

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 181/TL/2023

Coram:

Shri Jishnu Barua, Chairperson

Shri I.S. Jha, Member

Shri Arun Goyal, Member

Shri P.K. Singh, Member

Date of order: 13th November, 2023

In the matter of:

Application under Section 14 of the Electricity Act, 2003 read with the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2009 for grant of a separate transmission license to POWERGRID Bikaner Transmission System Limited for the “implementation of 1 no. of 220 kV line bay at 400/220 kV Bikaner-II PS for interconnection of solar project (NHPC Ltd.)”, “implementation of 2 nos. of 220 kV line bays at 400/220 kV Bikaner-II PS for interconnection of RE power park of ALF Solar Amarsar Pvt. Ltd.” ,and “transmission system for evacuation of power from the Rajasthan REZ Ph IV (Part-1) (Bikaner Complex) Part-E ” through “Regulated Tariff Mechanism” (RTM) mode .

And

In the matter of

POWERGRID Bikaner Transmission System Limited,
B-9, Qutab Institutional Area, Katwaria Sarai, New Delhi 110 016
Address for correspondence: ED (TBCB), Power Grid Corporation of India Limited,
Saudamini, Plot no.2, Sector -29,
Gurgaon 122001, Haryana

...Petitioner

Vs

1. Chairman, U.P. Power Corporation Limited,
Import Export Payment Circle, 14th Floor,
Shakti Bhawan Extn. Building, 14, Ashok Marg,
Lucknow, UP.

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

3. Chairman & Managing Director, Punjab State Power Corporation Limited,
Shed No. T-1 A, Thermal Design,
Near 22 No. Phatak, Patiala, Punjab
4. Chairman, Jaipur Vidyut Vitran Nigam Limited,
Vidyut Bhawan, Janpath, Jaipur - 302 005.
5. Chairman, Ajmer Vidyut Vitran Nigam Limited,
Vidyut Bhawan, Panchsheel Nagar,
Makarwali Road, Ajmer – 305004
6. Chairman, Jodhpur Vidyut Vitran Nigam Limited,
New Power House, Industrial Area,
Jodhpur – 342003.
7. Principal Secretary (Power), Power Development Department,
Govt. of J&K Govt. of Jammu & Kashmir
SLDC Building, 1st Floor, Gladani Power House,
Narwal, Jammu
8. Chief Electrical Distribution Engineer,
North Central Railway Subedar Ganj, Allahabad
9. Chief Executive Officer, BSES Yamuna Power Limited,
2nd Floor, B Block, Shakti Kiran Bldg.,
Karkardooma, New Delhi – 110092
10. Chief Executive Officer, BSES Rajdhani Power Limited,
BSES Bhawan, 2nd Floor, B Block,
Nehru Place, New Delhi - 110 019
11. CEO & ED, TATA Power Delhi Distribution Limited,
NDPL House, Hudson Lines,
Kingsway Camp, Delhi - 110 009
12. Director (Commercial), New Delhi Municipal Corporation NDMC,
Palika Kendra, Sansad Marg,
New Delhi – 110 001
13. Superintending Engineer,
Electricity Wing of Engineering Dept.,
Union Territory of Chandigarh, Electricity OP Circle,
UT – Chandigarh
14. Executive Director (Commercial), Uttarakhand Power Corporation Limited,

UPCL, Urja Bhawan, Kanwali Road,
Balliwala Chowk, Dehradun-248001

15. Tata Power Green Energy Limited,
34, Sant Tukaram Road, Carnac Bunder,
Masjid Bunder (E), Mumbai -400009

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

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

...Respondents

The following were present:

Shri Prashant Kumar, PBTSL
Shri Abhijit Daimari, PBTSL
Shri Yatin Sharma, CTUIL
Shri Ranjeet Rajput, CTUIL

ORDER

The Petitioner, POWERGRID Bikaner Transmission System Limited, (in Short 'PBTSL'), has filed the present Petition under Section 14 and of the Electricity Act, 2003 (hereinafter referred to as 'the Act') read with the provisions of the Central Electricity Regulatory Commission (Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009 (hereinafter referred to as 'the Transmission Licence Regulations') for the grant of a separate transmission licence for the implementation of 1 no. of 220 kV line bay at 400/220 kV Bikaner-II PS for inter-connection of a solar project NHPC Limited), 2 nos. of 220 kV line bays at 400/220 kV Bikaner-II PS for inter-connection of RE power park of ALF Solar Amarsar Pvt. Ltd., and transmission system for evacuation of power from the Rajasthan REZ Ph IV (Part-1)

(Bikaner Complex) Part-E on Regulated Tariff Mechanism mode (hereinafter referred to as the 'transmission scheme/project'). The scope of the project for which a transmission licence has been sought is as under:

(a) Implementation of 1 no. of 220 kV line bay at 400/220 kV Bikaner-II PS for interconnection of the solar project (NHPC Ltd.):

S no	Scope of the Transmission Scheme	Capacity/km	Implementation timeframe
1	1 no. of 220 kV line bay at 400/220 kV Bikaner-II PS for interconnection of RE project (NHPC Ltd.)	<ul style="list-style-type: none"> 220 kV line bay – 1 no. (refer to note a) 	15 months from the issue of OM by CTUIL, i.e. 27.2.2024
2	Implementation of 220 kV bus sectionalizer along with bus coupler and transfer bus coupler at 400/220kV Bikaner-II PS	220kV bus sectionalizer bay - 1 Set 220 kV bus coupler bay -1 No. 220 kV transfer bus coupler bay - 1 No. Bus works for future bays (4 nos. of line bays & 3 nos. of ICT bays)	
Total Estimated Cost:			Rs.29.21 crore

Note:

a) At 220 kV Bikaner-II, future line bays in Section-C are proposed to be allocated to RE developers with bays in the developer's scope (no. 230-231) and ISTS scope (no. 26-227). Accordingly, 220 kV bus works may also be suitably taken up under the above scope.

(b) Implementation of 2 nos. of 220 kV line bays at 400/220 kV Bikaner-II PS for interconnection of RE power park of ALF Solar Amarsar Pvt. Ltd.:

Sl. No.	Scope of the Transmission Scheme	Capacity/km	Implementation timeframe
1.	2 no. of 220 kV line bays at 400/220 kV Bikaner-II PS for interconnection of RE power park of M/s ALF Solar Amarsar Pvt. Ltd.	<ul style="list-style-type: none"> 220 kV line bay – 2 nos. 	30.06.2024
Total Estimated Cost:			INR 11.68 Crore

(c) Transmission system for evacuation of power from the Rajasthan REZ Ph-IV (Part-1) (Bikaner Complex) - Part-E:

S. No	Scope of the Transmission Scheme	Capacity/km	Implementation timeframe
1.	Augmentation with 5X500 MVA, 400/220 kV ICTs at Bikaner-II PS	400/220 kV, 500 MVA ICT – 5 nos. 400 kV ICT bays – 5 nos. 220 kV ICT bays - 5 nos.	4x500MVA, 400/220kV ICTs: 31.12.2024 1x500MVA, 400/220kV ICT: 31.1.2025
Total Estimated Cost:			INR 368 Crore**

*** This inter-alia includes the cost of 02 other transmission assets being constructed by POWERGRID at Bikaner (PG) & Kotputli (PG) sub-stations.*

2. The Petitioner has submitted that subsequent to the filing of the Petition, Central Transmission Utility of India Limited (in short 'CTUIL') vide its OM dated 8.6.2023 has assigned the following another scope of work to the Petitioner under the RTM mode as under:

Augmentation of transformation capacity at 400/220 kV Bikaner-II PS by 400/220 kV, 1X500 MVA ICT (3rd):

S. No.	Scope of the Transmission Scheme	Capacity/km	Implementation timeframe
1.	Augmentation of transformation capacity at 400/220 kV Bikaner-II PS by 400/220 kV, 1X500 MVA ICT (3 rd) along with associated transformer bays* *1 no. of 400kV (AIS) (including associated tie bay) and 1 no. of 220 kV (AIS) transformer bay	500 MVA, 400/220 kV ICT – 1 no. 400 kV ICT bay (including associated tie bay) – 1 no. 220 kV ICT bays - 1 no.	18 months from the issue of OM by CTUIL, i.e. 7.12.2024
Total estimated cost:			Rs. 55.82 crore

3. Accordingly, the Petitioner has filed the revised Petition for the grant of a separate transmission licence for implementation of 1 no. of 220 kV line bay at 400/220 kV Bikaner-II PS for interconnection of solar project (NHPC Ltd.), implementation of 2 nos. of 220 kV line bays at 400/220 kV Bikaner-II PS for interconnection of RE power park of ALF Solar Amarsar Private Limited, Transmission system for evacuation of power from the Rajasthan REZ Ph IV (Part-1) (Bikaner Complex) Part-E, and Augmentation of transformation capacity at 400/220 kV Bikaner-II PS by 400/220 kV, 1 X 500 MVA ICT (3rd)” through Regulated Tariff Mechanism(RTM) mode.

4. The Petitioner in its revised Petition has made the following prayers:

“(a) Grant Transmission License to the Applicant for the transmission schemes, viz. *‘Implementation of 1 no. of 220 kV line bay at 400/220 kV Bikaner-II PS for interconnection of solar project (NHPC Ltd.)’, ‘Implementation of 2 nos. of 220 kV line bays at 400/220 kV Bikaner-II PS for interconnection of RE power park of ALF Solar Amarsar Pvt. Ltd.’, ‘Transmission system for evacuation of power from Rajasthan REZ Ph IV (Part-1) (Bikaner Complex) Part-E’ and ‘Augmentation of transformation capacity at 400/220 kV Bikaner-II PS by 400/220 kV, 1X500 MVA ICT (3rd)’* under RTM mode with detailed scope of works as per Para 4 and Para 4A above.

(b) *Allow the Applicant liberty to approach the Commission with actual cost for determination of transmission charges for the aforementioned additional scope of works in accordance with Sections 61, 62 of the Electricity Act, 2003 and as per Regulation - 8 (2) & 19 of the Transmission License Regulations.*

(c) *Condone any inadvertent omissions/ shortcomings/ errors and permit the Applicant to add/ modify/ alter this application and make further submissions as may be required at a future date*

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

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

Sr.	Name of the Transmission Element	Scheduled COD in months from Effective Date
1.	Establishment of 400 kV switching station at Bikaner –II PS with 420kV (2x125 MVAR) bus reactor 400 kV line bays – 4 nos. 125 MVar, 420 kV bus reactor - 2 nos. 400 kV bus reactor bay – 2 nos. 400 kV, 80MVar line reactor on each circuit at Bikaner –II end of Bikaner -II – Khetri 400 kV 2xD/c Line – 4 nos. Switching equipment for 400 kV switchable line reactor – 4 nos.	18 Months from Effective Date or June 2022, whichever is later*

Sr.	Name of the Transmission Element	Scheduled COD in months from Effective Date
	<u>Future provisions:</u> Space for 400/220 kV ICTs along with bays – 10 nos. 400 kV line bays – 6 nos. 220 kV line bays – 16 nos. 420 kV reactors along with bays – 2 nos. Suitable bus sectionaliser arrangement at 400 kV and 220 kV	
2.	Bikaner-II PS – Khetri 400 kV 2xD/c line (Twin HTLS* on M/c Tower)	
3.	1x80MVA Fixed Line reactor on each circuit at Khetri end of end of Bikaner-II – Khetri 400 kV 2xD/c Line - 4 nos.	
4.	4 nos. of 400 kV line bays at Khetri for Bikaner –II PS – Khetri 400kV 2xD/c line	
5.	Khetri- Bhiwadi 400 kV D/c line (Twin HTLS)*	
6.	2 nos. of 400 kV line bays at Khetri for Khetri - Bhiwadi 400kV D/c line	
7.	2 nos. of 400 kV(GIS) line bays at Bhiwadi for Khetri- Bhiwadi 400 kV D/c line	
8.	STATCOM at Bikaner-II S/s ± 300 MVA, 2x125 MVA MSC, 1x125 MVA MSR	

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

6. Subsequently, the Commission, vide its order dated 21.11.2022 in Petition No. 137/TL/2022, has granted a transmission licence to the Petitioner company for the implementation of the three transmission schemes through the 'Regulated Tariff Mechanism' assigned by the CTUIL in terms of the Office Memorandum issued by the Ministry of Power dated 28.10.2021 consisting of the following elements:

(a) Implementation of 220 kV bays for RE generators and 400/220kV ICTs at Bikaner-II PS

Sl. No.	Scope of the Transmission Scheme	Capacity	Implementation timeframe
1	2x500MVA, 400/220 kV ICT at Bikaner-II PS	400/220 kV, 500 MVA ICT - 2 nos. 400 kV ICT bays - 2 nos. 220 kV ICT bays - 2 nos. 220 kV ICT bays - 2 nos.	Both ICT – 24.11.2023
2	4 nos. 220 kV line bays	220 line bays – 4 nos.	1 no. of bay - 30.12.2023 1 no. of bay - 31.3.2024 2 no. of bays- 31.12.2023

(b) Implementation of 1 no. of 400 kV line bay at 400/220 kV Bikaner-II PS for interconnection of 1000 MW Solar Project of SJVN Ltd.

Sl. No.	Scope of the Transmission Scheme	Capacity/km	Implementation Timeframe
1.	1 no. of 400 kV line bay	400 kV line bay - 1 no.	1.10.2023

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

Sl. No.	Scope of the Transmission Scheme	Capacity/km	Implementation Timeframe
1.	2 nos. of 220 kV line bays	220 kV bay – 2 nos.	15 months from the issue of OM by CTUIL, i.e. 24.11.2023
2.	Implementation of 220 kV Bus Sectionalizer along with bus coupler and transfer bus coupler	220kV Bus Sectionalizer 220 kV Bus Coupler 220 kV Transfer Bus Coupler Bay - 1 no.	

7. The Petitioner has submitted that, upon grant of the transmission licence, the Petitioner shall have to implement the project under the RTM mode. The estimated cost of the Projects, namely, the Implementation of 1 no. of 220 kV line bay at 400/220 kV Bikaner-II PS for interconnection of solar project (NHPC Ltd.) as per CTUIL OM dated 27.11.2022 is Rs. 29.21 crore, Implementation of the 2 nos. of 220 kV line bays at 400/220 kV Bikaner-II PS for interconnection of RE power park of ALF Solar Amarsar Private Limited as per CTUIL OM dated 17.01.2023 is Rs. 11.68 crore, and the Transmission system for evacuation of power from Rajasthan REZ Ph IV (Part-1) (Bikaner Complex) Part-E is Rs. 368 crore as per NCT letter dated 15.11.2022, which *inter-alia* includes the cost of 2 other transmission assets being constructed by POWERGRID at Bikaner (PG) & Kotputli (PG) sub-stations. The estimated cost of the augmentation of transformation capacity at 400/220 kV Bikaner-II PS by 400/220 kV, 1X500 MVA ICT (3rd) as per CTUIL OM dated 8.6.2023 is Rs. 55.82 crore.

8. The Petitioner has submitted that on completion of the implementation of 1 no. of 220 kV line bay at 400/220 kV Bikaner-II PS for interconnection of solar project (M/s NHPC Ltd.), implementation of 2 nos. of 220 kV line bays at 400/220 kV Bikaner-II PS for interconnection of RE power park of ALF Solar Amarsar Private Limited, Transmission system for evacuation of power from Rajasthan REZ Ph IV (Part-1) (Bikaner Complex) Part-E, and Augmentation of transformation capacity at 400/220 kV Bikaner-II PS by 400/220 kV, 1X500 MVA ICT (3rd) schemes, it was decided that the Petitioner shall have to approach the Commission with the actual cost incurred for determination of the transmission charges in accordance with Sections 61, 62 of the Act and Tariff Regulations in vogue as per Regulation 8 (2) of the Transmission Licence

Regulations.

Hearing dated 31.7.2023

9. During the course of the hearing, the representative of the Petitioner submitted that CTUIL, vide its OMs dated 28.11.2022, 17.1.2023 and 16.2.2023 has nominated the Petitioner to implement the above elements on an RTM basis. He further added that the Petitioner has also filed an amended Petition revising the scope of work.

10. In response to the specific query of the Commission regarding the concerned authority for nominating an implementing agency in respect of element at Sr. (iii) above, which has a project cost of approximately Rs. 368 crore, the representative of CTUIL clarified that the appointment of the Petitioner as implementing agency for the said element has been approved by the NCT in its 11th meetings held on 28.12.2012 and 17.1.2023 and placed reliance on the CEA's letter dated 16.2.2023 in this regard.

11. The Commission observed that keeping in view that, the Petitioner has already been issued a separate licence for implementing certain elements on an RTM basis pursuant to the Commission's order dated 21.11.2022 in Petition No.137/TL/2022, the Petitioner and CTUIL may also furnish their comments/suggestions as to whether the concerned elements (as noted in para 1) should be added/included in the existing RTM elements based transmission licence or should there be a separate transmission licence for these elements.

12. Notices were issued to the Respondent to file their replies. However, no reply has been received from them.

13. The Petitioner, vide the Record of Proceedings for the hearing dated 31.7.2023, was directed to submit the following information:

(i) Status of implementation of the Transmission schemes being implemented by the Petitioner in TBCB mode and RTM mode for which the transmission license has been granted in Petition No. 99/TL/2021 and 137/TL/2022.

(ii) Copy of the Form inviting comments from the general public that have been posted on Petitioner's website along with the date of posting in compliance with the Transmission License Regulations, 2009, read with the Commission Order in 1/SM/2022.

(e) CTUIL is directed to submit its recommendation within a week for the transmission scheme awarded to the Petitioner vide CTUIL OM dated 08.06.2023, which is "Augmentation of transformation capacity at 400/220 kV Bikaner-II PS by 400/220 kV, 1X500 MVA ICT (3rd)", covered in the instant Petition.

14. The Petitioner, vide its affidavit dated 11.8.2023, has submitted as under:

(a) Keeping in view the target of the addition of 500 GW RE capacity by 2030 as envisaged by the Government of India, different pockets in India have been identified as potential RE zones and the capacity addition is being planned progressively by the RE generators in those areas. For the integration of this huge quantum of RE power in the national grid, comprehensive transmission planning is being done, and various augmentations are expected in the transmission schemes (already implemented/ to be implemented) within the RE corridor in the near future. It is anticipated that many projects built under the TBCB mode are likely to involve augmentation works, which may be nominated by the CTUIL/NCT/

MoP to the existing transmission licensee(s) for the implementation of such works under the RTM mode. This may lead to a scenario where a TBCB licensee will be required to implement multiple RTM works in different time frames subsequent to the grant of the initial RTM licence, as in the present matter, and it may result in regulatory overburden since the process of obtaining numerous RTM licences for the same TBCB company will be time-consuming and repetitive in nature for the licensee as well as the Commission. Further, it will also require multiple actions/regulatory compliances subsequently, viz. filing of the Petitions for the determination of tariff, licence renewal after its expiry, payment of license fee, etc. Therefore, it was opined that issuance of one combined RTM license for a TBCB licensee may be considered by the Commission by adding all the RTM works assigned through amendment/modification as required in future instead of issuing separate licences for each RTM work. Thus, it is proposed that in the subject matter, the concerned elements may be added/ included in the existing transmission licence of PBTSL (granted in Petition No. 137/TL/2022) for RTM elements in order to ease regulatory and procedural aspects.

(b) The status of the implementation of transmission schemes by PBTSL as on 8.8.2023 is as under:

Sr.	Name of the Transmission Element	Scheduled COD in months from Effective Date	Status as on 8.8.2023
1.	Establishment of 400 kV switching station at Bikaner –II PS with 420kV (2x125 MVAR) bus reactor 400 kV line bays – 4 nos. 125 MVAR, 420 kV bus reactor - 2 nos. 400 kV bus reactor bay – 2 nos. 400 kV, 80MVAR line reactor on each circuit at Bikaner –II end of Bikaner -II – Khetri 400 kV 2xD/c Line – 4 nos.	18 months from effective date or June 2022,	Commissioned in July, 2023

Sr.	Name of the Transmission Element	Scheduled COD in months from Effective Date	Status as on 8.8.2023
	Switching equipment for 400 kV switchable line reactor – 4 nos. <u>Future provisions:</u> Space for 400/220 kV ICTs along with bays – 10 nos. 400 kV line bays – 6 nos. 220 kV line bays – 16 nos. 420 kV reactors along with bays – 2 nos. Suitable bus sectionaliser arrangement at 400 kV and 220 kV	whichever is later	
2.	Bikaner-II PS – Khetri 400 kV 2xD/c line (Twin HTLS* on M/c Tower)		
3.	1x80MVAr Fixed Line reactor on each circuit at Khetri end of end of Bikaner-II – Khetri 400 kV 2xD/c Line - 4 nos.		
4.	4 nos. of 400 kV line bays at Khetri for Bikaner –II PS – Khetri 400kV 2xD/c line		
5.	Khetri- Bhiwadi 400 kV D/c line (Twin HTLS)*		
6.	2 nos. of 400 kV line bays at Khetri for Khetri - Bhiwadi 400kV D/c line		
7.	2 nos. of 400 kV(GIS) line bays at Bhiwadi for Khetri- Bhiwadi 400 kV D/c line		
8.	STATCOM at Bikaner-II S/s ± 300 MVAr, 2x125 MVAr MSC, 1x125 MVAr MSR		

(c) Status of assets mentioned in Petition No.137/TL/2022

(i) Implementation of 220 kV bays for RE generators and 400/220kV ICTs at Bikaner-II PS

S. No.	Scope of the Transmission Scheme	Capacity	Implementati on timeframe	Implementation status as per investment approval
1	2x500MVA, 400/220 kV ICT at Bikaner-II PS	400/220 kV, 500 MVA ICT - 2 nos. 400 kV ICT bays - 2 nos. 220 kV ICT bays - 2 nos. 220 kV ICT bays - 2 nos.	Both ICT- 24.11.2023	ICT-I: under implementation ICT-II :Completion by September, 2023 Completion by November 2023
2	4 nos. 220 kV line bays	221 line bays 4 nos.	30.12.2023 31.3.2024 No change	Under Implementation. Completion by September, 2023. Completion by November, 2023. Completion by December, 2023

(ii) Implementation of 1 no. of 400 kV line bay at 400/220 kV Bikaner-II PS for interconnection of 1000 MW Solar Project of SJVN Ltd.

Sl. No.	Scope of the Transmission Scheme	Capacity/km	Implementation Timeframe	Implementation status as per investment approval
1.	1 no. of 400 kV line bay	400 kV line bay - 1 no.	1.10.2023	Under Implementation. Completion by October, 2023

(iii) Implementation of 2 nos. of 220 kV line bays at 400/220 kV Bikaner-II PS for interconnection of solar projects (ACME Solar Holdings Pvt. Ltd., Prerak Greentech Pvt. Ltd.)

SI No.	Scope of the Transmission Scheme	Capacity/km	Implementation Timeframe	Implementation status as per investment approval
1.	2 nos. of 220 kV line bays	220 kV bay – 2 nos.	15 months from the issue of OM by CTUIL, i.e. 24.11.2023	Under implementation. Completion by November, 2023
2.	Implementation of 220 kV Bus Sectionalizer along with bus coupler and transfer bus coupler	220kV Bus Sectionalizer 220 kV Bus Coupler 220 kV Transfer Bus Coupler Bay - 1 no.		

(c) A copy of Form-II posted on 17.7.2023 on the website of PGCIL inviting comments from the general public has been placed on record.

15. CTUIL, vide its affidavit dated 21.8.2023, has submitted that the Petitioner has approached the Commission for the grant of a licence for the implementation of RTM-based elements and that the pre-existing licence granted to the Petitioner *vide* order dated 21.11.2022 in Petition No. 137/TL/2022 is also for RTM-based elements. There does not appear to be any legal bar on combining the new RTM-based elements under the existing RTM elements-based transmission licence granted *vide* order dated

21.11.2022 in Petition No. 137/TL/2022. Therefore, the Commission may issue appropriate order(s)/direction(s) in this regard.

Hearing dated 12.9.2023

16. During the course of the hearing, the representative of the Petitioner has submitted that the Petitioner has submitted the information called for vide Record of Proceedings for the hearing on 31.7.2023. The representative of CTUIL has submitted that CTUIL has already recommended the grant of a transmission licence to the Petitioner company on RTM mode.

Analysis and Decision

17. We have considered the submissions of the Petitioner and CTUIL. The Petitioner has filed the present Petition for the grant of a separate transmission licence for the 'Implementation of 1 no. of 220 kV line bay at 400/220 kV Bikaner-II PS for interconnection of solar project (NHPC Ltd.), 'Implementation of 2 nos. of 220 kV line bays at 400/220 kV Bikaner-II PS for interconnection of RE power park of ALF Solar Amarsar Pvt. Ltd.', 'Transmission system for evacuation of power from Rajasthan REZ Ph IV (Part-1) (Bikaner Complex) Part-E', and 'Augmentation of transformation capacity at 400/220 kV Bikaner-II PS by 400/220 kV, 1X500 MVA ICT (3rd)' on the RTM mode.

18. The Ministry of Power, Government of India, vide its letter dated 28.10.2021, issued terms of reference to the NCT and, *inter alia*, directed that the NCT will approve the ISTS costing between Rs.100 crore and Rs. 500 crore or such limit as prescribed by the Ministry of Power from time to time, along with their mode of implementation under intimation to the Ministry of Power. The Ministry of Power further directed that ISTS

costing less than or equal to Rs. 100 crore, or such limit as prescribed by the Ministry of Power from time to time, will be approved by the Central Transmission Utility of India Limited (CTUIL) along with the mode of implementation under intimation to the NCT and the Ministry of Power, Government of India. The relevant portion of the said order dated 28.10.2021 is extracted as under:

“2. Terms of Reference (ToR) of the NCT are as under:

*j. ******

VIII. The NCT shall recommend to Ministry of Power (MoP) for implementation of the ISTS for projects with cost more than Rs 500 crore, along with their mode of implementation i.e. Tariff Based Competitive Bidding (TBCB) / Regulated Tariff Mechanism (RTM), as per the existing Tariff Policy. However, the NCT shall approve the ISTS costing between Rs100 crore to Rs.500 crore or such limit as prescribed by MoP from time to time, along with their mode of implementation under intimation to MoP. The ISTS costing less than or equal to Rs. 100 crores, or such limit as prescribed by MoP from time to time, will be approved by the CTU along with their mode of implementation under intimation to the NCT and MoP. After approval of the ISTS by the NCT or the CTU (as the case may be), the TBCB project shall be allocated to Bid Process Coordinators through Gazette Notification, while the RTM project shall be allocated to CTU.”

19. Based on the above, CTUIL, vide its Office Memorandum dated 28.1.2022 and 17.1.2023, approved the implementation of 1 no. of 220 kV line bay at 400/220 kV Bikaner-II PS for interconnection of solar project (NHPC Ltd.)’, and ‘2 nos. of 220 kV line bays at 400/220 kV Bikaner-II PS for interconnection of RE power park of ALF Solar Amarsar Pvt. Ltd.’ respectively on RTM mode along with identifying the implementing agency and also addressing the same to the Ministry of Power, Government of India, and NCT. The relevant portion of the said Office Memorandum dated 28.11.2022 is extracted as under:

“Sub: Inter-State Transmission Schemes (costing up to Rs. 100 Cr.) to be taken up for implementation under Regulated Tariff Mechanism (RTM).”

The undersigned is directed to inform that CTU has approved the implementation of the following ISTS costing less than or equal to Rs. 100 Cr. in line with the MoP office order dated 28.10.2021 under the Regulated Tariff Mechanism (RTM) mode by the implementing agencies as indicated in the table below:-

Sr. No.	Name of Scheme	Implementing Agency
9.	Implementation of 1 no. of 220 kV line bay at 400/220 kV Bikaner-II PS for interconnection of solar projects (M/s NHPC Ltd.)	POWERGRID Bikaner Transmission System Ltd. (a subsidiary of Power Grid Corporation of India Ltd.) (erstwhile known as Bikaner-II Bhiwadi Transco Ltd.)

20. The relevant portion of the Office Memorandum dated 17.1.2023 is extracted as under:

“Sub: Inter-State Transmission Schemes (costing up to Rs. 100 Cr.) to be taken up for implementation under Regulated Tariff Mechanism (RTM).”

The undersigned is directed to inform that CTU has approved the implementation of the following ISTS costing less than or equal to Rs. 100 Cr. in line with the MoP office order dated 28.10.2021 under the Regulated Tariff Mechanism (RTM) mode by the implementing agencies as indicated in the table below:-

Sr. No.	Name of Scheme	Implementing Agency
Northern Region		
2.	Implementation of 2 no. of 220 kV line bays at 400/220 kV Bikaner-II PS for interconnection of RE power park of M/s ALF Solar Amarsar Pvt. Ltd.	POWERGRID Bikaner Transmission System Ltd. (a subsidiary of Power Grid Corporation of India Ltd.)

Implementing agencies shall enter into a concession agreement with CTU for the implementation of the above-mentioned schemes through the Regulated Tariff Mechanism (RTM).

This issues with the approval of Competent Authority.”

21. NCT, vide its letter dated 15.11.2023, approved the transmission system for evacuation of power from Rajasthan REZ Ph-IV (Part-1) Bikaner complex-Part-E, which was further modified vide letter dated 16.2.2023. Relevant portions of the NCT letter dated 16.2.2023 are extracted as under:

“The undersigned is directed to inform that NCT has approved implementation of the following ISTS Transmission Scheme (costing greater than Rs. 100 crore and upto Rs. 500 crore) in its 9th meeting held on 28.9.2022, in line with MoP office order dated 28.10.2021, to be implemented through Regulated Tariff Mechanism (RTM) route by agency as indicated below:

5.	Transmission system for evacuation of power from Rajasthan REZ Ph-IV (Part-1) (Bikaner Complex)- Part E	<p>i) Augmentation by 765/400kV, 1x1500 MVA ICT (4th) at Bikaner (PG)</p> <ul style="list-style-type: none"> ● 765/400kV, 1500 MVA ICT – 1 no. ● 765 kV ICT bay – 1 nos. ● 400 kV ICT bay – 1 nos. <p>With implementation timeframe of 18 months from date of issue of this letter</p> <p>ii) Augmentation by 400/220kV, 1x1500 MVA ICT (3rd) at Kotputli (PG)</p> <ul style="list-style-type: none"> ● 400/220 kV, 500 MVA ICT-1 nos. ● 400 kV ICT bay – 1 nos. ● 220 kV ICT bay – 1 nos. <p>With implementation timeframe of 18 months from date of issue of this letter [matching with Transmission system for evacuation of power from Rajasthan REZ Ph-IV (Part-1) (Bikaner Complex)-Part-B]</p> <p>iii) Augmentation by 400/220 kV, 5X500 MVA ICT at Bikaner-II PS</p> <ul style="list-style-type: none"> ● 400/220 kV, 500 MVA ICT- 5 nos. ● 400 kV ICT bays – 5 nos. ● 220 kV ICT bays- 5 nos. <p>Augmentation with 400/220 kV, 5X500 MVA ICT at Bikaner-II PS to be taken up for evacuation requirement beyond 2000 MW at 220 kV level of Bikaner-II Ps, with implementation timeframe matching with schedule of RE generation or 18 months from date of allocation, whichever is later.</p>	368 crore
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22. Further, CTUIL, vide its Office Memorandum dated 8.6.2023 approved the implementation of an augmentation of transformation capacity at 400/220 kV Bikaner-II PS by 400/220 kV and 1X500 MVA ICT (3rd) on the RTM mode. Relevant portions of the Office Memorandum dated 8.6.2023 are extracted as under:

“Sub: Inter-State Transmission Schemes (costing up to Rs. 100 Cr.) to be taken up for implementation under Regulated Tariff Mechanism (RTM).

The undersigned is directed to inform that CTU has approved the implementation of the following ISTS costing less than or equal to Rs. 100 Cr. in line with the MoP office order dated 28.10.2021 under the Regulated Tariff Mechanism (RTM) mode by the implementing agencies as indicated in the table below:

Sr. No.	Name of Transmission Scheme	Implementing Agency
2.	Augmentation of transformation capacity at 400/220 kV Naiagarh S/s by 400/220 kV, 1X500 MVA ICT (4 th)	Power Grid Corporation of India Limited
3.	Augmentation of transformation capacity at 400/220 kV Bikaner-II PS by 400/220 kV, 1X500 MVA ICT (3 rd)	POWERGRID Bikaner Transmission System Ltd. (a subsidiary of Power Grid Corporation of India Ltd.)

23. 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 company has been incorporated under the Companies Act, 2013 and is already a transmission licensee. 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”

24. 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 Clauses (4), (7), (9) and (12) and dispensed with Clause (10) of Regulation 7], provides for the procedure for the grant of a transmission licence as under:

“(1) The application for grant of 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.

25. The Petitioner has filed the present Petition for the grant of a transmission licence in accordance with the Transmission Licence Regulations. The Petitioner has submitted proof of web posting of the complete application. On perusal of the application, it is also noted that the Petitioner has served a copy of the application on the LTTCs for the Project.

26. The Petitioner has made the application as per Form-I prescribed in the Transmission Licence Regulations. The Petitioner posted its application on its website in Form-II on 17.7.2023 in English and Hindi. It has been submitted by the Petitioner that no objection has been received in response to the public notices.

27. The Petitioner has served a copy of the application on CTUIL as required under Section 15(3) of the Act and Regulation 7(6) of the Transmission Licence Regulations. CTUIL, vide its letters dated 21.6.2023 and 22.8.2023, has recommended the grant of a transmission licence to the Petitioner. The relevant portions of the said letter dated 21.6.2023 are extracted as under:

“Keeping above in view, in line with Section 15 (4) of Electricity Act, 2003 and details furnished by M/s PBTSL, CTU recommends grant of separate Transmission License to M/s PBTSL for implementation of 220kV bays (3 nos.) for interconnection of RE generators along with Bus sectionlizer bay, bus coupler bay (BC), transfer bus coupler bay (TBC) & Bus extension works for future bays and 5x500MVA, 400/220kV ICTs at Bikaner-II Pooling Station through RTM route.”

The relevant portions of the said letter dated 22.8.2023 are extracted as under:

This is with reference to Petition No. 181/TL/2023 filed by M/s PBTSL before Commission for grant of separate Transmission License to facilitate implementation of 220kV bays (3 nos.) for RE generators and 400/220kV ICTs (6 nos.) at Bikaner-II Pooling Station. In this regard, it is to mention that CTU vide its letter dated 21.06.2023 had recommended

implementation of all the above elements except 1x500MVA, 400/220kV ICT (3'd) at Bikaner- II Pooling Station as it was not covered by petitioner in the petition at the time of filing. Copy of letter dated 21.06.2023 is attached at Annexure-I. Subsequently, Petitioner vide additional affidavit dated 11.07.2023 included 1x500MVA 400/220kV ICT (3rd) at Bikaner-II PS in the present petition. In this regard, following is submitted:

- As on date 4785MW Stage-II Connectivity is granted at Bikaner-II PS out of which 3785MW is at 220kV level. Further, all Stage-II Grantees at Bikaner-II PS have opted for transition under Connectivity and GNA Regulations, 2022. Accordingly, for power evacuation, minimum 8x500MVA, 400/220kV ICTs are required at Bikaner-II PS. 2x500MVA, 400/220kV ICTs at Bikaner-II PS are under implementation and 5x500MVA, 400/220kV ICTs (4th to 8th) are already allocated to M/s PBTSL vide CTU letter dated 16.02.2023 as per NCT letter dated 16.02.2023.
- As per Ministry of Power, Govt. of India vide office order dated 28/10/2021, responsibility for approval of ISTS transmission projects costing (up to Rs. 100 Cr) along with their mode of implementation was entrusted to CTUIL. In line with above notification and to fulfil the minimum requirement for power evacuation at Bikaner-II PS, CTU vide its OM dated 08.06.2023 has allocated "Augmentation of transformation capacity at 400/220kV Bikaner-II PS by 400/220kV, 1x500MVA ICT (3rd)" to M/s PBTSL with implementation time as 18 months from issue of above OM i.e., 07.12.2024. Copy of CTU OM dated 08.06.2023 is attached at Annexure-II. With this ICT, summary of various works covered in present petition is as below:

Sr. No.	OM Date	Scope	Implementation Timeframe	Remarks
1.	28.11.2022*	<ul style="list-style-type: none"> • 1 no. of 220kV line bay at 400/220kV Bikaner-II PS for interconnection of RE project (NHPC Ltd.) • Implementation of 220kV bus sectionalizer along with bus coupler and transfer bus coupler bay at 400/220kV Bikaner-II PS 	15 months from the issue of OM by CTUIL i.e. 27.2.2024	
2.	17.1.2023	<ul style="list-style-type: none"> • 2 nos. of 220kV line bays at 400/220kV Bikaner-II PS for interconnection of RE Power Park of M/s ALF Solar 	30.06.2024	Recommendation already submitted vide letter dated

		<i>Amarsar Pvt. Ltd</i>		21.6.2023
3.	15.11.2022 & 16.2.2023 (Schedule confirmation vide email dated 13.6.2023)	<ul style="list-style-type: none"> Augmentation by 400/220 kV, 5x500 MVA ICT at Bikaner-II PS 	4X500 MVA, 400/220 kV ICTS (4 th to 7 th): 31/12/2024 1X500 MVA 400/220 kV ICT(8 th): 31.1.2025	
4.	8.6.2023**	<ul style="list-style-type: none"> Augmentation of transformation capacity at 400/220 kV Bikaner-II PS by 400/220kV, 1x500 MVA ICT (3rd) 	18 months from the issue of OM by CTUIL	

**Bus works for future bays (4 nos. of line bays & 3 nos. ICT bays) were also awarded to M/s PBTSL to facilitate connectivity to various other RE developers vide this OM.*

***1 no. of 400kV tie bay is also to be implemented along with this scope*

- Earlier MIs PBTSL was granted ISTS Transmission License for implementation of "Transmission System Strengthening Scheme for evacuation of power from Solar Energy Zones in Rajasthan (8.1GW) under Phase-II Part-F" and "Implementation of 220kV bays for RE generators and 400/220kV ICTs at Bikaner-II PS" by Hon'ble Commission in Petition No. 99/TL/2021 and 137/TL/2022 respectively.*

Keeping above in view, in line with Section 15 (4) of Electricity Act, 2003 and details furnished by M/s PBTSL, CTU recommends grant of separate Transmission License to M/s PBTSL for implementation of "Augmentation of transformation capacity at 400/220kV Bikaner-II PS by 400/220kV, 1x500MVA ICT (3rd)" in addition to recommendation for other elements vide letter dated 2. 06.2023 through RTM route."*

28. We have considered the submissions of the Petitioner and CTUIL. The Petitioner has filed the present Petition for the issuance of a separate transmission licence for the implementation of the 1 no. of 220 kV line bay at 400/220 kV Bikaner-II PS for interconnection of solar project (NHPC Ltd.), implementation of 2 nos. of 220 kV line bays at 400/220 kV Bikaner-II PS for interconnection of RE power park of ALF Solar Amarsar Pvt. Ltd. 'Transmission system for evacuation of power from Rajasthan REZ

Ph IV (Part-1) (Bikaner Complex) Part-E, and 'augmentation of transformation capacity at 400/220 kV Bikaner-II PS by 400/220 kV, 1X500 MVA ICT (3rd) on the Regulated Tariff Mechanism (RTM) mode.

29. Section 14 of the Act provides that the Appropriate Commission may, on an application made to it under Section 15, grant a licence to any person to transmit electricity as a transmission licensee in any area as may be specified in the licence. Section 16 of the Act provides that the Appropriate Commission may specify any general or specific conditions which shall apply either to a licensee or a class of licensees, and such conditions shall be deemed to be conditions of such licence. The Commission has specified the Transmission Licence Regulations. Regulation 6 of the said Regulation lays down the eligibility criteria for the grant of a transmission licence as under:

"6. Eligibility for Grant of licence:

(a) No person shall be eligible for grant of licence unless it is—(a) selected through the process under the guidelines for competitive bidding, or

(b) a State owned or controlled company identified as a project developer on or before 5.1.2011, or

(c) a generating company which has established the dedicated transmission line, and intends to use such dedicated transmission line as the main transmission line and part of the inter-State transmission system."

30. In the present case, the Petitioner does not fulfil any of the eligibility conditions for the grant of a transmission licence. However, in the 6th meeting of the National Committee on Transmission, it was indicated that, as per the revised Terms of Reference issued by the Ministry of Power, Government of India, ISTS projects costing up to Rs. 100 crore or such limit as may be prescribed by the Ministry of Power from

time to time would be approved by CTUIL, including its mode of implementation. The scheme has been identified for implementation through RTM mode by CTUIL. The non-grant of a transmission licence to any agency nominated by NCT to implement a transmission scheme through a regulated tariff mechanism in view of the provisions of Regulation 6 defeats the purpose of the Policy decision of the Government. We are of the view that, considering the strategic importance of the transmission line, it is a fit case for a relaxation of the provisions of Regulation 6 by invoking the power vested under Regulation 24 of the Transmission Licence Regulations.

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

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

32. It is an established principle of law that the power to relax has to be strictly construed and is to be exercised judiciously and with caution. Further, the power to relax is to be exercised only when undue hardship is caused by the application of the rules or regulations. In the present case, the Petitioner is a transmission licensee who is already implementing the project defined under its scope through the TBCB mechanism. The present Petition is consequent to the office order 28.10.2021 notified by the Ministry of Power, Government of India, wherein CTUIL has been authorized to determine the mode of implementation of ISTS projects less than or equal to Rs.100 crore.

33. Since the Petitioner is already an inter-State transmission licensee and has been identified as an agency to implement the project as per RTM, the Commission, in the exercise of power under Regulation 24, hereby relaxes the provision of Regulation 6 of the Transmission Licence Regulations and holds that the Petitioner is eligible for the grant of a transmission licence. We, hereby, direct that a public notice under clause (a) of sub-section (5) of Section 15 of the Act be published to invite suggestions or objections to grant a transmission licence aforesaid. The objections or suggestions, if any, shall be filed by any person before the Commission, by **22.11.2023**.

34. With regard to the issue whether the concerned elements (as noted in para 1) should be added/ included in the existing RTM elements-based transmission licence or should there be a separate transmission licence for these elements, the Petitioner and CTUIL have agreed to the inclusion of the present elements in the existing RTM elements-based transmission licence, and a decision in this regard shall be taken on the next date of the hearing.

35. The Petition shall be listed for hearing on **28.11.2023**.

Sd/-
(P.K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(I.S. Jha)
Member

sd/-
(Jishnu Barua)
Chairperson