

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 426/TL/2024

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

Date of Order: 18th 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 with respect to grant of Transmission Licence to Navinal Transmission Limited.

**And
In the matter of**

Navinal Transmission Limited,
C-105, Anand Niketan,
New Delhi-110021.

...Petitioner

Vs

1. Central Transmission Utility of India Limited,
Saudamini, Plot No.2, Sector-29,
Gurgaon-122001.

2. PFC Consulting Limited,
Urjanidhi, 1, Barakhamba Lane,
Connaught Place, New Delhi-110001.

3. Madhya Pradesh Power Management Company Limited,
Block No. – 11, Ground Floor, Shakti Bhavan,
Vidhyut Nagar, Rampur,
Jabalpur-482008, Madhya Pradesh.

4. Chhattisgarh State Power Distribution Company Limited,
P.O. Sunder Nagar, Dangania,
Raipur-492013, Chhattisgarh.

5. Maharashtra State Electricity Distribution Company Limited,
Prakashgad, 4th Floor, Bandra (East),
Mumbai-400051.

6. Gujarat Urja Vikas Nigam Limited,
Vidhyut Bhavan, Race Course,
Vadodara–390007.

7. DNH Power Distribution Corporation Limited,
66 kV, Amlı Ind. Estate,
Silvasa–396230, Dadar Nagar Havelı.

8. Electricity department, Government of Goa,
Vidyut Bhavan, Near Mandvi Hotel,
Panaji, Goa–403001.

**9. Dadra and Nagar Havelı and Daman and Diu
Power Distribution Corporation Limited,**
1st & 2nd Floor, Vidyut Bhavan, Silvassa,
Dadra and Nagar Havelı–396230.

10. MPSEX Utilities Limited,
Adani Corporate House,
Shantigram, S.G. Highway,
Ahmedabad, Gujarat-382421.

Parties present:

Shri Prashant Kumar, NTL
Ms. Priyadrashini, Advocate, PFCCL
Ms. HK Madhulika Murthy, PFCCL
Shri Ranjeet Rajput, CTUIL
Shri Akshayvat Kislay, CTUIL

ORDER

The Petitioner, Navinal 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 the transmission project for the “Network Expansion Scheme in Navinal (Mundra) area of Gujarat for drawal of power in the area” on a Build, Own, Operate and Transfer basis (hereinafter referred to as “the Project”) consisting of the following elements:

S. No	Name of the Transmission Element	Scheduled COD in months from the Effective Date
1	<p>Establishment of 4x1500 MVA, 765/400 kV Navinal (Mundra) S/s (GIS) with 2x330 MVAR, 765 kV and 1x125 MVAR, 420 kV bus reactors:</p> <ul style="list-style-type: none"> • 765/400 kV, 1500 MVA ICT – 4 Nos. (13x500 MVA single phase units including one spare ICT Unit) • 765 kV ICT bays – 4 Nos. • 400 kV ICT bays – 4 Nos. • 765 kV Line bays – 4 Nos. • 1x330 MVAR, 765 kV bus reactor- 2 Nos. (7x110 MVAR single phase Reactors including one spare Unit for bus /line reactor) • 765 kV Bus reactor bay – 2 Nos. • 125 MVAR, 420 kV reactor- 1 Nos. • 400 kV Reactor bay- 1 No. <p>Future provision (space for):</p> <ul style="list-style-type: none"> ➤ 765/400 kV ICT along with bays- 5 Nos. ➤ 765 kV line bays along with switchable line reactors – 6 Nos. ➤ 765 kV Bus Reactor along with bay: 2 Nos. ➤ 765 kV Sectionalizer: 1 -set ➤ 400 kV line bays along with switchable line reactors– 10 Nos. (in addition to 4 Nos. bays for MUL – Navinal (Mundra) (GIS) 400 kV 2xD/C line mentioned under Note) ➤ 400/220 kV ICT along with bays -6 Nos. ➤ 400 kV Bus Reactor along with bays: 3 Nos. ➤ 400 kV Sectionalization bay: 1- set ➤ 220 kV line bays: 10 Nos. ➤ 220 kV Sectionalization bay: 1 set ➤ 220 kV BC and TBC: 2 Nos. ➤ STATCOM (\pm 300 MVAR) along with MSC (2x125 MVAR) and MSR (1x125 MVAR) and associated bays- 2 Nos. 	21 months (14.7.2026)
2	LILO of Bhuj-II – Lakadia 765 kV D/C line at Navinal (Mundra) (GIS) S/s with associated bays at Navinal (Mundra) (GIS) S/s	
3	<p>Installation of 1x330 MVAR switchable line reactor on each ckt at Navinal end of Lakadia – Navinal 765 kV D/C line (formed after above LILO)</p> <ul style="list-style-type: none"> ➤ 1x330 MVAR, 765 kV switchable line reactor – 2 Nos. ➤ Switching equipment for 765 kV line reactor – 2 Nos. 	

Note:

- (1) Bay(s) required for completion of diameter (GIS) in one-and-half breaker scheme shall also be executed by the TSP.
- (2) The TSP shall implement five complete diameters at 765 kV level of Navinal (Mundra) (GIS) consisting of 2 Main Bays and 1 Tie Bay required for completion of diameter (GIS) in one-and-half breaker scheme. (4 ICT bays + 4 Line Bays + 2 Bus Reactor Bays).
- (3) Further, the TSP shall also implement four complete diameters at 400 kV level of Navinal (Mundra) (GIS) consisting of 2 Main Bays and 1 Tie Bay required for completion of diameter (GIS) in one-and-half breaker scheme. (4 ICT bays + 1 Bus Reactor Bay + 3 for dia completion).
- (4) The following scope of works for interconnection of 400/220 kV MUL (Distribution Licensee) S/s with Navinal (Mundra) S/s (GIS) is under the scope of MUL (shall be constructed and maintained by a licensee at the cost of such entity) and is required to be implemented in the same time frame
 - MUL – Navinal (Mundra) (GIS) 400 kV 2xD/C (Twin HTLS - Quad Moose equivalent) and KCL, MPL shall get interconnected with 400/220 kV Substation of MUL for drawal of power.
 - MUL shall implement one complete diameter (GIS) consisting of 2 main bays and 1 Tie bay in one and half breaker scheme at Navinal end as 3-line bays can be terminated in spare bays being implemented by TSP for completion of dia.
 - 4 Nos. 400 kV Line bays at the Distribution Licensee MUL end.”

2. The Petitioner has made the following prayers:

“(a) Issue / Grant the Transmission License to the Petitioner for establishing, operating and maintaining the Transmission System as provided for in the Transmission Service Agreement;

(b) Allow the **“Network Expansion Scheme in Navinal (Mundra) area of Gujarat for drawal of power in the area”** to be part of PoC Pool as per Hon'ble CERC (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 and any other amendments thereon issued from time to time by Hon'ble 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 at a future date.

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

Hearing dated 10.12.2024

3. During the course of the hearing on 10.12.2024, the representative of the Petitioner submitted that the present Petition had been filed for the grant of transmission licence for establishing the “Network Expansion Scheme in Navinal (Mundra) area of

Gujarat for drawl of power in the area” discovered pursuant to the tariff based competitive bidding process.

4. Vide Record of Proceedings for the hearing 10.12.2024, the parties were directed to file their respective replies and rejoinder. However, no reply has been filed by the respondents despite the notice being issued.

5. The Petitioner, vide Record of Proceedings dated 10.12.2024, was directed to implead MPSEZ Utilities Limited (hereinafter referred to as “MUL”) as a party to the Petition. In compliance, the Petitioner filed the revised memo of parties through an affidavit dated 16.12.2024. Additionally, the Petitioner was directed to submit an affidavit within a week indicating whether MUL has been granted GNA. If granted, submit a copy of the GNA grant and the GNA Agreement. In response to the same, the Petitioner, vide its affidavit dated 20.12.2024, has submitted that the MUL has been granted GNA vide CTUIL’s letter dated 28.12.2023.

6. CTUIL, vide Record of Proceedings dated 10.12.2024, was directed to file the following information on an affidavit within a week.

(i) The implementation status of the downward InSTS to Navinal (Mundra) ISTS S/s:

(ii) The details of connectivity/ GNA granted and/ or applications received at Navinal (Mundra) ISTS S/s as per the prescribed table format, along with the relevant supporting documents.

(iii) The details of identified ‘necessary augmentation for providing connection to the ISTS’ for the applicants at Jamnagar PS, in terms of Regulation 12.5 of the GNA Regulations.

7. CTUIL, vide its affidavit dated 1.1.2025, has submitted as under:

(a) With regard to the implementation status of the downward InSTS to Navinal (Mundra) ISTS S/s, no such downward InSTS system is associated with the Navinal (Mundra) S/s (GIS).

(b) With regard to details of connectivity/ GNA granted and/ or applications received at Navinal (Mundra) ISTS S/s, the details of applicants at Navinal (Mundra) ISTS S/s are tabulated below:

Sl. No.	Applicant name	Type of applicant (generator/ bulk consumer/ distribution licensee etc.)	Quantum of Connectivity/ GNA granted/ applied for (in MW)	Start date of Connectivity/ GNA	Conn-BGs furnished
1	Adani Wind Energy Kutchh Three Ltd.	REGS	300 (Connectivity)	31.12.2026 (Anticipated grant letter to be issued shortly)	No BGs have been furnished as a grant letter is to be issued shortly.
2	MPSEZ Utilities Ltd.	Distribution licensee seeking to connect to ISTS	1300 (GNA)	14.07.2026 (Subject to availability of Common Transmission System)	Conn-BG1 dated 24.01.2024 for Rs. 50 Lakhs and valid up to 02.03.2026;
3	Mundra Petrochem Ltd.		1140 (GNA-RE)		Conn-BG3 dated 24.01.2024 for Rs. 26 Cr. and valid up to 31.07.2027;
4	Kutch Copper Ltd.		115 (GNA-RE)		Conn-BG1 dated 24.01.2024 for Rs. 50 Lakhs and valid up to 02.03.2026;
					Conn-BG3 dated 24.01.2024 for Rs. 2.3 Cr. and valid up to 31.07.2027;
5	MPSEZ Utilities Ltd.	Distribution licensee seeking to connect to ISTS	495 (GNA)	01.04.2029 (Subject to availability of Common Transmission System)	Conn-BG1 dated 24.01.2024 for Rs. 50 Lakhs and valid up to 23.01.2028;

					Conn-BG3 dated 24.01.2024 for Rs. 9.90 Cr. and valid up to 23.01.2028;
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In reference to the above, it may be noted that the start date of Connectivity/ GNA mentioned is as requested by the applicant. The actual start date will be however subject to the availability of the Tr. System Augmentation.

(iii) The details of the identified 'necessary augmentation for providing connection to the ISTS' for the applicants at Jamnagar PS, in terms of Regulation 12.5 of the GNA Regulations, are as under:

- **Common Transmission System Augmentation w.r.t applicants at Navinal (Mundra) S/s for GNA / GNA-RE (Under Implementation with SCOD: 14.07.2026):**
 - Establishment of 4x1500 MVA, 765/400 kV Navinal (Mundra) S/s (GIS) with 2x330 MVAR, 765 kV & 1x125MVA, 420 kV bus reactors.
 - LILO of Bhuj-II – Lakadia 765 kV D/c line at Navinal (Mundra) (GIS) S/s with associated bays at Navinal (Mundra) (GIS) S/s.
 - Installation of 1x330 MVA switchable line reactor on each ckt at Navinal end of Lakadia – Navinal 765 kV D/c line (formed after above LILO).
- **In addition to the above Common Transmission System, ATS, as given below, has been planned for connectivity applicant at Sl. No.1 above (*Adani Wind Energy Kutchh Three Ltd.*) to enable injection of power as no potential has been declared in that area. (Under Approval and to be taken up based on receipt of Conn-BGs and completion of other formalities from applicant)**
- Establishment of 1x500MVA, 400/220 kV ICT at Navinal (Mundra) S/s (GIS).

8. Perusal of the above submissions of CTUIL reveals that the scope of works included under in the instant Petition is required to be augmented for providing connection to the ISTS to bulk consumers under Regulation 12.5 of the GNA Regulations. However, as per Regulation 12.5 of the GNA Regulations, in case of an entity covered under Regulation 17.1(iii), the line to connect such an entity to the ISTS and necessary augmentation for providing connection to the ISTS, is required to be

constructed and maintained by a licensee at the cost of such entity. CTUIL is directed to clarify on an affidavit within a week whether the above conditions have been fulfilled in the instant Petition.

9. 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 (hereinafter referred to as “PFCCL”) was notified by the Ministry of Power, Government of India, vide Gazette Notification. No. CG-DL-E-01032024-252546 dated 1.3.2024 as the Bid Process Coordinator (BPC) for the purpose of selection of bidder as Transmission Service Provider (TSP) to establish Inter-State transmission system for “Network Expansion Scheme in Navinal (Mudra) area of Gujarat for drawal of Power in the area” on a Build, Own, Operate and Transfer basis.

10. PFCCL, in its capacity as the BPC, initiated the bid process on 8.5.2024 and completed the same on 14.10.2024 in accordance with the Guidelines. Adani Energy Solutions Limited was selected as the successful bidder, having quoted the lowest transmission charges of Rs. 2,987.14 million per annum in order to provide the transmission services of the transmission system.

11. The RfP was issued on 8.5.2024. At the RfP (Technical and Financial) stage, three bidders, namely, (i) Adani Energy Solutions Limited (Formerly known as Adani Transmission Limited); (ii) Power Grid Corporation of India Limited, and (iii) Sterlite Grid 32 Limited submitted their offers. The RfP (Technical bids) of the three bidders were opened by the Bid Opening Committee in the Central Electricity Authority on 9.8.2024

in the presence of the bidder's representatives. Based on the recommendation of the BEC, the RfP (Financial) Bids-Initial Price Offers of the three bidders were opened on 20.8.2024. The lowest Initial Price Offer discovered (Best Deal) at the MSTC portal was Rs. 4210.00 million per annum. The details of the quoted transmission charges by the bidders are given below:

Sr. No.	Name of the Bidder	Quoted Transmission charges (in Indian Rs. Million per annum)	Rank
1.	Power Grid Corporation of India Limited	4210.00	L1
2.	Adani Energy Solutions Limited	4221.30	L2
3.	Sterlite Grid 32 Limited	5363.20	L3

12. 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 offer.

13. The e-reverse auction of three bidders was carried out at the MSTC portal on 21.8.2024. The following transmission charges, as quoted by each bidder, emerged:

Sr. No.	Name of the Bidder	Quoted Transmission Charges (in Indian Rupees million per annum)	Rank
1.	Adani Energy Solution Limited	2987.14	L1
2.	Power Grid Corporation of India Limited	2994.63	L2
3.	Sterlite Grid 32 Limited	4157.61	L3

14. As per the Bid Evaluation Report dated 18.9.2024, Adani Energy Solutions Limited is the successful bidder with the lowest quoted transmission charges of Rs.

2987.14 million per annum. BEC, vide its certificate dated 18.9.2024, 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 through the e-reverse auction are acceptable.

15. Consequent to its selection as the lowest bidder, a Letter of Intent (LoI) was issued to Adani Energy Solutions Limited by the BPC on 19.9.2024, which was accepted by PFCCL. 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% equity share of Navinal Transmission Limited from PFCCL 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;

16. The Petitioner has furnished the Contract Performance Guarantee (CPG) in favour of Nodal Agency, i.e. CTUIL, for Rs. 46.50 crore on 10.10.2024 and has acquired hundred per cent equity holding in Navinal Transmission Limited on 14.10.2024. The Petitioner entered into a Transmission Service Agreement (TSA) with CTUIL on 14.10.2024.

17. 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”

18. 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 4 (1) of the Transmission Licence Regulations provides that eligibility for the grant of a licence for inter-State transmission of electricity is contingent upon the entity being selected either through the competitive bidding process under Section 63 of the Electricity Act, 2003 or by the Central Government or its authorized agency to implement a project under the regulated tariff mechanism. Regulation 10(1) of the Transmission Licence Regulations provided that in case the licensee has been selected for implementation of the project in accordance with the competitive bidding guidelines, the transmission tariff in terms of the Transmission Service Agreement shall be adopted by the Commission under Section 63 of the Act. The Project under consideration has been identified for development under competitive bidding by a competent authority and the selection of the project developer, Navinal

Transmission Limited, has been certified to have been made in accordance with the Guidelines for competitive bidding.

19. Regulation 5 of the Transmission Licence Regulations, 2024 provides for the procedure for the grant of a transmission licence as under:

“(1) The application for the grant of licence shall be made to the Commission in Form-I appended to these regulations and shall be accompanied by such fee as may be prescribed by the Central Government from time to time under sub-section (1) of section 15 of the Act.

(2) The application shall be supported with an affidavit in accordance with Regulation 17 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023.

(3) The applicant shall submit the original application in electronic form along with enclosures on the e-filing portal of the Commission and electronically serve a copy of such application on all the concerned DICs of the project and the Central Transmission Utility. The application shall be served through e-mail on the concerned DICs of the project who are not registered on the e-filing portal of the Commission.

(4) The applicant shall also upload the complete application along with annexures on its website, in English. The applicant shall also upload on its website, the details as per Form-I and Form-II appended to these regulations in the Indian language of the State or the Union Territory where an element of the project or concerned transmission line is situated or proposed to be situated. The application shall be kept posted on the website of the applicant till such time the application is disposed of by the Commission.

(5) The applicant shall, within 3 working days of filing the application, publish a notice of its application in Form-II appended to these regulations in at least two leading daily digital newspapers, one in English language and another in the Indian language of the State or Union Territory where an element of the project or concerned transmission line is situated or proposed to be situated, inviting comments from the general public. The notice shall also be kept posted on the website of the applicant.

(6) The Registry of the Commission shall carry out a preliminary scrutiny of the application and convey the defects, if any, as far as possible within 7 days of receipt of the application. The defects shall be rectified by the applicant within a period of 7 days from the date of such intimation from the Registry of the Commission.

(7) In the notice published in the digital newspapers and on the applicant's website under this Regulation, it shall be indicated that the suggestions and objections to the application, if any, may be filed by any person within 15 days of publication of the notice to The Secretary, Central Electricity Regulatory Commission at the address where the office of the Commission is situated and at email id: registry@cercind.gov.in. Any suggestion or objection received in

response to the public notice shall be shared with the applicant and the respondents by the Registry of the Commission.

(8) The applicant shall within 3 working days from the date of publication of the notice in terms of Clause (5) of this Regulation submit to the Commission on affidavit the details of the notice published, names of the digital newspapers in which the notice has been published, the dates and places of their publication and enclosing the relevant pages of the publication of notice.

(9) The CTUIL shall send its recommendations, if any, to the Commission on the proposal for grant of licence made in the application as far as practicable within a period of 10 (ten) days from the date of receipt of the application with a copy to the applicant:

Provided that if CTUIL is unable to submit its recommendations within a period of 10 days, it shall inform the Commission the reasons for the same and submit its recommendations within a period of 30 (thirty) days from the date of receipt of the application:

Provided further that along with its recommendations, CTUIL shall submit the copy of approval of the transmission project by the Central Government in terms of Electricity (Transmission System Planning, Development and Recovery of Inter-state Transmission Charges) Rules, 2021 as amended from time to time. Explanation: The recommendations of the Central Transmission Utility shall not be binding on the Commission.

(10) The applicant may file its comments, duly supported by an affidavit, on the recommendations made by CTUIL and the suggestions and objections, if any, received in response to the public notice within 7 working days of receipt of such suggestions and objections, with an advance copy to the CTUIL and the person, if any, who has filed the suggestions and objections on the proposal made in the application.

(11) The Commission after considering the suggestions and objections received from the DICs and in response to the public notice published by the applicant, and the recommendations, if any, received from CTUIL may either propose to grant the licence to the applicant or for reasons to be recorded in writing, reject the application.

(12) Before granting a licence, the Commission shall publish a notice of its proposal on the Commission's website and in two daily digital newspapers, having wide circulation, as the Commission may consider appropriate, stating the name and address of the person to whom it proposes to grant the licence, details of the project for which it proposes to grant a licence, location or route of the elements of the project, and any other details that the Commission may consider appropriate, to invite further suggestions and objections on its proposal within 15 days of the publication of the notice.

(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)."

20. 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 Navinal Transmission Limited with respect to the transmission system as per the details given in paragraph 1 above.

21. 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. 2,987.14 million per annum. The Petitioner has also enclosed copies of the recommendations of the Bid Evaluation Committee.

22. 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 Gujarati language. The Petitioner has also published the notice digitally in all editions of The Indian Express (English Language) and Kutch Uday (Gujarati Language) on 22.10.2024. In response, no objection has been received from the general public to the notices.

23. 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 5(3) of the Transmission Licence Regulations. CTUIL, vide its letter dated 30.10.2024, has recommended for the grant of a transmission licence to the Petitioner.

The Relevant portions of the said letter dated 30.10.2024 are extracted as under:

"This has reference to the Petition with Dairy No. 761/2024 dated 18.10.2024 filed by M/s Navinal Transmission Limited (NTL) before Hon'ble Commission vide which M/s NTL has requested CTU for issuance of recommendation for grant of Transmission License for implementation of subject transmission scheme. In this regard, the following is submitted:

1. M/s Navinal Transmission Limited (NTL) has filed a petition under Section-14, 15 & 79 (1)(e) of the Electricity Act, 2003 read with CERC (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2024 for grant of Transmission License for implementation of "Network Expansion Scheme in Navinal (Mundra) area of Gujarat for drawal of power in the area" project on Build, Own, Operate and Transfer (BOOT) basis as ISTS under TBCB. The detailed scope of the transmission scheme is enclosed at Annexure-1.

2. M/s Navinal Transmission Limited (NTL) has mapped Nodal Agency ie., CTUIL on the e-portal of the Commission, to serve a copy of the application for the grant of Transmission License, for the above transmission system as per section 15(3) of the Electricity Act, 2003 and Regulation 5(3) of Transmission Licence Regulations, 2024 for recommendation required u/s 15(4) of the Electricity Act, 2003 and Regulation 5(9) of Transmission License Regulations, 2024.

3. In reference to "Network Expansion Scheme in Navinal (Mundra) area of Gujarat for drawal of power in the area", the following is submitted:

i. The subject transmission scheme ie. "Network Expansion Scheme in Navinal (Mundra) area of Gujarat for drawal of power in the area involves Establishment of 765/400kV (4x1500 MVA) Navinal (Mundra) S/s (GIS)

with the LILO of Bhuj-II Lakadia 765 kV D/c line at Navinal (Mundra) (GIS) S/s. The scheme shall cater to supply of 3000 MW power to Bulk consumers and for meeting 1500 MW demand for Green Hydrogen/Ammonia projects.

ii. The subject transmission scheme was agreed upon in the 9 Consultation meeting for Evolving Transmission Schemes in WR (CMETS-WR) meeting held on 28.07.2022 & 22nd Consultation meeting for Evolving Transmission Schemes in WR (CMETS-WR) meeting held on 23.10.2023 (1st sitting) & 31.10.2023 (2nd sitting). Extract of the minutes of the CMETS-WR meeting is enclosed at Annexure-II.

iii. The subject transmission system was discussed in the 44th WRPC meeting held on 27.09.2022. Extracts of the minutes of the WRPC meeting is enclosed at Annexure-III.

The subject Transmission system was deliberated and agreed in the 11th, 12th, 16th & 17th NCT meeting held on 28.12.2022 (1st sitting) & 17.01.2023 (2nd sitting), 24.03.2023, 30.11.2023 & 31.01.2024 respectively. The extract of the minutes of the NCT meetings are enclosed at Annexure-IV.

The Government of India, Ministry of Power, vide Gazette notification dated 01/03/2024 had appointed PFC Consulting Limited (PFCCL) as the Bid Process Coordinator (BPC) for the purpose of selection of Bidder as Transmission Service Provider (TSP) to establish the subject ISTS through Tariff Based Competitive Bidding (TBCB) process on build, own operate & transfer basis. Copy of Gazette notification is enclosed at Annexure-V.

4. Pursuant to the process of competitive bidding conducted by the BPC. M/s Adani Energy Solutions Limited (AESL) emerged as the successful bidder. Thereafter, the BPC issued a Letter of Intent in favour of AESL on 19/09/2024. Subsequently, AESL acquired Navinal Transmission Limited on 14/10/2024, 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 21 months from the date of SPV acquisition, i.e., by 14/07/2026.

5. In line with Section 15(4) of the Electricity Act, 2003 and Regulation 5(9) of Transmission License Regulations, 2024, based on details furnished by M/s Navinal Transmission Limited, CTU recommends the grant of transmission license to Mis Navinal Transmission Limited for executing the transmission scheme as mentioned in Para-1 above.”

24. 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 29.9.2024. Though Lol was issued on 19.9.2024, BPC, vide its letter dated 14.10.2024 in terms of Clauses 2.15.2 of RfP, extended the date up to 14.10.2024 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. 46.50 crores on 10.10.2024 and acquired a hundred per cent equity-holding in the applicant company on 14.10.2024 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 Adani Energy Solutions Limited, acquired the SPV on 14.10.2024. Accordingly, the TSP has filed the instant Petition through e-filing for the grant of transmission licence on 18.10.2024.

25. 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 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 4.2.2025.

26. The Petitioner has undertaken that it shall 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.

27. 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. 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.

28. The Petition shall be listed for the hearing on **6.2.2025**.

Sd/-
(Harish Dudani)
Member

sd/-
(Ramesh Babu V.)
Member

sd/-
(Jishnu Barua)
Chairperson