the date of the SPV transfer and signing of the TSA. The representative of CTUIL prayed to file the amended recommendations within a week.

7. In compliance with the Record of Proceedings dated 26.12.2024, CTUIL, vide its letter dated 30.12.2024 submitted the amended recommendation as under:

“Sub: Recommendation of CTU under Section 15(4) of Electricity Act, 2003 and Regulation 5(9) of Transmission License Regulations, 2024 on an application filed by M/s Khavda IV C Power Transmission Ltd. (KIVCPTL) before Hon'ble Commission for Grant of Transmission License for "Transmission System for Evacuation of power from potential renewable energy zone in Khavda area of Gujarat under Phase-IV (7 GW): Part C" project-Amendment.

This is with reference to CTUIL letter dated 25/10/2025 regarding the recommendation for grant of transmission license to M/s Khavda IV C Power Transmission Ltd. for executing the transmission scheme "Transmission System for Evacuation of power from potential renewable energy zone in Khavda area of Gujarat under Phase-IV (7 GW): Part C", wherein at the para no. 4, the following was mentioned:

“4. Pursuant to the process of competitive bidding conducted by the BPC, Sterlite Grid 38 Ltd. (SGL 38) emerged as the successful bidder. Thereafter, the BPC issued a Letter of Intent in favour of SGL 38 on 19/08/2024. Subsequently, SGL 38 acquired Khavda IV C Power Transmission Ltd. on 30/08/2024, after execution of the Share Purchase Agreement (SPA) and completing all procedural requirements specified in the bid documents. The

scheduled COD for the proposed ISTS scheme is 24 months from the date of SPV acquisition, i.e. by 30/08/2026"

As per Article 2.1 of the TSA, the Effective Date shall be later of the dates (i) when the agreement is executed and delivered by the parties; (ii) when the selected bidder has acquired 100% of the equity shareholding of REC Power Development and Consulting Ltd. in Khavda IV C Power Transmission Ltd. and (iii) when the selected bidder has provided the Contract Performance Guarantee. In this regard, M/s Sterlite Grid 38 Ltd. (SGL 38) has acquired 100% of the equity shareholding of Khavda IV C Power Transmission Ltd., upon signing of a share purchase agreement on 30/08/2024. However, the Transmission Service Agreement (TSA) was executed with CTUIL on 15/10/2024.

Accordingly, the effective date for the execution of the subject transmission scheme shall be 15/10/2024. In view of the above, para no. 4 of the CTUIL letter dated 25/10/2024 regarding the grant of transmission license, shall be amended as below.

*"4. Pursuant to the process of competitive bidding conducted by the BPC, Sterlite Grid 38 Ltd. (SGL 38) emerged as the successful bidder. Thereafter, the BPC issued a Letter of Intent in favour of SGL 38 on 19/08/2024. Subsequently, SGL 38 acquired Khavda IV C Power Transmission Ltd. on 30/08/2024, after execution of the Share Purchase Agreement (SPA) and completing all procedural requirements specified in the bid documents. **Further, TSA was executed with CTUIL on 15/10/2024. The scheduled COD for the proposed ISTS scheme is 24 months from the effective date as per the TSA, i.e., by 15/10/2026.**"*

This letter shall form an integral part of the CTUIL earlier letter dated 25/10/2024 regarding the grant of transmission license to M/s Khavda IV C Power Transmission Ltd. for execution of the transmission scheme "Transmission System for Evacuation of power from potential renewable energy zone in Khavda area of Gujarat under Phase-IV (7 GW): Part C". The detailed scope of the transmission scheme is enclosed at Annexure-I."

8. 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.

(15) The Commission shall, within 7 days of making the order to grant the

licence to an applicant send a copy of the licence to the Central Government, the Central Electricity Authority, the Central Transmission Utility, the applicant and the concerned DIC(s)."

9. Vide, Record of Proceedings for hearing dated 28.10.2024, the BPC was directed to indicate any objective criteria in place to decide upon proceeding with award vis-à-vis re-tendering for the instances where the quoted transmission charges in a bid process exceed far beyond the estimated annual charges as per the prevailing norms. In response, BPC, RECPDCL vide affidavit dated 21.11.2024 has submitted that the decision of award/rebidding is taken by the BEC on a case-to-case basis after analysing urgency/necessity of the scheme, competition during e-Reverse Auction, and various factors & bottlenecks affecting the execution of the projects. Recently, the bid process of the HVDC transmission scheme, viz., "Transmission System for Evacuation of Power from REZ in Rajasthan (20 GW) under Phase-III Part I was annulled and re-bidding was initiated based on recommendations of the BEC, as the lowest quoted transmission charges from the final offer was 55.41% higher than the estimated annual transmission charges as per the CERC norms. Whereas, in case of the subject transmission scheme, considering the urgency/necessity of the scheme, which is interlinked with other packages for evacuation of 7 GW RE power from Khavda RE park, various other factors, as indicated at the CEA, in its letter dated 24.6.2024, emphasized the need for the transmission schemes to evacuate the 7 GW of RE power from Khavda RE Park (30 GW potential), which are interlinked and require simultaneous execution for optimal system utilization. With 24.7 GW GNA already granted, timely implementation is critical. **The Bid Evaluation Committee on 5.8.2024 identified reasons for higher quoted tariffs, including challenges in land acquisition under Schedule V areas, supply chain constraints for 765 kV transformers, reactors, and GIS, limited OEMs for STATCOMs, and rising commodity prices.** Since these

factors, coupled with regulatory approvals and environmental clearances, significantly impact project costs and healthy competition, BEC recommended the award of the project to a successful bidder.

10. The Commission, in an order dated 19.12.2024 in Petition No. 341/AT/2024, has adopted the discovered annual transmission charges with the following observations:

“BPC, vide affidavit dated 22.11.2024, has submitted that all transmission projects for evacuation of 7 GW power from Khavda RE park shall be implemented in the same time frame for optimum utilization of the planned system. The final lowest tariff was discovered after 54 rounds of bidding in the e-Reverse Auction. Considering the urgency/necessity of the scheme as per inputs provided by CEA, reasons indicated for variations and healthy competition during the e-Reverse Auction, the BEC recommended the award of the project to the L1 bidder, i.e., M/s Sterlite Grid 38 Limited. Based on the certification of the BEC, we approve and adopt the single annual transmission charges of Rs. 13,148.08 million as per the final offer of the successful bidder subject to the grant of transmission licence to the Petitioner company. The transmission charges shall remain valid throughout the period covered in the TSA.”

As per the above, the tariff was adopted as it was discovered through a transparent process of bidding following the e-Reverse Auction.

11. We have taken note of the BPC and RECPDCL's submissions regarding re-bidding. Since there are substantial financial implications on the beneficiaries at large, when the bid price is substantially higher than the estimated price, there is a need to consider the same based on an objective criterion to be issued in the public domain. We are of the view that a procedure in this regard specifying the objective criterion based on which re-bidding is finalised, is required to be put in place by the BPC along with the BEC after consulting the necessary stakeholders. Accordingly, the BPC is directed to finalise the procedure within a period of three months from the issue of this order for future cases.

12. In our order dated 7.12.2024, 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, vide its revised letter dated 30.12.2024, 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, 2024, 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, 'Khavda IV C Power Transmission Limited,' to establish Inter-State transmission system for "Transmission System for Evacuation of power from potential renewable energy zone in Khavda area of Gujarat under Phase-IV (7 GW): Part C" on Build, Own, Operate and Transfer basis as per the details given in paragraph 1 above.

13. 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.

14. 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.

15. 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.

16. In order to decide whether to go for an award or initiate re-bidding for extremely high or extremely low financial bids, we are of the considered opinion that all the Bid Process Co-ordinators (BPCs) should evolve a uniform guidelines and adhere to the same letter and spirit. These guidelines should be publicised by the BPCs through their web pages so that the bidders may avoid random quotations.

17. With regard to compliance with Articles 5.1.1 and 5.4 of the TSA, the Petitioner, vide its affidavit dated 6.9.2024, has submitted that it will implement the Project in accordance with the provisions of the TSA read with the provisions of the Act.

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

19. Petition No. 340/TL/2024 is allowed in terms of the above.

sd/-
(Harish Dudani)
Member

sd/-
(Ramesh Babu V.)
Member

sd/-
(Jishnu Barua)
Chairperson