

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 143/TL/2023

Coram:

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

Date of Order: 17th 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 Khavda RE Transmission System Limited.

And

In the matter of

Khavda RE Transmission System Limited
(Now known as 'POWERGRID Khavda RE Transmission System 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. 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 Vindhyachal, 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, 4th 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, Dist: Chandrapur-442907,
Maharashtra.

17. HVDC Champa,
PGCIL RHQ, WR-I, Sampriti Nagar,
Off National Highway No. 8, Taluka: Kamrej,
PO: Uppalwadi , 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-844101, Bihar
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, 2nd 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

Parties present:

Shri D Sudarshan, KRETL
 Shri Mani Kumar, KRETL
 Shri Shashank Shekhar, CTUIL
 Shri Ranjeet Rajput, CTUIL
 Shri Ashish Kr Singh, RECPDC

ORDER

The Petitioner, Khavda RE Transmission System Limited (Now known as Khavda RE Transmission System 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 Transmission Network Expansion in Gujarat associated with integration of RE projects from Khavda potential RE zone on Build, Own, Operate and Transfer basis (hereinafter referred to as “the Project”) consisting of the following elements as per RFP documents:

Sl. 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.	Banaskantha-Ahmedabad 765 kV D/c line with 330MVA _r , 765 kV Switchable line reactor on each ckt at Ahmedabad S/s end • 765 kV, 330 MVA _r Switchable Line Reactor along with switching equipments – 2 nos. (6 X 110 MVA _r)	24 months	Khavda Phase-II (5 GW) scheme

	<ul style="list-style-type: none"> • 765 kV line bays- 4 nos. (2 nos. at Banaskantha and 2 nos. at Ahmedabad) 		
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Note:

i) Developer of Ahmedabad P.S. to provide space for 2 no. of 765 kV line bays alongwith Switchable Line Reactor at Ahmedabad end for termination of Banaskantha – Ahmedabad 765 kV D/c line.

ii) Powergrid to provide space for 2 no. of 765 kV line bays at Banaskantha end for termination of Banaskantha -Ahmedabad 765 kV D/c line.

2. The Petitioner has made the following prayers:

“(a) Grant Transmission Licence to the Applicant; and

(b) Allow the sharing and recovery of Transmission Charges for Inter-State Transmission System to establish Transmission Network Expansion in Gujarat associated with integration of RE projects from Khavda potential RE 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 30.6.2023

3. During the course of the hearing on 30.6.2023, the representative of the Petitioner submitted that owing to certain issue relating to the acknowledgment of the Petition filing fees, there has been a little delay in filing of these Petition as against the timeline prescribed in RfP and as extended by the BPC, which may be condoned. He further submitted that there has also been a little delay in posting the notice & the application on its website for inviting objections/suggestions from the stakeholders, which may also be condoned. The representative of the Petitioner submitted that the Petitioner has already impleaded the Western Region beneficiaries 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 the Respondent, CTUIL submitted that CTUIL has 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. He further submitted that vide Record of Proceedings for the hearing dated 20.6.2023 in Petition No. 128/TL/2023 & Ors., the Commission has already called for the details of status of 4.5 GW Renewable Generators at Khavda RE Park and CTUIL will be filing such details soon.

5. The Respondents were directed to file their replies/comments on the Petitions within a week. However, no reply has been filed by the Respondents beneficiaries despite notice.

6. Vide Record of proceedings for the hearing dated 30.6.2023, CTUIL was directed to submit the information called for: CTUIL vide its affidavit dated 10.7.2023 has filed the information as under:

(a) The status of RE generators in Khavada RE zone which are linked with transmission scheme for evacuation of 4.5 GW RE injection at Khavda PS under Phase-II is as under:

S. No.	Name of RE Generator	Name of PS	Quantum (MW)	Status
1	Adani Green Energy Limited	KPS-1	1000	Scheduled date for completion of RE Projects: March, 2025
2	Adani Green Energy Limited	KPS-1	1000	
3	Adani Green Energy Limited	KPS-1	1050	
4	Adani Green Energy Limited	KPS-3	1050	
5	Adani Renewable Energy Holding Four Limited	KPS-1	417	Scheduled date for completion of RE Projects: March, 2025
6	Gujarat State Electricity Corporation Limited	KPS-2	1000	Scheduled date for completion of RE Projects: March, 2025

(b) The subject scheme was evolved to cater to the system strengthening needs in the State of Gujarat required with Khavda RE injection under Phase-II (5GW) in order to provide benefit for State of Gujarat in terms of RE evacuation as well as ATC enhancement.

(c) Date of acquisition of SPV is 21.3.2020 and SCOD of the Transmission Scheme is 21.3.2025 (24 months from SPV acquisition i.e 21.3.2023). As per TSA, the subject Transmission scheme is required to be implemented in matching time frame with Khavda Phase-II (5GW) Transmission Scheme with a timeline of 24 months from SPV transfer (March 2025).

(d) Status of implementation of Khavda Phase-II Part A (5 GW) Transmission Scheme & subject scheme is as under:

Sl. No.	Name of the transmission scheme	Implementing Agency	SCOD (element wise)	Status of implementation
1	<p>Transmission scheme for evacuation of 4.5GW RE injection at Khavda PS under Phase II Part A</p> <p>1) KPS2 (GIS) – Lakadia 765 kV D/C line</p> <p>2) 330 MVAr switchable line reactors at KPS2 end of KPS2 (GIS) – Lakadia 765 kV D/C line</p> <ul style="list-style-type: none"> • 330 MVAr, 765 kV switchable line reactor- 2 nos. • Switching equipment for 765 kV line reactor- 2 nos. • 1x110 MVAr spare bus reactor available at KPS2 (GIS) to be used as spare. <p>3) 2 nos. of 765 kV line bays each at Lakadia PS & KPS2 (GIS) for Khavda PS2 (GIS) – Lakadia PS 765 kV D/c line.</p> <ul style="list-style-type: none"> • 765 kV line bays (GIS) – 2 Nos. (for KPS2 end) • 765 kV line bays (AIS) – 2 Nos. (for Lakadia end) 	Khavda II-A Transmission Ltd (Subsidiary of Adani)	28.03.2025 [24 months from effective date i.e. 28.03.2023]	<ul style="list-style-type: none"> • Detailed Survey Completed • EPC contract for transmission line & reactor Completed while EPC contract for line bays is under process. • Forest & Wildlife Proposal submitted

Sl. No.	Name of the transmission scheme	Implementing Agency	SCOD (element wise)	Status of implementation
2	<p>Transmission Network Expansion in Gujarat associated with integration of RE projects from Khavda potential RE zone:</p> <p>Banaskantha- Ahmedabad 765 kV D/c line with 330MVar, 765 kV Switchable line reactor on each ckt at Ahmedabad S/s end</p> <ul style="list-style-type: none"> • 765 kV, 330 MVar Switchable line reactor along with switching eqpts. – 2 nos (6 X 110 MVar) • 765 kV line bays- 4 (2 nos. at Banaskantha and 2 nos. at Ahmedabad) 	Khavda RE Transmission Ltd. (KRETL) Subsidiary of POWERGRID)	21.3.2025 [24 months from effective date i.e. 21.03.2023] matching time frame with Khavda Phase-II (5GW) Transmission Scheme	<p>765kV Banaskantha - Ahmedabad D/c Line: 134.5km</p> <ul style="list-style-type: none"> •Route alignment approved- 115.5km • Detail & Check survey completed-- 29.9 Km • Reserve Forest/Social Forest/Wild life sanctuary Clearance proposal has been submitted

7. 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, RECPDCL was notified by the Ministry of Power, Government of India, vide Gazette Notification. No. F.No.15/3/2018-Trans-Pt (2) dated 17.1.2022 as the Bid Process Coordinator (BPC) for the purpose of selection of bidder as Transmission Service Provider (TSP) to establish “Transmission Network Expansion in Gujarat associated with integration of RE projects from Khavda potential RE zone”, through tariff based competitive bidding process on Build, Own Operate and Transfer (BOOT) basis.

8. RECPDCL in its capacity as the BPC initiated the bid process on 6.5.2022 and completed the same on 21.3.2023 in accordance with the Guidelines. Power Grid Corporation of India Limited was selected as the successful bidder having

quoted the lowest transmission charges of Rs. 773.27 million in order to provide transmission services to the beneficiaries of the transmission system.

9. BPC appointed a Consultant, namely, PARY & Co. Chartered Accountants in consortium with Legacy Law Offices for providing consultancy services in the process of selection of the project developer through tariff based competitive bidding process. RfP was issued on 6.5.2022. At RfP (Technical and Financial) stage, five bidders, namely, (i) Power Grid Corporation of India Limited, (ii) Adani Transmission Limited, (iii) Sterlite Grid 35 Limited, (iv) Dineshchandra R. Agrawal Infracon Private Limited and (v) Megha Engineering & Infrastructures Limited submitted their offers. The RfP (Technical) bids of the five bidders were opened by Bid Opening Committee in the office of Central Electricity Authority on 6.1.2023 in the presence of the representative of the bidders. Based on the recommendation of the Bid Evaluation Committee (BEC), the RfP (Financial) Bids-Initial Price Offer of the five bidders were opened on 1.2.2023. The details of the quoted transmission charges by the bidders are as under:

S. No.	Name of the Bidder	Quoted Transmission Charges from the Initial Offer (in Rs. Million)	Rank
1.	Power Grid Corporation of India Limited	926.37	L1
2.	Adani Transmission Limited	1050.00	L2
3.	Sterlite Grid 35 Limited	1067.50	L3
4.	Dineshchandra R. Agrawal Infracon Private Limited	1170.00	L4
5.	Megha Engineering & Infrastructures Limited	1771.70	L5

10. As per 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 follows:

S. No.	Name of the Bidder	Quoted Transmission Charges from the Initial Offer (in Rs. Million)	Rank
1.	Power Grid Corporation of India Limited	926.37	L1
2.	Adani Transmission Limited	1050.00	L2
3.	Sterlite Grid 35 Limited	1067.50	L3
4.	Dineshchandra R. Agrawal Infracon Private Limited	1170.00	L4

11. Lowest Initial Price Offer discovered (Best Deal) at MSTC portal was Rs. 926.37 million. Based on the recommendation of BEC, four bidders, except M/s Megha Engineering & Infrastructures Limited were qualified to participate in the e-reverse auction stage. E-reverse auction of all four bidders was carried out at MSTC portal on 2.2.2023 and the following transmission charges for bidders (in ascending order) emerged:

S. 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	926.37	773.27	L1
2.	Adani Transmission Limited	1050.00	775.21	L2
3.	Sterlite Grid 35 Limited	1067.50	No bid submitted in electronic reverse auction	L3
4.	Dineshchandra R. Agrawal Infracon Private Limited	1170.00	No bid submitted in electronic reverse auction	L4

12. As per the Bid Evaluation Report dated 7.2.2023, Power Corporation of India Limited emerged as the successful bidder with the lowest quoted transmission charges of Rs. 773.27 million. BEC vide its certificate dated 7.2.2023 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.

13. Consequent to its selection as the lowest bidder, Letter of Intent (LoI) was issued to Power Corporation of India Limited by the BPC on 15.2.2023 which was accepted by Power 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 holding of Khavda RE Transmission System Limited from RECPDCL 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;

14. The Petitioner has furnished the Contract Performance Guarantee (CPG) in favour of Nodal Agency i.e. CTUIL for an aggregate value of Rs. 24 crore on 21.3.2023 and has acquired hundred percent equity holding in Khavda RE

Transmission Limited on 21.3.2023. The Petitioner entered into Transmission Service Agreement (TSA) with CTUIL on 21.3.2023.

15. 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”

16. 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, vide its letter No. CEA-PS-11-23(20)/1/2018-PSPA-IDivision-Part (1) dated 2.12.2022 had issued prior approval to the Project under Section 68 of the Act. Selection of the Project developer, POWERGRID Khavda RE Transmission System Limited, has certified to have been made in accordance with the Guidelines.

17. 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

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(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.”

18. 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 and CTUIL 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 POWERGRID Khavda RE Transmission System Limited with respect to the transmission system as per details given in paragraph 1 above.

19. 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 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. 773.27 million. The Petitioner has also enclosed copies of the recommendations of the Bid Evaluation Committee.

20. 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 response to the public notices. It is noted that there has been 70 days delay in uploading the notice for inviting objections/suggestions from the stakeholders. The representative of the Petitioner during the course of hearing prayed to condone the such delay. Since the Petitioner could not upload the notices on its website due to procedural laps, the same is condoned. However, the Petitioner is directed to comply with the provisions of the Transmission Licence Regulations in future in letter and spirit.

21. 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 21.4.2023 has recommended for grant of transmission licence to the Petitioner. Relevant portion of the said letter dated 21.4.2023 is extracted as under:

“This has reference to the Petition with Diary No. 129/2023 dated 03.04.2023 filed by M/s Khavda RE Transmission Ltd. (KRETL) before Hon’ble Commission vide which M/s KRETL 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 Khavda RE Transmission Ltd. has filed an application/petition under Section 14, 15 and 79(1)(e) of the Electricity Act, 2003 and CERC (Procedure, Terms and Conditions for grant of Transmission License and other related matters) Regulations, 2009 for grant of transmission license to establish “Transmission Network Expansion in Gujarat associated with integration of RE projects from Khavda potential RE zone” project on Build, Own, Operate and Maintain (BOOM) basis as ISTS.*
- 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 03.04.2023 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 “Transmission Network Expansion in Gujarat associated with integration of RE projects from Khavda potential RE zone”, the following is submitted:*
 - i. *The Government of India has set a target for establishing 500 GW non-fossil generation capacity by 2030, which also includes 30 GW RE potential in Khavda area of Gujarat under ISTS. The subject transmission scheme involves Banaskantha — Ahmedabad 765 kV D/G line along with 330MVAR, 765 kV Switchable line reactor on each ckt at Ahmedabad S/s end and line bays at Banaskantha end and Ahmedabad end. The subject scheme was evolved to cater to the system strengthening needs in Gujarat required with Khavda RE injection under Phase-II (5GW) in order to provide maximum benefit for state of Gujarat in terms of RE evacuation as well as ATC enhancement.*
 - ii. *The transmission scheme was agreed in the 3rd WRPC(TP) meeting held on 14.06.2021.*
 - iii. *Views/Observations of WRPC on the subject scheme (along with other Khavda REZ schemes (15GW)) were sought vide e-mail dated 17.08.2021 seeking comments by 03.10.2021. However, no comments were received from WRPC.*
 - iv. *Subsequently, GETCO vide letter dated 26.10.2021 highlighted certain issues being faced in Gujarat which required ISTS system strengthening to increase ATC. In view of the same, the subject scheme was deliberated and agreed in the Joint Study Meeting on Transmission Planning for Western Region held on 05.11.2021 and further in the 1st Consultation Meeting for Evolving Transmission Schemes in Western Region held on 29.11.2021.*
 - v. *The transmission system was discussed and agreed in the 7th NCT meeting held on 03.12.2021.*
 - vi. *Ministry of Power, GOI vide Gazette notification dated 17.01.2022 had appointed REC Power Development and Consultancy Ltd. 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.*
4. *Pursuant to the process of competitive bidding conducted by the BPC, M/s Power Grid Corporation of India Ltd. 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 Ltd. on 15.02.2023. Subsequently, M/s Power Grid Corporation of India Ltd. has acquired 100% equity shareholding of M/s KRETL on 21.03.2023, upon execution of the Share Purchase Agreement (SPA) and after completion of all procedural requirements as specified in the bid documents. The scheduled COD for the proposed ISTS scheme is 24 months from the effective date (i.e. date of acquisition on SPV) and matching with Khavda Phase-II (5GW) scheme.*
5. *In line with Section 15(4) of the Electricity Act, 2003, based on details furnished by M/s Khavda RE Transmission Ltd., CTU recommends the grant of transmission license to M/s Khavda RE Transmission Ltd. for executing the transmission scheme as mentioned in Para-1 above.”*

22. 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 25.2.2023. Lol was issued on 15.2.2023. The selected bidder furnished the Contract Performance Guarantee in favour of Nodal Agency (CTUIL) for an amount of Rs. 24 crore on 21.3.2023 and has acquired hundred percent equity-holding in the applicant company on 21.3.2023 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 21.3.2023. The Petitioner has submitted that it had paid the transmission license fees on 28.3.2023, however, the same was reflected on online filing portal on 3.4.2023 and the application was filed online on 3.4.2023. The Petitioner has prayed for the condoning the delay in filing of application. Since the Petitioner could not file the application due to procedural laps, the same is condoned. However, the Petitioner is directed to comply with the provisions of the Transmission Licence Regulations in future in letter and spirit.

23. 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 **4.8.2023**.

24. 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.

25. 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.

26. 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, completing 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 Indian 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.

27. The Petitioner, vide its affidavit dated 2.6.2023, has informed that the name of the Petitioner company has been changed from 'Khavda RE Transmission Limited' to 'POWERGRID Khavda RE Transmission System Limited' with effect from 23.5.2023. The certificate of change of name from 'Khavda RE Transmission Limited' to 'POWERGRID Khavda RE Transmission System 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 Khavda RE Transmission System Limited' on the record of the Commission.

28. CTUIL is directed to submit on an affidavit within two weeks the elements covered under "Khavda Phase-II (5 GW) scheme" and the name of the transmission licensee implementing such elements of "Khavda Phase-II (5GW) scheme", which has been mentioned as a pre-requisite to elements covered under instant scheme.

29. The Petition shall be listed for hearing on **11.8.2023**.

Sd/-
(P.K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(I.S. Jha)
Member