

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 139/TL/2023**

**Coram:**

**Shri I.S. Jha, Member  
Shri Arun Goyal, Member  
Shri P.K. Singh, Member**

**Date of Order: 5<sup>th</sup> July, 2023**

**In the matter of**

Application under Section 14 & 15 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 with respect to Transmission License to Dharamjaigarh Transmission Limited.

**And**

**In the matter of**

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

**....Petitioner**

**Vs**

1. Central Transmission Utility of India Limited,  
Saudamini, Plot No.2, Sector-29,  
Gurgaon-122 001
2. PFC Consulting Limited,  
9<sup>th</sup> Floor, A-Wing, Statesman House,  
Connaught Place,  
New Delhi - 110001, India
3. Gujarat Energy Transmission Corporation Limited,  
Sardar Patel Vidyut Bhawan,  
Race Course, Vadodara -390 007
4. Maharashtra State Electricity Transmission Company Limited,  
4th Floor, "Prakashganga", Plot No. C-19,  
E-Block, Bandra – Kurla Complex,  
Bandra (East),  
Mumbai- 400051

5. Chhattisgarh State Power Transmission Company Limited,  
Dangania, Raipur- 492 013, Chhattisgarh.
6. Madhya Pradesh Power Transmission Company Limited,  
Block No. 3, Shakti Bhawan,  
Rampur, Jabalpur-482 008, Rajasthan
7. Administration of Union Territory of Dadra & Nagar Haveli and Daman & Diu,  
Secretariat, Moti Daman - 395 220.
8. Electricity Department,  
Government of Goa, Panaji.
9. Chhattisgarh State Power Distribution Company Limited,  
CSPDCL, Post: Sundernagar,  
Dangania, Raipur-492013
10. Gujarat Urja Vikas Nigam Limited,  
Sardar Patel Vidyut Bhavan, Race Course,  
Vadodara - 390007
11. Heavy Water Board  
O Floor, Vikram Sarabhai Bhawan, Trombay,  
Anushaktinagar, Mumbai - 400094, Maharashtra
12. HVDC Bhadrawati, PGCIL  
PGCIL RHQ, WR-I, Sampriti Nagar,  
Off National Highway No. 8,  
Taluka: Kamrej, PO: Uppalwadi,  
Nagpur, 440026 Maharashtra
13. HVDC Vindhyaachal, PGCIL  
PGCIL RHQ, WR-I, Sampriti Nagar,  
Off National Highway No. 8,  
Taluka: Kamrej, PO: Uppalwadi,  
Nagpur, 440026 Maharashtra
14. M.P. Power Management Company Limited,  
Shakti Bhawan, Rampur,  
Jabalpur - 482008
15. Maharashtra State Electricity Distribution Company Limited,  
Plot No 9, "Prakashgad", A K Marg, Bandra East,  
Mumbai 400051
16. ACB India Limited,  
7th Floor, Corporate Tower,  
Ambience Mall, NH-8,

Gurgaon-122 001(Haryana)

17. Torrent Power Limited,  
Naranpura Zonal Office,  
Sola Road, Ahmedabad, 380013

18. West Bengal State Electricity Distribution Comapny Limited,  
6th Floor Vidyut Bhawan, Karunamoyee, Salt Lake,  
Kolkata-700091, West Bengal,

19. Thermal Powertech Corporation of India,  
6-3-1090, Clock C, Level 2, TSR, Towers,  
Raj Bhavan Road, Somajiguda ,  
Hyderabad-500082, Telangana

20. Bhabha Atomic Research Centre,  
Anushakti Nagar,  
Mumbai– 400085, Maharashtra

21. GMR Warora Energy Limited,  
Plot B-1, Mohabala MIDC Growth Centre,  
Post- Warora, District Chandrapur-442907, Maharashtra

22. HVDC Champa  
PGCIL RHQ, WR-I, Sampriiti Nagar,  
Off National Highway No. 8,  
Taluka: Kamrej,PO: Uppalwadi ,  
Nagpur-440026 Maharashtra

23. West Central Railway Head Office,  
General Manager's Office,  
Electrical Branch, Jabalpur– 482 001

24. Western Railway,  
Office of Chief Electrical Engineer,  
Mumbai,

25. East Central Railway,  
CEDE, Office of Chief Electrical Engineer, ECR,  
Zonal Head Quarter, Dighikala, Bihar-844101

26. DB Power Limited,  
Opp Dena Bank, C-31, G- Block, Mumbai

27. Chhattisgarh State Power Trading Company Limited,  
2nd Floor, Vidyut Sewa Bhawan, Raipur

28. TRN Energy Private Limited,  
7th Floor, Ambience Office Block, Gurugram

29. Adani Power (Mundra) Limited.  
Adani Corporate House, Shantigram,  
Near Vaishnavdevi Circle,  
S G Road Ahmedabad- 382421

30. Raigarh HVDC Station,  
RPT HVDC Office, Hebbal,  
Bangalore – 560094

31. Arcelor Mittal Nippon Steel India Limited,  
27, AMNS House, 2th KM Surat Hazira Road,  
Hazira-394270, Gujarat

32. Central Railway,  
Pcee's office, 2nd Floor  
Parcle Building, CSMT, Mumbai-400001.

33. Dadra and Nagar Haveli and Daman and Power Distribution Corporation  
Limited,  
1st & 2nd Floor, Vidyut Bhavan,  
Silvassa & Daman

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

....Respondents

**Parties present:**

Shri D Sudharshan, DTL  
Shri Mani Kumar, DTL  
Shri Prashant Kumar, DTL  
Shri Swapnil Verma, CTUIL  
Shri Ajay Kumar, CTUIL  
Shri Ranjeet Rajput, CTUIL  
Ms. Kavya Bhardwaj, CTUIL

**ORDER**

The Petitioner, Dharamjaigarh 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 Western Region Expansion Scheme- XXVIII (WRES-XXVIII) & XXIX (WRES-XXIX) on Build, Own, Operate and Transfer (BOOT) basis (hereinafter referred to as “the Project”) consisting of the following elements:

**A. Western Region Expansion Scheme- XXVIII (WRES-XXVIII):**

S. No.	Name of the Transmission Element	Schedule d COD in months from Effective Date	Element(s) which are pre-required for declaring the commercial operation (COD) of the respective Element
1.	Creation of 220 kV level (GIS) at 765/400 kV Raipur Pool S/s with Installation of 2x500 MVA, 400/220 kV ICTs along with associated ICT bays (220kV-GIS). <ul style="list-style-type: none"> <li>• 500MVA, 400/220kV ICT: 2 nos.</li> <li>• 400kV ICT bays: 2 nos.</li> <li>• 220kV ICT bays: 2 nos.(GIS)</li> </ul>	18 months	Elements marked at Sl. No. i & ii are required to be commissioned simultaneously as their utilization is dependent on the commissioning of each other.
2.	2 nos. 220kV line bays (GIS) at Raipur Pool S/s for termination of Raipur Pool – Rajnandgaon 220 kV D/c line. <ul style="list-style-type: none"> <li>• 220kV line bays: 2 nos.(GIS)</li> </ul>		
3.	Augmentation of 1x500 MVA, 400/220 kV ICT at Raipur Pool S/s along with associated ICT bays (220kV-GIS) <ul style="list-style-type: none"> <li>• 500MVA, 400/220kV ICT: 1 no.</li> <li>• 400kV ICT bays: 1 no.</li> <li>• 220kV ICT bays: 1 no. (GIS)</li> </ul>	December 2024	Elements marked at Sl. No. iii & iv are required to be commissioned simultaneously as their utilization is dependent on the commissioning of each other.
4.	6 nos. 220kV line bays (GIS) at Raipur Pool S/s for termination of various lines planned by CSPTCL* <ul style="list-style-type: none"> <li>• 220kV line bays: 6 nos. (GIS)</li> </ul>		

Note: (i) Powergrid to provide space for implementation of above scope of works at Raipur (pool) 765/400 kV sub-station.

(ii) Downstream system associated with the scheme to be implemented by CSPTCL as an Intra-State scheme:

- Raipur Pool- Rajnandgaon 220 kV D/c line
- \*Raipur Pool- Gendpur 220 kV D/c line
- \*Raipur Pool-Bemetra 220 kV D/c line

- \*LILO of Borjhara- Urla 220kV S/c line at Raipur

**B. Western Region Expansion Scheme- XXIX (WRES-XXIX):**

S. No.	Name of the Transmission Element	Scheduled COD in months from Effective Date	Element(s) which are pre-required for declaring the commercial operation (COD) of the respective Element
1.	Creation of 220 kV level at 765/400 kV Dharamjaigarh S/s with Installation of 2x500 MVA, 400/220 kV ICTs along with associated ICT bays <ul style="list-style-type: none"> <li>• 500MVA, 400/220kV ICT: 2 nos.</li> <li>• 400kV ICT bays: 2 nos.</li> <li>• 220kV ICT bays: 2 nos</li> </ul>	March 2025	Elements marked at Sl. No. i & ii are required to be commissioned simultaneously as their utilization is dependent on the commissioning of each other.
2.	2 nos. 220kV line bays at Dharamjaigarh S/s (for termination of Dharamjaigarh– Chhuri 220 kV D/c line) <ul style="list-style-type: none"> <li>• 220kV line bays: 2 nos</li> </ul>		
3.	2 nos. 220kV line bays at Dharamjaigarh S/s (for termination of Dharamjaigarh – Dharamjaigarh CSP 220 kV D/c line) <ul style="list-style-type: none"> <li>• 220kV line bays: 2 nos</li> </ul>	March 2025	Elements marked at S. No.i is required to be commissioned prior to Element at S.No.iii

Note:

(i) Powergrid to provide space for implementation of the above scope of works at Dharamjaygarh 765/400 kV substation.

(ii) The downstream system associated with the scheme to be implemented by CSPTCL as an Intra-State scheme:

- Dharamjaigarh- Chhuri 220 kV D/c line.
- Dharamjaigarh- Dharamjaigarh CSP 220 kV D/c line

2. The Petitioner has made the following prayers:

*“(a) Grant of Transmission License to the Applicant; and*

*(b) Allow the sharing and recovery of Transmission Charges for establish Western Region Expansion Scheme-XXVIII (WRES-XXVIII) & XXIX*

*(WRES-XXIX) as per Sharing of Inter-state Transmission Charges and Losses CERC Regulations 2020 and any other amendment thereon issued from time to time by CERC.*

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

**Hearing dated 20.6.2023**

3. During the course of hearing on 20.6.2023, the representative of the Petitioner submitted that owing to certain issue relating to the acknowledgment of petition filing fees and delay in registration of the Petitioner company for filing the Petitions, there has been a delay in filing of these Petitions as against the timeline prescribed in the RfP and as extended by the BPC, which may be condoned. He further added that Petitioner has already impleaded the Western Region beneficiaries, CTUIL and BPC as party to the Petition and has also served copy of Petitions on them. However, no response has been received from them.

4. The representative of CTUIL submitted that CTUIL has already filed its recommendations, under Section 15(4) of the Electricity Act, 2003, for the grant of transmission licence to the Petitioner for executing the Project.

5. Vide Record of Proceeding for the hearing dated 20.6.2023, the Petitioner was directed to submit the copy of Form II posted on its website along with date of posting (required as per Regulation 7 (7) of the Transmission Licence Regulations read with Order dated 22.1.2022 in Petition No. 1/SM/2022. The Petitioner vide its affidavit dated 28.6.2023 has submitted that notice of the application was hosted on its website on 11.4.2023.

6. 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 (PFCCL) was notified by the Ministry of Power, Government of India, vide Gazette Notification. No. CG-DL-E 25072022-237560 dated 25.7.2022 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 “Western Region Expansion Scheme- XXVIII (WRES-XXVIII) & XXIX (WRES-XXIX)”, through tariff based competitive bidding process on Build, Own Operate and Transfer (BOOT) basis.

7. PFCCL in its capacity as the BPC initiated the bid process on 20.9.2022 and completed the same on 28.3.2023 in accordance with the Guidelines. Power Grid Corporation of India Limited (PGCIL) was selected as the successful bidder having quoted the lowest transmission charges of Rs. 286.90 million per annum in order to provide transmission services to the beneficiaries of the transmission system.

8. RfP was issued on 20.9.2022. At RfP (Technical and Financial) stage, four bidders, namely, (i) Power Grid Corporation of India Limited, (ii) Sterlite Grid 11 Limited, (iii) Adani Transmission Limited, and (iv) GR Infraprojects Limited submitted their offers. The RfP (Technical bids) of the four bidders were opened by Bid Opening Committee on 10.1.2023 in the presence of representative of the bidders. Based on the recommendation of the Bid Evaluation Committee (BEC), the RfP (Financial) Bids- Initial Price Offer of the four bidders were opened on 16.2.2023. Lowest Initial Price Offer discovered (Best Deal) at MSTC portal was Rs. 286.90 million per annum. The details of the quoted transmission charges by bidders are given below:



Sr. No.	Name of the Bidder	Quoted Transmission Charges from the Initial Offer (in Rs. Million)	Rank
1.	Power Grid Corporation of India Limited	<b>286.90</b>	L1
2.	Sterlite Grid 11 Limited	299.30	L2
3.	Adani Transmission Limited	316.00	L3
4.	G R Infraprojects Limited	629.77	L4

9. As per the Clause 2.5 of the RfP document, Initial Offers shall be ranked on the basis of ascending order for determination of the Qualified Bidders. The Bidders holding first fifty percent of the ranks (with any fraction rounded off to higher integer) or four Bidders, whichever is higher, shall be considered to be qualified for participating in the electronic reverse auction stage and submit their Final Offer. Accordingly, the rank of the bidders qualified for participating in the electronic reverse auction stage, in the ascending order of Initial Offer, is as under:

Sr. No.	Name of the Bidder	Quoted Transmission Charges from the Initial Offer (in Rs. Million)	Rank
1.	Power Grid Corporation of India Limited	<b>286.90</b>	L1
2.	Sterlite Grid 11 Limited	299.30	L2
3.	Adani Transmission Limited	316.00	L3
4.	G R Infraprojects Limited	629.77	L4

10. E-reverse auction of all four bidders was carried out at MSTC portal on 17.2.2023. As no bid was received during the e-reverse bidding stage, the lowest initial offer of Rs. 286.90 million per annum of 'Power Grid Corporation of India Limited' was considered as final offer. The ranking of the bidders as per initial offer is given below:

Sr. No.	Name of the Bidder	Transmission Charges from the Initial Offer (in Rs. Million)	Transmission Charges from the Final Offer (in Rs. Million)	Rank
1.	Power Grid Corporation of India Limited	286.90	No bid submitted in electronic reverse auction	L1
2.	Sterlite Grid 11 Limited	299.30	No bid submitted in electronic reverse auction	L2
3.	Adani Transmission Limited	316.00	No bid submitted in electronic reverse auction	L3
4.	G R Infraprojects Limited	629.77	No bid submitted in electronic reverse auction	L4

11. As per the Bid Evaluation Report dated 24.2.2023, Power Grid Corporation of India Limited emerged as the successful bidder with the lowest quoted transmission charges of Rs. 286.90 million per annum. BEC vide its certificate dated 24.2.2023 has certified that 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 e-reverse auction is acceptable.

12. Consequent to its selection as the lowest bidder, Letter of Intent (LoI) was issued to Power Grid Corporation of India Limited by the BPC on 1.3.2023 which was accepted by Power Grid Corporation of India Limited. 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% share equity share Dharamjaigarh Transmission Limited from PFCCCL along with all its related assets and liabilities;
- (d) Make an application to this Commission for adoption of transmission charges, as required under Section 63 of the Act; and
- (e) Apply to this Commission for grant of transmission licence;

13. The Petitioner has furnished the Contract Performance Guarantee (CPG) in favour of Nodal Agency i.e. CTUIL for Rs. 9 crore on 28.3.2023 and has acquired hundred percent equity holding in Dharamjaigarh Transmission Limited on 28.3.2023. The Petitioner entered into Transmission Service Agreement (TSA) with CTUIL on 28.3.2023.

14. 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”*

15. 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 3 of the Transmission Licence Regulations provides that the Empowered Committee shall identify the Projects included in the transmission plan to be developed under the Guidelines issued under Section 63 of the Act. Regulation 4 of the Transmission Licence Regulations provides that in case of projects identified for development under the Guidelines for competitive bidding, selection of the project developer shall be made in accordance with the procedure laid down in the Guidelines. The Project under consideration has been identified for development under competitive bidding by competent authority in the Ministry of Power/CEA. Central Electricity Authority stated that Section 68(1) of Electricity Act, 2003 pertains to installation of overhead lines and since the transmission scheme does not cover any overhead line (s), therefore, the scheme does not qualify for grant of prior approval of the Government of India under section 68(1) of the Electricity Act, 2003. The selection of the project developer, Dharamjaigarh Transmission Limited, has been made in accordance with the Guidelines for competitive bidding.

16. Regulation 7 of the Transmission Licence Regulations read with the order dated 22.1.2022 passed in Petition No.1/SM/2022 [whereby the Commission, in the exercise of ‘Power to Relax’ under Regulation 24 of the Transmission Licence

Regulations, modified/amended Clause (4), Clause (7), Clause (9) and Clause (12) and dispensed with Clause (10) of Regulation 7] provide for the procedure for grant of transmission licence as under:

*“(1) The application for grant of transmission licence shall be made to the Commission in Form-I appended to these regulations and shall be accompanied by such fees as may be prescribed by the Central Government from time to time.*

*(2) In case of the person selected for implementation of the project in accordance with the guidelines for competitive bidding, the application shall also contain such additional information, as may be required under these guidelines.*

*(3) The application shall be supported by affidavit of the person acquainted with the facts stated therein.*

*(4) Before making an application, the applicant shall submit the original application in electronic form along with annexures and enclosures on the e-filing portal of the Commission so that the same is served electronically on all the long-term customers of the project registered on the e-filing portal of the Commission. Also, a copy of the same be served through e-mail on the long term customers of the project not registered on the e-filing portal of the Commission. Further, the applicant shall also post the complete application along with annexures and enclosures in English and in the vernacular language, on its website.*

*(5) The application shall be kept on the website till such time the licence is issued or the application is rejected by the Commission.*

*(6) Immediately on making the application, the applicant shall forward a copy of the application to the Central Transmission Utility.*

*(7) The applicant shall, within 7 days after filing the application, post the application on the e-filing portal of the Commission and on its website in Form-II attached to these regulations in English language and in Vernacular language of the State or Union Territory where an element of the project or a long-term customer is situated, inviting comments from the general public.*

*(8) As far as possible, within 7 days of receipt of the application the Secretariat of the Commission shall convey defects, if any, if noticed on preliminary scrutiny of the application for rectification and the defects conveyed shall be rectified by the applicant in such time as may be indicated in the letter conveying the defects.*

*(9) In the notice published on the e-filing portal of the Commission and on the applicant's website under clause (7) it shall be indicated that the suggestions and objections, if any, on the application, may be filed before the Secretary, Central Electricity Regulatory Commission, Third Floor, Chanderlok Building, Janpath, New Delhi-110001 (or the address where the office of the Commission is situated), with a copy to the applicant, by any person, including the long-term customers, within 30 days of publication of the notice*

.....

*(10) The Central Transmission Utility shall send its recommendations, if any, to the Commission on the proposal made in the application within a period of thirty days from the date of receipt of application by it:*

*Provided that copy of the recommendations, if any, made by the Central Transmission Utility shall always be forwarded to the applicant:*

*Provided further that these recommendations of the Central Transmission Utility shall not be binding on the Commission.*

*(11) The applicant may file its comments, duly supported by an affidavit, on the recommendations made by the Central Transmission Utility and the suggestions and objections, if any, received in response to the notice posted on the e-filing portal of the Commission and on the applicant's website by him, within 45 days of service of copy of the application on the Central Transmission Utility or publication of notice posted on the e-filing portal of the Commission and on the applicant's website, with an advance copy to the Central Transmission Utility or the person who has filed the suggestions and objections on the proposal made in the application, as the case may be.*

*(12) The Commission after considering the suggestions and objections received in response to the public notice published by the applicant and the recommendations, if any, of the Central Transmission Utility may, propose to grant transmission licence or for reasons to be recorded in writing, reject the application.”*

17. The Petitioner has approached the Commission by a separate application for adoption of transmission charges in respect of the transmission system which is presently under consideration of the Commission and order in that Petition will be issued separately. The Petitioner has filed the present Petition for grant of transmission licence in accordance with the Transmission Licence Regulations. The Petitioner has submitted proof of service of the copies of the application on the BPC

CTUIL and Western Region 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 transmission licence in terms of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012. The Petitioner has prayed for grant of transmission licence to Dharamjaigarh Transmission Limited with respect to the transmission system as per details given in paragraph 1 above.

18. The Petitioner has made the Application as per Form-I and paid fee of Rs. one lakh as prescribed by the Central Government. As per the direction of the Commission, the Petitioner has served 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. 286.90 million per annum. The Petitioner has also enclosed copies of the recommendations of the Bid Evaluation Committee.

19. 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 Hindi (Vernacular) language. No objection has been received from the general public in the notices.

20. The Petitioner has served the 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 7(6) of the Transmission Licence Regulations. CTUIL vide its letter dated 26.4.2023 has recommended for the grant of transmission licence to the Petitioner. Relevant portion of the said letter dated 26.4.2023 is extracted as under:

*“This has reference to the Petition with Diary number 146/2023 dated 10.04.2023 filed by M/S Dharamjaigarh Transmission Ltd. (DTL) before Commission vide*

which M/S DTL has requested CTU for issuance of its recommendation for grant of Transmission License for subject transmission scheme. In this regard, the following is submitted:

1. M/S DTL has filed an application/petition under Section 14 and 15 of the Electricity Act, 2003 read with CERC (Procedure, Terms and Conditions for grant of Transmission License and other related matters) Regulations, 2009 for grant of transmission license to establish "Western Region Expansion Scheme-XXVIII (WRES-XXVIII) and Western Region Expansion Scheme- XXIX (WRES-XXIX)" project on Build, Own, Operate and Transfer (BOOT) basis as ISTS. The detailed scope of the transmission scheme is enclosed at Annexure-I.

2. As per section 15(3) of the Electricity Act, 2003 and Regulation 7(6) of Transmission License Regulations, 2009, a copy of the application for the grant of transmission license, for the above transmission system has been received on 10.04.2023 for recommendation required u/s 15(4) of the Electricity Act, 2003 and Regulation 7(11) of Transmission License Regulations, 2009.

3. In reference to the Transmission Scheme "Western Region Expansion Scheme- XXVIII (WRES-XXVIII) and Western Region Expansion Scheme-XXIX (WRES-XXIX)", the following is submitted:

i) Presently the 220kV voltage level is not available at Raipur Pool S/s and WRESXXVIII shall facilitate the drawl of power at 220 kV level from 765/400 kV Raipur Pool S/s as well as provide direct feed to Borjhara/Urla area, which are major load centers in Chhattisgarh. WRES- XXVIII includes creation of 400/220kV level at Raipur Pool S/s alongwith 3x500MVA, 400/220kV ICTs and 08nos. 220kV line bays.

Presently the 220kV voltage level is not available at Dharamjaigarh S/s and WRESXXIX shall facilitate drawl of power at 220kV level from 765/400 kV Dharamjaigarh S/s to Chhuri & Dharamjaigarh substations of CSPTCL. WRES-XXIX includes creation of 400/220kV level at 765/400kV Dharamjaigarh S/s alongwith 2x500MVA, 400/220kV ICTs alongwith 04nos. 220kV line bays.

ii) The transmission scheme was agreed in the 2nd Joint study meeting on Transmission Planning for Western Region held on 10.12.2021. Copy of the minutes of 2 nd Joint Study meeting is enclosed at Annexure-II.

iii) The transmission scheme was agreed in the 3rd Consultation Meeting for Evolving Transmission Schemes in Western Region (CMETS-WR) meeting held on 31.01.2022. Copy of the minutes of 3rd CMETS-WR meeting is enclosed at Annexure-III.

iv) The transmission system was discussed and agreed on in the 8th NCT (reconstituted vide MOP office order 13.04.2018) meeting held on 25.03.2022. Copy of the minutes of the above referred NCT meeting is enclosed at Annexure-IV.



v) *Central Electricity Authority, Government of India, vide Gazette notification dated 25.07.2022 had appointed PFC Consulting Limited as the Bid Process Coordinator (BPC) for selection of Bidder as Transmission Service Provider (TSP) to establish the subject transmission scheme through Tariff Based Competitive Bidding (TBCB) process. Copy of Gazette notification referred above is enclosed at Annexure-V.*

4. *Pursuant to the process of competitive bidding conducted by the BPC, M/S Power Grid Corporation of India Limited emerged as the successful bidder after the conclusion of the e-reverse auction. Thereafter, the BPC issued a Letter of Intent in favour of M/S Power Grid Corporation of India Limited on 01.03.2023. Subsequently, M/S Power Grid Corporation of India Limited has acquired 100% equity shareholding of M/S DTL on 28.03.2023, upon execution of the Share Purchase Agreement (SPA) and after completion of all procedural requirements as specified in the bid documents. The implementation timeframes are indicated in the TSA enclosed at Annexure-VI. The scheduled COD of WRES- XXVIII is 18 months from the effective date (i.e. date of acquisition on SPV) which is 28.09.2024 (Item no. 1 & 2) and Dec'24 (Item no. 3 & 4) of the detailed scope indicated at Annexure-I. The scheduled COD for the WRES- XXIX is Mar'25.*

5. *In line with Section 15(4) of the Electricity Act, 2003, based on details furnished by M/S Dharamjaigarh Transmission Ltd., CT U recommends the grant of transmission license to M/S Dharamjaigarh Transmission Ltd. for executing the transmission scheme as mentioned in Para-I above."*

21. 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, selected bidder was required to complete all the activities including acquisition of SPVs by 11.3.2023. Though Lol was issued on 1.3.2023, BPC, vide its letter dated 28.3.2023 in terms of Clauses 2.15.2 of RfP extended the date upto 28.3.2023 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. 9 crore on 28.3.2023 and has acquired hundred percent equity-

holding in the applicant company on 28.3.2023 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 grant of transmission licence within five working days of the issuance of the acquisition of the SPV to the successful bidder. Successful bidder, namely, Power Grid Corporation of India Limited acquired the SPV on 28.3.2023. The Petitioner has submitted that it filed the application online on 5.4.2023 as it took time for approval of registration of the TSP on the online portal for submission of application.

22. 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 20.7.2023.

23. It is expected that while carrying out the survey, the Petitioner has complied with the provisions of clause 2.5.7.3, clause 2.5.7.4 and clause 2.5.7.5 of the RfP. The Petitioner will comply with the provisions of bidding documents and TSA for commissioning of the Project within the SCOD.

24. 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 over run 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.

25. 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 Bureau of India Standards. In this regard, the Petitioner, has submitted that it would implement the Project as per the provisions of the TSA including the Article 16.4, Article 5.1.1 and Article 5.4 of the TSA.

26. During the course of the hearing on 20.3.2023 the Commission observed that the Petitioner is required to implement 6 Nos. of 220 kV lines bays at Raipur Pool sub-station and 4 Nos. of 220 kV lines bays at Dharamjaigarh sub-station for termination of the various lines of CSPTCL and it would thus be proper that CTUIL ensures the timeline for constructions of these transmission lines by CSPTCL align with SCOD of these elements. The representative of the CTUIL assured to take necessary action in this regard.

27. The Petitioner, vide its affidavit dated 6.6.2023, has informed that the name of the Petitioner company has been changed from 'Dharamjaigarh Transmission Limited' to 'POWERGRID Dharamjaigarh Transmission Limited' with effect from 23.5.2023. The certificate of change of name from 'Dharamjaigarh Transmission Limited' to 'POWERGRID Dharamjaigarh Transmission Limited' dated 23.5.2023 issued by Registrar of Companies, Delhi has been placed on record. Accordingly, the name of the Petitioner has been changed to 'POWERGRID Dharamjaigarh Transmission Limited' on the record of the Commission.

28. The Petition shall be listed for hearing on **21.7.2023**.

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

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

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