

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 147/TL/2023

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

Date of Order: 13th July, 2023

In the matter of

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

**And
In the matter of**

Raipur Pool Dhamtari Transmission Limited,
(Now known as 'POWERGRID Raipur Pool Dhamtari Transmission Limited')
B-9, Qutab Institutional Area, Katwaria Sarai,
New Delhi 110 016.
Address for correspondence: ED (TBCB),
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-122 001
2. PFC Consulting Limited 9th Floor,
A-Wing, Statesman House Connaught Place,
New Delhi – 110001.
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
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 Bhavan, Trombay,
Anushaktinagar, Mumbai- 400094, Maharashtra
12. HVDC Bhadrawati, PGCIL,
PGCIL RHQ, WR-I, Sampriiti Nagar,
Off National Highway No. 8,
Taluka: Kamrej, PO: Uppalwadi,
Nagpur, 440026 Maharashtra
13. HVDC Vindhyaachal, PGCIL,
PGCIL RHQ, WR-I, Sampriiti Nagar,
Off National Highway No. 8, Taluka: Kamrej,
PO: Uppalwadi, Nagpur, 440026 Maharashtra
14. M.P. Power Management Company Limited,
14, Shakti Bhawan, Rampur,
Jabalpur – 482008.
15. Maharashtra State Electricity Distribution Company Limited,
Prakashgad, 4th Floor,
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 Company Limited,
6th Floor Vidyut Bhawan, Karunamoyee, Salt Lake,
Kolkata-700091, West Bengal,
19. Thermal Powertech Corporation 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, Dist – 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-844101, Bihar
26. DB Power Limited- Untied,
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 Ltd-Untied,
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 Ltd.,
1st & 2nd Floor, Vidyut Bhavan,
NexSilvassa & Daman

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

....**Respondents**

Parties present:

Shri D Sudarshan, KIIBTL
Shri Mani Kumar, KIIBTL
Shri Shashank Shekhar, CTUIL
Shri Ranjeet Rajput, CTUIL
Shri Ashish Kr Singh, RECPDCL

ORDER

The Petitioner, Raipur Pool Dhamtari Transmission Limited (Now known as 'POWERGRID Raipur Pool Dhamtari 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- XXVII (WRES-XXVII) on build, own, operate and transfer basis (hereinafter referred to as "the Project") consisting of the following elements:

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.	Raipur Pool – Dhamtari 400 kV D/c line (Quad ACSR/AAAC/AL59 Moose equivalent)	18 months	Elements marked at S. No. 1,2 & 3 are required to be commissioned simultaneously as their utilization is dependent on the commissioning of each other.
2.	400 kV line bays at Raipur Pool (POWERGRID) S/s for termination of Raipur Pool – Dhamtari 400kV D/c line (Quad ACSR/AAAC /AL59 Moose equivalent) • 400 kV line Bays: 2 nos.		
3.	400 kV line bays at Dhamtari (CSPTCL) S/s for termination of Raipur Pool – Dhamtari 400kV D/c line (Quad ACSR/AAAC/AL59 Moose equivalent) • 400 kV line Bays: 2 nos.		

Note:

(i) Power Grid to provide space for 400 kV bays at Raipur PS for termination of Raipur Pool- Dhamtari 400 kV D/c Line (Quad ACSR/AAAC/AL59 Moose equivalent).

(ii) CSPTCL to provide space for 400 kV bays at Dhamtari S/S for termination of Raipur Pool- Dhamtari 400 kV D/C Line (Quad ACSR/AAAC/AL59 Moose equivalent).

(iii) Downstream system associated with the scheme to be implemented by CSPTCL as an intrastate scheme:

- Dhamtari (Kurud) - Gurur 220kV D/c (2nd) line.
- 3rd 400/220kV, 315 MVA ICT at Dhamtari S/S.

(iv) The schedule of implementation would be 18 months from SPV Transfer.

2. The Petitioner has made the following prayers:

“(a) Grant Transmission Licence to the Applicant;

(b) Allow the sharing and recovery of Transmission Charges to establish Western Region Expansion Scheme- XXVII (WRES-XXVII) 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; and

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

5. Vide Record of proceedings for the hearing dated 30.6.2023, the Respondents were directed to file their replies/comments on the Petition. However, no reply has been filed by the Respondents beneficiaries.

6. The Petitioner was directed to submit the date of transfer of SPV & SCOD and the copy of Form II posted on its website along with date of posting (required as per the Regulation 7 (7) of the Transmission Licence Regulations read with the Order

dated 22.01.2022 in Petition No. 1/SM/2022. The Petitioner vide its affidavit dated 6.7.2023 has submitted as under:

(a) Date of transfer of SPV was 28.3.2023. Since as per TSA, SCoD of the project is 18 months from effective date, the SCoD of the project works out to be 27.9.2024.

(b) The Petition was filed before Commission on 10.4.2023 and the same was despatched on 5.4.2023 and was also sent by e-mail to all the Respondents on 11.4.2023. The Petition was also hosted on the Petitioner's website alongwith notice for the grant of transmission licence in the prescribed format of Form- II of relevant regulations on 11.4.2023.

7. Vide Record of Proceedings for the hearing dated 30.6.2023, CTUIL was directed to submit the status of downstream system associated with the schemes to be implemented by CSPTCL. CTUIL vide its affidavit dated 10.7.2023 has submitted that CTUIL vide email dated 5.7.2023 requested CSPTCL to forward the status of downstream system associated with the subject scheme to be implemented by CSPTCL as an intra-State scheme. CSPTCL in its response vide email dated 7.7.2023 has submitted the status as under:

- Dhamtari (Kurud) - Gurur 220 kV D/C (2nd) line: Order issued on 3.5.2023 and as per order schedule completion period shall be 15 calendar months from date of order i.e. August 2024.
- 3rd 400/220 kV, 315 MVA ICT at Dhamtari S/S: Order issued on 13.2.2023 and period shall be 18 calendar months from date of order i.e. August 2024.

8. 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 “ISTS Network Expansion scheme in Western Region and Southern Region for export of surplus power during high RE scenario in Southern Region”, through tariff based competitive bidding process on Build, Own Operate and Transfer (BOOT) basis.

9. PFC Consulting Limited (PFCCL) in its capacity as the BPC initiated the bid process on 21.10.2022 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. 297.18 million per annum in order to provide transmission services to the beneficiaries of the transmission system.

10. At RfP (Technical and Financial) stage, three bidders, namely, (i) Adani Transmission Limited, (ii) Power Grid Corporation of India Limited, and (iii) Sterlite Grid 8 Limited submitted their offers. The RfP (Technical) bids of the three bidders were opened by Bid Opening Committee in the office of Central Electricity Authority 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 three bidders were opened on 15.2.2023. Lowest Initial Price Offer discovered (Best Deal) at MSTC portal was Rs. 297.18 million per annum. Based on the recommendation of BEC, four bidders, except Torrent Power Limited were

qualified to participate in the e-reverse auction stage. E-reverse auction of all three bidders was carried out at MSTC portal on 16.2.2023 and the following transmission charges for bidders (in ascending order) emerged:

S. No.	Name of Bidder	Quoted Transmission Charges	Rank
1.	Power Grid Corporation of India Limited	297.18	L1
2.	Sterlite Grid 8 Limited	340.50	L2
3.	Adani Transmission Limited	358.00	L3

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. 297.18 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 holding of Raipur Pool Dhamtari Transmission Limited from PFCCL 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 an aggregate value of Rs. 4.80 crore on 28.3.2023 and has acquired hundred percent equity holding in Raipur Pool Dhamtari 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, vide its letter No. CEA-PS-11-23(20)/1/2018-PSPA-I Division dated 30.1.2023 had issued prior approval to the Project under Section 68 of the Act. Selection of the Project developer, Raipur Pool Dhamtari Transmission Limited, has certified to have been made in accordance with the Guidelines.

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 the 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 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 Raipur Pool Dhamtari 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 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. 297.18 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 response to the public notices. It is noted that there has been delay of 70 days in uploading the notice on the Petitioner's website 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.

20. The Petitioner has served the copy of the Application on the Central Transmission 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 1.5.2023 has recommended for grant of transmission licence to the Petitioner. Relevant portion of the said letter dated 1.5.2023 is extracted as under:

"This has reference to the Petition with Diary No. 150/2023 dated 10.04.2023 filed by M/s Raipur Pool Dhamtari Transmission Limited (RPDTL) before Hon'ble Commission vide which M/s RPDTL 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 RPDTL 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-XXVII (WRES-XXVII)" 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- XXVII (WRES-XXVII)", the following is submitted:
 - i) Certain transmission constraints were highlighted by CSPTCL vide their letter dated 02.08.2021. In view of the above, a series of meetings were conducted with CSPTCL as well as with various stakeholders of WR to strengthen the Inter-state/ Intra-state transmission system in Chhattisgarh and to enhance total Transmission Capability (TTC) of Chhattisgarh. One of the evolved schemes was WRES-XXVII which comprises of Raipur Pool-Dhamtari 400 kV D/c line (Quad ACSR/AAAC/AL59 Moose equivalent) along with associated bays at both ends. Accordingly, the subject scheme shall improve the import capability of Chhattisgarh and reliability of power supply to Dhamtari S/s of CSPTCL and shall also relieve loading on NSPCL ICTs which are critically loaded in present time-frame.
 - ii) The transmission scheme was agreed in the 2nd Joint study meeting on Transmission Planning for Western Region held on 10.12.2021.
 - iii) The transmission scheme was also agreed in the 2nd & 3rd Consultation Meetings for Evolving Transmission Schemes in Western Region (CMETS-WR) held on 28.12.2021 & 31.01.2022.
 - iv) The transmission system was discussed and agreed on in the 8th NCT (re-constituted vide MOP office order 13.04.2018) meeting held on 25.03.2022.
 - v) The Central Electricity Authority, Government of India, vide Gazette notification dated 25.07.2022 had appointed PFCCCL 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 Limited emerged as the successful bidder. 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

RPDTL 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 scheduled COD of Western Region Expansion Scheme- XXVII (WRES-XXVII) scheme is 18 months from the effective date (i.e. date of SPV transfer).

5. *In line with Section 15(4) of the Electricity Act, 2003, based on details furnished by M/s Raipur Pool Dhamtari Transmission Limited, CTU recommends the grant of transmission license to M/s Raipur Pool Dhamtari Transmission Limited for executing the transmission scheme as mentioned in Para-1 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. Lol was issued on 1.3.2023. The selected bidder furnished the Contract Performance Guarantee in favour of Nodal Agency (CTUIL) for an amount of Rs. 4.80 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 the 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 had paid the transmission license fees on 28.3.2023, however, the same was reflected on on-line filing portal on 3.4.2023 and the Petition was filed online on 10.4.2023. The Petitioner has prayed to condone the delay in filing of the Petition. Since the Petitioner could not file the Petition 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.

22. Considering the material on record, we are *prima-facie* of the view that the Petitioner satisfies the conditions for the 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 the grant of transmission licence aforesaid. The objections or suggestions, if any, be filed by any person before the Commission, by **4.8.2023**.

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. In order to ensure that the Project is implemented within the time schedule as provided in the TSA, the licensee should not approach the Commission for extension of time for execution of the Project or for increase in the transmission charges over and above what is permissible under the provisions of the TSA. Accordingly, the Petitioner is directed to file an affidavit by 28.7.2023 to the effect that the execution of the Project shall not be delayed due to time taken in obtaining statutory clearances required under the RfP and/ or adjudication of any claim of the Petitioner arising under the TSA.

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, 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. Accordingly, the Petitioner is directed to submit the information by 28.7.2023 with regard to quality control mechanism available or to be put in place by to ensure the compliance of the requirements stipulated in Article 5.1.1 and Article 5.4 of the TSA.

26. The Petitioner, vide its affidavit dated 5.6.2023, has informed that the name of the Petitioner company has been changed from 'Raipur Pool Dhamtari Transmission Limited' to 'POWERGRID Raipur Pool Dhamtari Transmission Limited' with effect from 23.5.2023. The certificate of change of name from 'Raipur Pool Dhamtari Transmission Limited' to 'POWERGRID Raipur Pool Dhamtari 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 Raipur Pool Dhamtari Transmission Limited' on the record of the Commission.

27. 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