

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 137/TL/2022

Coram:

Shri I.S. Jha, Member

Shri Arun Goyal, Member

Shri P. K. Singh, Member

Date of order: 21st November, 2022

In the matter of:

Application under Section 14 of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2009 for grant of separate Transmission License to POWERGRID Bikaner Transmission System Ltd. (Formerly known as Bikaner-II Bhiwadi Transmission System) for “Implementation of 220 kV bays for RE generators and 400/220kV ICTs at Bikaner-II PS” through “Regulated Tariff Mechanism” (RTM) mode.

And

In the matter of

POWERGRID Bikaner Transmission System Limited,
B-9, Qutab Institutional Area,
Katwaria Sarai,
New Delhi 110 016

...Petitioner

1. U.P. Power Corporation Limited (UPPCL)
Import Export Payment Circle,
14th Floor, Shakti Bhawan Extn. Building,
14 - Ashok Marg, Lucknow.

2. Haryana Power Purchase Centre,
Shakti Bhawan,
Energy Exchange Room No. 446,
Top Floor, Sector - 6, Panchkula - 134 109

3. Punjab State Power Corporation Limited,
Shed No. T-1 A, Thermal Design,
Near 22 No. Phatak, Patiala.

4. Jaipur Vidyut Vitran Nigam Limited,
Vidyut Bhawan, Janpath,
Jaipur - 302 005.

5. Ajmer Vidyut Vitran Nigam Limited,
Vidyut Bhawan, Panchsheel Nagar,
Makarwali Road, Ajmer- 305004.
6. Jodhpur Vidyut Vitran Nigam Limited,
New Power House, Industrial Area,
Jodhpur – 342003.
7. Principal Secretary (Power),
Power Development Deptt., Govt. of J&K
Govt. of Jammu & Kashmir
SLDC Building, 1st Floor,
Gladani Power House, Narwal, Jammu.
8. Chief Electrical Distribution Engineer,
North Central Railway Subedar Ganj, Allahabad.
9. BSES Yamuna Power Limited
2nd Floor, B Block, Shakti Kiran Building,
Karkardooma, New Delhi – 110092.
10. BSES Rajdhani Power Limited
BSES Bhawan, 2nd Floor,
B Block, Nehru Place, New Delhi - 110 019.
11. CEO & ED, Tata Power Delhi Distribution Limited
NDPL House, Hudson Lines,
Kingsway Camp, Delhi - 110 009
12. Director (Commercial),
New Delhi Municipal Corporation NDMC
Palika Kendra, Sansad Marg,
New Delhi – 110 001.
13. Superintending Engineer
Electricity Wing of Engineering Dept.,
Union Territory of Chandigarh,
Electricity OP Circle, UT – Chandigarh.
14. Executive Director (Commercial),
Uttarakhand Power Corporation Limited, UPCL,
Urja Bhawan, Kanwali Road, Balliwala Chowk,
Dehradun-248001
15. Tata Power Green Energy Limited,
34, Sant Tukaram Road, Carnac Bunder,

Masjid Bunder (E), Mumbai -400009

16. Chief Engineer, Power System Project Monitoring Division,
Central Electricity Authority,
Sewa Bhawan, R. K. Puram,
Sector-1, New Delhi - 110 066

17. Chief Operating Officer,
Central Transmission Utility,
Saudamini, Plot no.2, Sector -29,
Gurgaon 122001

..Respondents

The following were present:

Shri Shubham Arya, Advocate, PBTSL
Ms. Reeha Singh, Advocate, PBTSL
Shri Kashish Bhambhani, CTUIL
Shri Yatin Sharma, CTUIL
Ms. Ankita Singh, CTUIL
Shri Swapnil Verma, CTUIL
Shri Siddharth Sharma, CTUIL
Ms. Muskan Aggarwal, CTUIL
Shri Ranjeet Singh Rajput, CTUIL

ORDER

The Petitioner, POWERGRID Bikaner Transmission System Limited (PBTSL) has filed the present Petition under Section 14 and Section 15 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') read with provisions of the Central Electricity Regulatory Commission (Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009 (hereinafter referred to as 'the Transmission Licence Regulations') for grant of separate transmission licence for (i) Implementation of 220 kV bays for RE generators and 400/220kV ICTs at Bikaner-II PS scheme, (ii) Implementation of 1 no. of 400 kV line bay at 400/220 kV Bikaner-II PS for interconnection of 1000 MW Solar Project of SJVN Ltd. and (iii) Implementation of 2 nos. of 220 kV line

bays at 400/220kV Bikaner-II PS for interconnection of 1000 MW solar projects (ACME Solar Holdings Pvt. Ltd, Prerak Greentech Pvt. Ltd.) through RTM mode. The scope of the project for which transmission licence has been sought is as under:

(a) Central Transmission Utility of India Limited (CTUIL) Office Memorandum dated 16.11.2021: **“Implementation of 220 kV bays for RE generators and 400/220kV ICTs at Bikaner-II PS”**

S. No.	Scope of the Transmission Scheme	Capacity	Implementation timeframe
1	2x500MVA, 400/220 kV ICT at Bikaner-II PS	400/220 kV, 500 MVA ICT -2 nos. 400 kV ICT bays - 2 nos. 220 kV ICT bays - 2 nos.	ICT-I: Mar' 2023 ICT-II: Apr' 2023
2	4 nos. 220 kV line bays	220 line bays - 4 nos.	1 no. of bay: March 2023 1 no. of bay: April 2023 2 no. of bays: December 2023

(b) CTUIL Office Memorandum dated on 26.4.2022: **Implementation of 1 no. of 400 kV line bay at 400/220 kV Bikaner-II PS for interconnection of 1000 MW Solar Project of SJVN Ltd.**

S. No.	Scope of the Transmission Scheme	Capacity/km	Implementation timeframe
1	1 no. of 400 kV line bay at 400/220kV Bikaner-II S/s for interconnection of 1000 MW Solar Project of SJVN Ltd.	• 400 kV line bay- 1 No.	1.10.2023

(c) CTUIL OM dated 25.8.2022: **Implementation of 2 no. of 220 kV line bays at 400/220 kV Bikaner-II PS for interconnection of solar projects (ACME Solar Holdings Pvt. Ltd., Prerak Greentech Pvt. Ltd.).**

S. No.	Scope of the Transmission Scheme	Capacity/km	Implementation timeframe
1.	2 nos. of 220 kV line bays at 400/220 kV Bikaner-II PS for interconnection of RE projects (ACME Solar Holdings Pvt Ltd., Prerak Greentech Pvt. Ltd.)	220 kV line bay – 2 Nos. (refer to note a)	15 months from the issue of OM by CTUIL
2.	Implementation of 220 kV Bus sectionalizer along with bus coupler and transfer bus coupler at 400/220 kV Bikaner-II PS.	<ul style="list-style-type: none"> • 220kV Bus Sectionalizer Bay-1 Set • 220 kV Bus Coupler Bay -1 No. • 220 kV Transfer Bus Coupler Bay-1 No. • Bus extension works for future Bays (3 Nos. of Line Bays & 3 Nos. of ICT Bays) – 1 Set 	

Note:

a) At 220 kV Bikaner-II, future line bays (no.214/216/218) in Section-B are allocated to RE developers with bays in the RE developer's Scope.

2. PBSTL was incorporated as a special purpose vehicle by PFC Consulting Limited (PFCCL) as part of Tariff Based Competitive Bidding ('TBCB') process for implementing "Transmission System Strengthening Scheme for Evacuation of Power from Solar Energy Zones in Rajasthan (8.1 GW) under Phase II-Part F" on Build, Own, Operate and Maintain (BOOM) basis. Power Grid Corporation of India (PGCIL) Limited participated in the competitive bidding process conducted by PFCCL and upon emerging as the successful bidder, Letter of Intent (LOI) was issued by PFCCL to PGCIL on 16.2.2021. In accordance with the bidding documents, PGCIL acquired 100% of the shareholding in PBSTL by executing a Share Purchase Agreement with PFCCL on 25.3.2021. PBSTL entered into Transmission Service Agreement (TSA) with LTTCs on 16.10.2020. The Commission in its order dated 15.7.2021 in Petition No. 99/TL/2021 granted transmission licence to PBSTL for inter-State transmission of electricity to establish '*Transmission System Strengthening Scheme for Evacuation of Power from Solar Energy Zones in Rajasthan*'

(8.1 GW) under Phase II-Part F” on Build, Own, Operate and Maintain (“BOOM”) basis consisting of the following elements:

Sr. No.	Name of the Transmission Element	Scheduled COD
1	<p>Establishment of 400 kV switching station at Bikaner –II PS with 420kV (2x125 MVAR) bus reactor.</p> <p>400 kV line bays – 4 numbers.</p> <p>125 MVAR, 420 kV bus reactor - 2 numbers.</p> <p>400 kV bus reactor bay – 2 numbers.</p> <p>400 kV, 80MVAR line reactor on each circuit at Bikaner –II end of Bikaner -II – Khetri 400 kV 2xD/c Line – 4 numbers.</p> <p>Switching equipment for 400 kV switchable line reactor – 4 numbers.</p> <p>Future provisions:</p> <p>Space for 400/220 kV ICTs along with bays – 10 numbers.</p> <p>400 kV line bays – 6 numbers.</p> <p>220 kV line bays – 16 numbers.</p> <p>420 kV reactors along with bays – 2 numbers.</p> <p>Suitable bus sectionaliser arrangement at 400 kV and 220 kV</p>	<p>18 Months from the effective date or June 2022, whichever is later</p>
2	Bikaner-II PS – Khetri 400 kV 2xD/c line (Twin HTLS* on M/c Tower)	
3	1x80 MVAR Fixed Line reactor on each circuit at Khetri end of end of Bikaner -II – Khetri 400 kV 2xD/c Line - 4 numbers.	
4	4 number of 400 kV line bays at Khetri for Bikaner –II PS – Khetri 400kV 2xD/c line	
5	Khetri- Bhiwadi 400 kV D/c line (Twin HTLS)*	
6	2 number of 400 kV line bays at Khetri for Khetri - Bhiwadi 400kV D/c line	
7	2 number of 400 kV (GIS) line bays at Bhiwadi for Khetri- Bhiwadi 400 kV D/c line	
8	STATCOM at Bikaner-II S/s ± 300 MVAR, 2x125 MVAR MSC, 1x125 MVAR MSR	

*With minimum capacity of 2100 MVA on each circuit at nominal voltage.

Note:

- POWERGRID to provide space for 2 number of 400 kV bays at Bhiwadi substation.
- Developer of Khetri Substation to provide space for 4 number of 400 kV line bays without

any charges & to provide space for 2 number of 400 kV line bays and 4 number of fixed line reactors (for Bikaner-II – Khetri 400 kV 2xD/c line at Khetri end) on chargeable basis.

3. The Commission after considering the application of the Petitioner in the light of the provisions of the Act and the Transmission Licence Regulations, in its order dated 7.10.2022, prima facie proposed to grant transmission licence to the Petitioner described in paragraph 1 of the order dated 7.10.2022. Relevant extract of order dated 7.10.22 is extracted as under:

“20. In the present case, the Petitioner does not fulfil any of the eligibility condition for grant of transmission licence. However, in the 6th meeting of National Committee on Transmission, it was indicated that as per the revised Terms of Reference issued by Ministry of Power, Government of India, ISTS projects costing upto Rs. 100 crore or such limit as may be prescribed by Ministry of Power from time to time would be approved by CTUIL including its mode of implementation. The scheme has been identified for implementation though RTM mode by CTUIL. Non-grant of transmission licence to any agency nominated by NCT to implement a transmission system through regulated tariff mechanism in view of the provisions of Regulation 6 defeats the purpose of the Policy decision of the Government. We are of the view that considering the strategic importance of the transmission line, it is a fit case for relaxation of the provisions of Regulation 6 by invoking of the power vested under Regulation 24 of the Transmission Licence Regulations.

21. Regulation 24 of the Transmission Licence Regulations dealing with power to relax in appropriate cases, provides as under:

“24. The Commission may, when it considers necessary or expedient to do so and for reasons to be recorded in writing, relax or depart from any of the provisions of these regulations”

22. It is an established principle of law that the power to relax has to be strictly construed and is to be exercised judiciously and with caution. Further, the power to relax is to be exercised only when undue hardship is caused by the application of the rules or regulations. In the present case, the Petitioner is a transmission licensee which is already implementing the project defined under its scope through TBCB mechanism. The present Petition is consequent to the office order 28.10.2021 notified by Ministry of Power Government of India wherein CTUIL has been authorized to determine the mode of implementation of ISTS projects less than or equal to Rs.100 crore. Pursuant to direction of Ministry of Power, CTUIL, vide its separate three Office Memorandums dated 16.11.2021, 26.4.2022 and 25.8.2022 has determined a list of transmission schemes/Projects to be implemented or through Regulated Tariff

Mechanism which also includes the instant Petition for the subject transmission system.

23. *It is noticed that as per the Ministry of Power, Government of India letter dated 28.10.2021, ISTS costing less than or equal to Rs. 100 crore is required to be approved by CTUIL along with mode of implementation. However, in the present case, CTUIL vide its OMs dated 16.11.2021, 26.4.2022 and 25.8.2022 has approved the three schemes, which cumulatively cost more than Rs. 100 crore. During the course of hearing on 29.9.2022, the representative of CTUIL submitted that the Petitioner has been nominated as the implementing agency for the three elements on three separate instances (vide separate above three OMs) and the individual cost of all the three elements individually is less than Rs. 100 crore and as per the MoP's OM dated 28.10.2021, ISTS costing less than or equal to Rs. 100 crore is required to be approved by CTUIL along with its mode of implementation. The Commission is of the view that since combined cost of the three elements is exceeding Rs. 100 crore, the proposal may also be got ratified from the NCT.*

24. *With regard to likely date of generation for which the subject transmission system/elements are being implemented, the representative of CTUIL submitted that the generation is likely to start from the month of October, 2023 and as per the original schedule, these elements/systems are also likely to achieve COD from March, 2023. CTUIL is directed to properly coordinate and ensure that the timeline for commissioning of these elements/systems is in line with the commissioning of the generating station(s) for which the respective elements/systems are implemented so that there is no mismatch between their commissioning. CTUIL is further directed to consider revising the commissioning schedule of transmission elements/systems, if so required.*

25. *Since the Petitioner is already an inter-State transmission licensee and has been identified as an agency to implement the above noted three projects/schemes vide separate three OMs as per RTM, the Commission in exercise of power under Regulation 24 hereby relaxes the provision of Regulation 6 of the Transmission Licence Regulations and holds that the Petitioner is eligible for grant of transmission licence. We, hereby, 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 grant of transmission licence aforesaid. The objections or suggestions, if any, be filed by any person before the Commission, by 25.10.2022."*

4. A public notice under Sub-section (5) of Section 15 of the Act was published on 13.10.2022 in all editions of the Hindustan Times (English) and Hindustan (Hindi). No suggestions/ objections have been received from the members of the public in response to the public notice.

5. The Commission, vide its order dated 7.10.2022, had observed that since combined cost of the three elements is exceeding Rs. 100 crore, the proposal may also be got ratified from the NCT. The Commission further directed CTUIL to properly coordinate and ensure that the timeline for commissioning of these elements/systems is in line with the commissioning of the generating station(s) for which the respective elements/systems are implemented so that there is no mismatch between their commissioning. CTUIL was further directed to consider revising the commissioning schedule of transmission elements/systems, if so required.

6. Case was called out for hearing on 15.11.2022. The learned counsel for the Petitioner submitted that no objection has been received in response to the public notice published by the Commission under sub-section (5) of Section 15 of the Act. Accordingly, requested to grant transmission licence to the Petitioner company.

7. The representative of CTUIL during the course of hearing submitted that as per the Commission`s direction dated 7.10.2022, CTUIL has obtained the revised schedules from various generation projects and intimated the same to the Petitioner for coordination of their commissioning schedules. The representative of CTUIL further submitted that as per information received, the requirement of the 400/220 kV ICTs under subject transmission scheme is from November, 2023 instead of March, 2023 and accordingly, CTUIL has revised the time line for implementation of 220 kV bays for RE generators and 400/220 kV ICTs at Bikaner-II PS and same has been communicated to the Petitioner vide letter dated 21.10.2022. He submitted that CTUIL shall monitor the progress of generation projects and the transmission system in the JCC meetings. The

representative of CTUIL submitted that it shall file the information regarding compliance of the order dated 7.10.2022 on affidavit.

8. Learned counsel for the Petitioner submitted that CTUIL vide its letter dated 20.10.2022 has revised the implementation schedule for 220 kV bays for RE generators and 400/220 kV ICTs at Bikaner-II PS and has advised the Petitioner to sign the Implementation Agreement with concerned RE generators. Accordingly, the Petitioner will comply with the time line given by CTUIL.

9. CTUIL vide Record of Proceedings for the hearing dated 15.11.2022 was to file the information regarding compliance of the order dated 7.10.2022. CTUIL vide its affidavit dated 17.11.2022 has submitted that CTUIL has communicated to the Petitioner that RE developers, who have been granted Stage-II connectivity at Bikaner-II PS, have updated the commissioning schedule of their generation project as recorded in 23rd JCC meeting of NR held on 22.9.2022. Further, PBTSL was informed about the bay requirement by Juna Renewables Energy Pvt. Limited at Bikaner-II PS by 30.12.2023. CTUIL has communicated the following revised time schedule for implementation of the Project as under:

Commissioning Schedule of the RE generators granted Stage-II Connectivity at Bikaner-II PS					
Sr. No.	Stage-II Grantee/Elements	Quantum (MW)/ Capacity	Bays Allocated	Schedule	
1.	Juna Renewable Energy Pvt. Ltd.	335	1 no. of 220 kV line bay	March'23	30 th December 2023
2.	ReNew Dinkar Urja Pvt. Ltd.	200	1 no. of 220 kV line bay	April'23	31 st March 2024
3.	Khidrat Renewable Energy Private Limited	300	1 no. of 220 kV line bay	December'23	No Change

4.	TP Saurya Limited	300	1 no. of 220 kV line bay	December'23	No Change
5.	SJVN Ltd.	1000	1 no. of 400 kV line bay	1.10.2023	No Change
6.	ACME Solar Holdings Pvt. Ltd.	300	1 no. of 220 kV line bay	24.11.2023	No Change
7.	Prerak Greentech Pvt. Ltd.	340	1 no. of 220 kV line bay	24.11.2023	No Change
8.	400/220 kV ICTs	2X500 MVA	NA	ICT-I: March'23 ICT-II: April'23	ICT-I & II: 24.11.2023
9.	220 kV bus extension works along with sectionalizer, bus coupler and transfer bus coupler bay	NA	NA	24.11.2023	No Change

10. As regards grant of transmission licence, Clauses (15) and (16) of Regulation 7 of Transmission Licence Regulations provide as under:

“(15) The Commission may after consideration of the further suggestions and objections, if any, received in response to the public notice as aforesaid, grant licence as nearly as practicable in Form-III attached to these regulations or for reasons to be recorded in writing, reject the application if such application is not in accordance with the provisions of the Act, the rules or regulations made thereunder or any other law for the time being in force or for any other valid reason.

(16) The Commission may, before granting licence or rejecting the application, provide an opportunity of hearing to the applicant, the Central Transmission Utility, the long-term customers, or the person who has filed suggestions and objections, or any other person:

Provided further that the applicant shall always be given a reasonable opportunity of being heard before rejecting the application.”

11. In our order dated 7.10.2022, we had proposed to grant transmission licence to the Petitioner company and directed for issue of public notice. In response to the public notice, no suggestions/ objections have been received. CTUIL in its letter dated 20.9.2022 has recommended for grant of transmission licence to the Petitioner. We are satisfied that the Petitioner company meets the requirements of the Act and the

Transmission Licence Regulations for grant of transmission licence for the subject Transmission System mentioned at paragraph 1 of this order. Accordingly, we direct that transmission licence be granted to the Petitioner, POWERGRID Bikaner Transmission System Limited to establish the transmission scheme through RTM route as per the details given in paragraph 1 above.

12. The grant of transmission licence to the Petitioner (hereinafter referred to as “the licensee”) is subject to the fulfilment of the following conditions throughout the period of licence:

(a) The transmission licence shall, unless revoked earlier, remain in force for a period of 25 years from the date of issue;

(b) The transmission licensee shall comply with the provisions of the Transmission Licence Regulations or any subsequent enactment thereof during the period of subsistence of the licence;

(c) The licensee may make an application, two years before the expiry of initial licence period, for grant of licence for another term in accordance with Regulation 13 (2) of the Transmission Licence Regulations which shall be considered by the Commission in accordance with law;

(d) The licensee shall not enter into any contract for or otherwise engage in the business of trading in electricity during the period of subsistence of the transmission licence;

(e) The licensee shall have the liability to pay the license fee in accordance with the provisions of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, as amended from time to time or any subsequent enactment thereof. Delay in payment or non-payment of licence fee or a part thereof for a period exceeding sixty days shall be construed as 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 Central Electricity Regulatory Commission (Standard of Performance of inter-State transmission licensees) Regulations, 2012 or subsequent enactment thereof;

(h) The licensee shall provide 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 (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009; the Central Electricity Regulatory Commission (Indian

Electricity Grid Code) Regulations, 2010, as amended from time to time or any subsequent re-enactments thereof;

(i) The licensee shall not undertake any other business for optimum utilization of the Transmission System without prior intimation to the Commission and shall comply with the provisions of the Central Electricity Regulatory Commission (Sharing of Revenue Derived from Utilization of Transmission Assets for other business) Regulations, 2020;

(j) The licensee shall remain bound by provisions of the Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2020 as amended from time to time;

(k) The licensee shall remain bound by the provisions of the Act, the Rules and Regulations framed thereunder, in particular the Transmission Licence Regulations, the Grid Code, the Standards specified by the Central Electricity Authority, orders and directions of the Commission issued from time to time;

(l) The licensee shall ensure execution of the Project as per the Technical Standards and Grid Standards of CEA;

(m) The licensee shall coordinate with the licensees (including deemed licensees) executing the upstream or downstream transmission projects, the Central Electricity Authority and CTUIL for ensuring smooth execution and commissioning of the Project; and

(n) The licensee shall submit all such report or information as may be required under Transmission Licence Regulations, Standard of Performance Regulations or any other regulation of the Commission or as per the directions of the Commission as may be issued from time to time.

13. Central Electricity Authority/ CTUIL shall monitor the execution of the Project and bring to the notice of the Commission any lapse on the part of the licensee to meet the schedule for further appropriate action in accordance with the provisions of the Act and the Transmission Licence Regulations.

14. Let an extract copy of this order be sent to the Central Government in Ministry of Power and Central Electricity Authority in terms of sub-section (7) of Section 15 of the Electricity Act, 2003 for their information and record.

15. Petition No. 137/TL/2022 is allowed in terms of the above.

Sd/-
(P. K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(I.S. Jha)
Member