

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 180/MP/2017**

Subject : Petition under Section 41 of the Electricity Act, 2003 read alongwith Central Electricity Regulatory Commission (Sharing of Revenue derived from utilization of Transmission Assets for other business) Regulations, 2007 for intimation to engage in other business for optimum utilization of transmission assets.

Date of hearing : 5.3.2019

Coram : Shri P.K. Pujari, Chairperson  
Dr. M.K. Iyer, Member  
Shri I.S. Jha, Member

Petitioner : Power Grid Corporation of India Limited

Respondents : Delhi Transco Limited and others

Parties present : Shri D. Yadav, Advocate,PGCIL  
Shri MG Ramachandran, Advocate, PGCIL  
Shri Harsh Kaushik, Advocate, PGCIL  
Ms. Ranjitha.R, Advocate, PGCIL  
Ms. Poorva Saigal, Advocate, PGCIL  
Shri A.K. Arora, PGCIL  
Shri Sudesh Yadav, PGCIL  
Shri S.C. Agrawal, PGCIL  
Shri K. Rathore, PGCIL  
Shri Amit Bhargava, PGCIL  
Shri Buddy Ranganadhan, Advocate, BRPL  
Shri Amiresb Bhardwaj, Advocate, BRPL & TPDDL  
Shri Rahul Kinra, Advocate, BRPL & TPDDL  
Shri Abhishek Srivastava, Advocate, BYPL  
Shri Mohit Mudal, Advocate, BYPL & BSP(H)CL  
Shri R.B. Sharma, Advocate, BRPL & BSP(H)CL  
Shri S. Vallinayagam, Advocate, TANGEDCO  
Ms. Shefali Sobti, TPDDL

**Record of Proceedings**

Learned counsel of the Petitioner submitted that the present Petition has been filed for seeking prior permission to offer its existing transmission line towers to Mobile Telecom Service Providers/Telecom Infrastructure Providers (TSPs) for the purpose of mounting telecom antennas and to support operation of mobile communication equipment by tapping the induced power in the earth wire, in line with Section 41 of the Electricity Act, 2003 (Act) read with Central Electricity Regulatory Commission (Sharing of Revenue derived from utilization of Transmission Assets for other Business) Regulations, 2007. Learned counsel of the Petitioner further submitted that its towers are mostly

located in remote/rural areas and the core activity under the proposed scheme is to provide space to the Telecom operator to install their telecom Antennas/BTS equipments on these towers to improve mobile connectivity and quality of service in remote/rural areas having deficiency of mobile network. The provisioning of electricity for functioning of these telecom equipment is only ancillary and incidental, which would be facilitated by the Petitioner by tapping of induced energy from the earthwire of its transmission line i.e. out of energy which otherwise goes waste. Learned counsel submitted that the aforesaid activities can neither be construed 'generation of electricity' nor 'business of trading in electricity'. Learned counsel submitted that PGCIL is in agreement with the Committee Report dated 13.2.2019, However, revenues can be shared in the ratio after deducting all direct and indirect costs.

2. Learned counsel for BYPL and BSP(H)CL, submitted that BYPL and BSP(H)CL have already submitted their replies on the legal aspects of the proposed business by the Petitioner. Learned counsel submitted that it supports the endeavour undertaken by the Petitioner. However, the Petitioner should undertake that it does not in any manner impact its core activity i.e., Inter State Transmission of Electricity.

3. Learned counsel for BRPL submitted that Petitioner has proposed to supply power to the Telecom asset/transmission system from the isolated earth wire which amounts to supply of power i.e. trading of electricity. However, as per the first proviso to Section 38 and the third proviso to Section 41 of the Act, no transmission licensee shall enter into any contract or otherwise engage in the business of trading in electricity. Therefore, any sale and purchase of power cannot be undertaken by the transmission licensee even under the garb of "other business. Learned counsel submitted that in case the Commission decides to approve the proposal of the Petitioner, in such cases sharing of revenue between the beneficiaries and the Petitioner should be done in the ratio of 60:40.

4. Learned counsel for Tata Power Delhi Distribution Limited adopted the submission made by the learned counsel of BRPL.

5. Learned counsel for TANGEDCO submitted that the transmission system is a composite system comprising of various elements which inherently dissipate / create loss to the transmitted power. The distribution companies are paying the energy charges not only for the energy consumed but also for the transmission losses. Therefore, extracting energy from the transmission system and supply to the BTS should be with proper metering.

6. On the request of the learned counsel for the parties, the Commission allowed the parties to file their respective written submissions by 29.3.2019, with copy to each other

7. Subject to the above, the Commission reserved the order in the Petition.

**By order of the Commission**

**Sd/-  
(T. Rout)  
Chief (Law)**

