

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 130/TL/2023**

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

**Date of Order: 31<sup>st</sup> July, 2023**

**In the matter of**

Application under Sections 14 & 15 of the Electricity Act, 2003 read with the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2009 with respect to Transmission License to ERWR Power Transmission Limited.

**And**

**In the matter of**

ERWR Power Transmission Limited,  
(Now known as 'POWERGRID ERWR Power Transmission Limited')  
B-9, Qutab Institutional Area, Katwaria Sarai,  
New Delhi 110 016

**Address for correspondence:** Power Grid Corporation of India Limited,  
Saudamini, Plot No.2, Sector -29, Gurgaon 122001 **....Petitioner**

**Vs**

1. Central Transmission Utility of India Limited,  
Saudamini, Plot No.2, Sector-29,  
Gurgaon-122 00.
2. REC Power Development and Consulting Limited,  
REC Corporate Head Quarter, D Block, Plot No. I-4,  
Sector 29 Gurugram-122 001
3. Chhattisgarh State Power Distribution Company Limited,  
P.O. Sunder Nagar, Dangania,  
Raipur- 492013, Chhattisgarh
4. Goa Electricity Department-WR,  
Goa Electricity Dept Curti, 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, Sampriiti Nagar,  
Off National Highway No. 8,  
Taluka: Kamrej, PO: Uppalwadi,  
Nagpur, 440026 Maharashtra
8. HVDC Vindhyaachal, PGCIL,  
PGCIL RHQ, WR-I, Sampriiti 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, 4<sup>th</sup> Floor,  
Bandra (East), Mumbai-400051
11. ACB India Limited,  
7th Floor, Corporate Tower, Ambience Mall,  
NH-8, Gurgaon-122 001(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 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: Uppal wadi, Nagpur-440026 Maharashtra
18. West Central Railway Head Office,  
General Manager's Office, Electrical Branch,  
Jabalpur-482 001
19. Western Railway,  
Office of Chief Electrical Engineer, Mumbai
20. East Central Railway,  
CEDE, Office of Chief Electrical Engineer, ECR,  
Zonal Head Quarter, Dighikala, Bihar-844101
21. DB Power Limited- Untied,  
Opp Dena Bank, C-31, G- Block,  
Mumbai
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
27. Central Railway,  
Pcee's office,  
2<sup>nd</sup> Floor, Parcle Building, CSMT Mumbai-400001
28. Dadra and Nagar Haveli and Daman and Power Distribution Corporation Ltd  
1st & 2nd Floor, Vidyut Bhavan,  
NexSilvassa & Daman
29. MPSEZ Utilities Limited,  
3rd Floor, Adani Corporate House,  
Ahmedabad.

30. North Bihar Power Distribution Company Limited,  
3rd Floor, Vidyut Bhawan, Bailey Road,  
Patna - 800021, Bihar
31. South Bihar Power Distribution Company Limited,  
2nd Floor, Vidyut Bhawan, Bailey Road,  
Patna - 800001, Bihar
32. Jharkhand Bijli Vitran Nigam Limited,  
Engineering Building, HEC Dhurwa, Dhurwa,  
Ranchi- 834004, Jharkhand.
33. Damodar Valley Corporation  
DVC CAL CAO W A FP& WM SEC SR A/CS  
Off Bhabani Bhaban, Kolkata- 700054 West Bengal
34. Tata Steel Limited,  
2nd Floor, Commercial Complex,  
Bistupur, Jamshedpur - 831001, Jharkhand
35. GRIDCO Limited,  
Dy. General Manager(F), Janpath,  
Bhubneshwar- 751022 (Odisha)
36. Energy and Power Department, Sikkim,  
Office of the PCE cum Secretary Gangtok,  
Top Floor, Power Secretariat, Kazi Road, Gangtok-737101
37. Sasaram HVDC, Power Grid  
5th & 6th Floors Alanka Place, Boring Road,  
ER-I HQ, Power Grid Corporation of Patna, 800001
38. NTPC Vidyut Vyapar Nigam Limited,  
CORE-5 3<sup>rd</sup> Floor, Scope Complex, Institutional Area,  
Lodhi Road, New Delhi - 110003
39. Dans Energy Pvt. Limited,  
25/1 SKIP House, Museum Road, Museum Road,  
Bangalore - 560025, Karnataka.
40. South Eastern Railway,  
Kolkata-700043, West Bengal.
41. HVDC Alipurduar, Power Grid,  
800 kV HVDC Alipurduar Converter Sta Falakata Road,  
Topsikhata, P.O. Dist – Alipurduar-736121,  
West Bengal.

42. Shiga Energy Private Limited,  
5TH Floor, Tower C, Building No 8,  
DLF Cybercity Phase II,  
Gurgaon - 122002, Haryana

43. Sembcorp Energy India Limited,  
6-3-1090, Level-5, Block-A,  
TSR Tower, Hyderabad.

....Respondents

**Parties present:**

Shri Pankaj Pandey, ERWRPTL  
Shri Mani Kumar, ERWRPTL  
Shri Sricharan, CTUIL  
Shri Ajay Kumar, CTUIL  
Ms. Priyansi Jadiya, CTUIL

**ORDER**

The Petitioner, ERWR Power Transmission Limited (now known as 'POWERGRID ERWR Power Transmission Limited'), has filed the present Petition for the grant of transmission licence under Section 14 and Section 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, 2009 (hereinafter referred to as "Transmission Licence Regulations") to establish the Inter-State Transmission System for "Inter-regional ER-WR Interconnection" on Build, Own, Operate and Transfer (BOOT) basis (hereinafter referred to as "the Project") consisting of the following elements:

<b>S. No.</b>	<b>Name of the Transmission Element</b>	<b>Scheduled COD in months from Effective Date</b>	<b>Element(s) which are pre-required for declaring the commercial operation (COD) of the respective Element</b>
1.	Jeypore - Jagdalpur 400 kV D/c line (Quad ACSR/AAAC/AL59	24 months from the date of SPV transfer or	Elements marked at Sl. No. 1, 2 & 3 are required to be

	Moose equivalent)	September, 2024, whichever is later	commissioned simultaneously as their utilization is dependent on the commissioning of each other.
2.	400 kV GIS line bays at 400/220 kV Jeypore (POWERGRID) S/s)-2 Nos		
3.	400 kV line bays at Jagdalpur (CSPTCL) S/s-2 Nos		

**Note:**

a) POWERGRID to provide space for 2 no. of 400 kV line bays at Jeypore 400 kV substation for termination of Jeypore-Jagdalpur 400kV D/C line (Quad ACSR/AAAC/AL59 Moose equivalent).

b) CSPTCL to provide space for 2 no. of 400 kV line bays at Jagdalpur 400 kV substation for termination of Jeypore-Jagdalpur 400kV D/C line (Quad ACSR/AAAC/AL59 Moose equivalent).

c) The line lengths mentioned above are approximate as the exact length shall be obtained after the detailed survey.

d) The schedule of implementation would be 24 months from the date of SPV Transfer or September 2024, whichever is later.

2. The Petitioner, vide its affidavit dated 28.6.2023, has submitted that the date of transfer of SPV is 21.3.2023 and as per TSA, the SCOD of the Project is 24 months from the date of transfer of SPV or September 2024 whichever is later. Therefore, the SCOD of the project works out to be as 21.3.2025.

3. Based on the competitive bidding carried out by REC Power Development and Consultancy Limited (hereinafter referred to as "RECPDCL") in its capacity as the Bid Process Coordinator (BPC) 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, Power Grid Corporation of India Limited (PGCIL) was declared the successful bidder with the lowest quoted annual

transmission charges of Rs. 290.07million to establish the Inter-State Transmission System for “Inter-regional ER-WR Interconnection”.

4. 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 5.7.2023, *prima facie* proposed to grant the transmission licence to the Petitioner. The relevant portion of the order dated 5.7.2023 is extracted as under:

*“24. Considering the material on record, we are prima-facie of the view that the Petitioner satisfies the conditions for grant of inter-State transmission licence under Section 15 of the Act read with Transmission Licence Regulations for construction, operation and maintenance of the transmission system as described in para 1 of this order. We therefore, direct that a public notice under clause (a) of sub-section (5) of Section 15 of the Act be published to invite suggestions or objections to grant of transmission licence aforesaid. The objections or suggestions, if any, be filed by any person before the Commission, by 19.7.2023.”*

5. A public notice under Sub-section (5) of Section 15 of the Act was published on 13.7.2023 in all editions of The Times of India (English) and Hindustan (Hindi). No suggestions/ objections have been received from members of the public in response to the public notice.

6. The case was called out for the hearing on 21.7.2023. It was submitted by the representative of the Petitioner that, in response to the public notice published by the Commission, no objection has been received.

7. As regards the grant of a transmission licence, Clauses (15) and (16) of Regulation 7 of the 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.”*

8. In our order dated 5.7.2023, we had proposed to grant the 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 in its letter dated 1.5.2023, 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 for the grant of a transmission licence for the subject Transmission System mentioned at paragraph 1 of this order. Accordingly, we direct that a transmission licence be granted to the Petitioner, ‘POWERGRID ERWR Power Transmission Limited’, to establish Transmission scheme for Inter-regional ER-WR Interconnection on a BOOT basis as per the details given in paragraph 1 above.

9. 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 and the terms and condition of the TSA during the period of subsistence of the licence;

(c) Since the expiry date as per the TSA is 35 years from the scheduled COD of the Project, the licensee may make an application, two years before the expiry of initial licence period, for the 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 provisions of 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; and the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022;

(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 the 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 within timeline specified in the Schedule 3 of the TSA and as per the Technical Standards and Grid Standards of CEA prescribed in Article 5.1.1 and Article 5.4 of the TSA;

(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, Transmission Service Agreement or any other regulation of the Commission or as per the directions of the Commission as may be issued from time to time.

(o) The licensee shall ensure compliance with the Crisis Management Plan of the Government of India prepared by the Cabinet Secretariat under Section 37 of the Disaster Management Act, 2005.

10. 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 TSA for the commissioning of the Project within the SCOD

11. CTUIL / its appointed Independent Engineer, and Central Electricity Authority 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 Transmission Service Agreement executed between the licensee & Nodal Agency, the Act, and the Transmission Licence Regulations.

12. Let an extract copy of this order be sent to CTUIL and CEA for information and necessary action.

13. Petition No. 130/TL/2023 is allowed in terms of the above.

Sd/-  
**(P.K.Singh)**  
Member

sd/-  
**(Arun Goyal)**  
Member

sd/-  
**(I.S. Jha)**  
Member

sd/-  
**(Jishnu Barua)**  
Chairperson