

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 229/TL/2023**

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

**Date of order: 1<sup>st</sup> November, 2023**

**In the matter of:**

Application under Sections 14, 15, 79(1)(e) 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 seeking Transmission License for NRSS XXIX Transmission Limited for the Transmission Project to be constructed through regulated tariff mechanism (RTM).

**And  
In the matter of**

**NRSS XXIX Transmission Limited,**  
Windsor, 1st Floor, Unit No. 101,  
Kalina, Santacruz East-400 098,  
Mumbai, Maharashtra

**...Petitioner**

**Vs**

- 1. Central Transmission Utility of India Limited,**  
CTU-Planning (1st Floor-A Wing), Saudamini,  
Plot No. – 2, Sector- 29,  
Near IFFCO Chowk Metro Station,  
Gurgaon-122 001
- 2. Haryana Power Purchase Centre,**  
Shakti Bhawan, Energy Exchange  
Room No 446, Top Floor, Sector-6,  
Panchkula-134109, Haryana
- 3. Punjab State Power Corporation Limited,**  
Shed No T-1-A, Thermal Design,  
Near 22 No. Phatak,  
Patiala, Punjab

**4. Himachal Sorang Power Private Limited,**  
D-7, Sector-1, Lane-1, 2nd Floor  
New Shimla, Shimla-171009  
Himachal Pradesh

**5. Adani Power Limited,**  
3th Floor, Achalraj,  
Opposite Mayors Bungalow  
Law garden, Ahmedabad-380006, Gujarat

**6. Jaipur Vidyut Vitran Nigam Limited,**  
Vidyut Bhawan, Janpath  
Jaipur-302005, Rajasthan

**7. Ajmer Vidyut Vitran Nigam Limited,**  
Old Power House, Hathi Bhata  
Jaipur Road, Ajmer, Rajasthan

**8. Jodhpur Vidyut Vitran Nigam Limited,**  
400 kV, GSS Building,  
Ajmer Road, Heerapur,  
Jodhpur, Rajasthan

**9. Lanco Anpara Limited,**  
Plot No 397, Udyog Vihar,  
Phase-3, Gurgaon-122016,  
Haryana

**10. Power Development Department,**  
Govt. of Jammu & Kashmir,  
SLDC Building, 1st Floor,  
Gladani Power House,  
Narwal, Jammu, Jammu & Kashmir

**11. Lanco Green Power Private Limited,**  
Plot No 397, Udyog Vihar,  
Phase- III, Gurgaon-122016, Haryana

**12. North Central Railway,**  
DRM Office, Nawab Yusuf Road,  
Allahabad, Uttar Pradesh

**13. Ad Hydro Power Limited,**  
Bhilwara Towers,  
A-12, Sec-1, Noida-201301, Uttar Pradesh

- 14. Jaiprakash Power Ventures Limited,**  
A Block, Sector-128, Noida-201304  
Uttar Pradesh
- 15. BSES Yamuna Power Limited,**  
2nd Floor, B Block,  
Shakti Kiran Building (Near Karkardooma Court),  
New Delhi
- 16. BSES Rajdhani Power Limited,**  
BSES Bhawan, 2nd Floor,  
B Block, Behind Nehru Place Bus Terminal,  
Nehru Place, New Delhi-110019
- 17. Tata Power Delhi Distribution Limited,**  
33 V sub-station Building,  
Hudson Lane, Kingsway Camp,  
New Delhi-110019
- 18. New Delhi Municipal Corporation,**  
Palika Kendra, Sansad Marg,  
New Delhi-110 001
- 19. Electricity Wind of Engineering Department,**  
Union Territory of Chandigarh  
Div-11, Opposite Transport Nagar  
Industrial Phase-1 Chandigarh
- 20. Power Grid Corporation of India Limited,**  
B-9, Qutab Institutional Area,  
Katwaria Sarai, New Delhi-110016
- 21. Uttar Pradesh Power Corporation Limited,**  
14<sup>th</sup> Floor, Shakti Bhawan,  
Ext Building, 14, Ashok Marg,  
Lucknow, Uttar Pradesh
- 22. PTC India Limited,**  
2<sup>nd</sup> Floor, NBCC Tower,  
15, Bhikaji Cama Place, New Delhi-110066
- 23. Uttarakhand Power Corporation Limited,**  
Urja Bhawan, Kanwali Road,  
Near Balli Wala Chowk,  
Dehradun, Uttaranchal

**24. Himachal Pradesh State Electricity Board,**  
Vidyut Bhawan, Kumar House Complex,  
Building No. 11, Shimla, Himachal Pradesh

**25. PTC (Everest), PTC India Limited,**  
2<sup>nd</sup> Floor, NBCC Tower 15,  
Bhikaji Cama Place, New Delhi-110066

...Respondents

**The following were present:**

Ms. Aparajita Upadhyay, Advocate, NRSS XXIX  
Shri Saurav Kumar Jha, NRSS XXIX  
Ms. Muskan Agarwal, CTUIL  
Ms. Ankita Singh, CTUIL  
Shri Ranjeet Rajput, CTUIL  
Shri Swapnil Verma, CTUIL

**ORDER**

The Petitioner, NRSS XXIX Transmission Limited ( in Short 'NTL'), has filed the present Petition under Sections 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 "Augmentation of transformation capacity at Amargarh (GIS) S/s by 1x315 MVA, 400/220 kV ICT (3<sup>rd</sup>)" on the Regulated Tariff Mechanism (RTM) 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:

Sl. No.	Scope of Transmission Scheme	Capacity/km	Implementation timeframe
1	Augmentation of transformation capacity at Amargarh (GIS) S/s by 1x315MVA	• 315 MVA, 400/220 kV ICT- 1 no. (three nos. single phase units of 105 MVA)	21 months from the issue of OM by CTUIL

	400/220 kV ICT (3 <sup>rd</sup> ) (three single phase units of 105MVA) along with associated transformer bays*  *along with GIB (220kV & 245 1-ph indoor and outdoor GIB).	<ul style="list-style-type: none"> <li>• 400 kV ICT bay (GIS)- 1no. + 1no. additional bay for diameter completion (refer note 2)</li> <li>• 220 kV ICT bay (GIS)- 1no.</li> </ul>	
<b>Total estimated cost:</b>			<b>Rs. 82.04 crore</b>

2. NRSS XXIX was incorporated as a Special Purpose Vehicle (SPV) by RECTPCL as part of the Tariff Based Competitive Bidding ('TBCB') process for the implementation of the "Northern Region System Strengthening Scheme NRSS-XXIX" on a Build, Own, Operate, and Maintain (BOOM) basis. Sterlite Grid Limited (SGL) participated in the competitive bidding process conducted by RECTPCL and upon emerging as the successful bidder, a Letter of Intent (LoI) was issued to SGL by RECTPCL, on 23.5.2014. In accordance with the bidding documents, SGL acquired 100% of the shareholding in NTL by executing a Share Purchase Agreement with RECTPCL on 4.8.2014. NTL entered into a Transmission Service Agreement (TSA) with the LTTCs on 12.5.2014. The Commission, in its order dated 15.10.2014, in Petition No. 221/TL/2014, granted the transmission licence to NTL to establish the transmission scheme for "Northern Region System Strengthening Scheme NRSS-XXIX " on a BOOM basis consisting of the following elements:

SI. No.	Scope of Transmission Scheme
1.	Jullandhar- Samba 400 kV D/C
2.	LILO of both circuits of Uri-Wagoora 400 kV D/C line at Amargarh (on multi-circuit towers)
3.	Samba -Amargarh 400 kV D/c routed through Akhnoor/ Rajouri

4.	<p>II. Sub-station Establishment of 7x105 MVA (1 ph units), with 400/220 kV GIS sub-station at Amargarh</p> <p>400 kV</p> <ul style="list-style-type: none"> <li>- Line Bays: 6 No.</li> <li>- 400/220 kV ICT: 7 x 105 (1-ph Units)</li> <li>- ICT bays: 2 no.</li> <li>- Line Reactor (50 MVAR): 2 no. (for Amargarh Lines)</li> <li>- Bus Reactor (63 MVAR): 2 no.</li> <li>- Bus Reactor Bay: 1 no. (Two bus reactors on one bay)</li> <li>- Space for line/ICT bays: 4 no.</li> <li>- Space for ICT: 1 no.</li> </ul> <p>220 kV</p> <ul style="list-style-type: none"> <li>- Line Bays: 6 no.</li> <li>- ICT bays: 2 no.</li> <li>- Space for line/ICT bays: 4 no</li> </ul>
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3. Regarding, the grant of a separate transmission licence for the implementation of “Augmentation of transformation capacity at Amargarh (GIS) S/s by 1x315 MVA, 400/220 kV ICT (3<sup>rd</sup>)” on the Regulated Tariff Mechanism (RTM) mode” as described in paragraph 1 of the order, the Commission, after considering the application of the Petitioner in light of the provisions of the Act and the Transmission Licence Regulations, vide its order dated 23.9.2023, *prima facie* proposed to grant the transmission licence to the Petitioner. The relevant extract of the order dated 23.9.2023 is extracted as under:

*“18. 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 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.*

19. *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”.*

20. *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. Pursuant to the direction of the Ministry of Power, CTUIL, vide its Office Memorandum dated 21.4.2023, has determined a list of Projects to be implemented or through the Regulated Tariff Mechanism, which also includes the instant Petition for the subject transmission scheme.*

21. *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 **12.10.2023.**”*

4. A public notice under Sub-section (5) of Section 15 of the Act was published on 4.10.2023 in all editions of the Hindustan (English) and Dainik Jagran (Hindi). No suggestions/objections have been received from members of the public in response to the public notice.

5. The case was called out for hearing on 18.10.2023. The learned counsel for the Petitioner submitted that no objection has been received in response to the public notice published by the Commission under sub-section (5) of Section 15 of the Act. Accordingly, it was requested that a transmission licence be granted to the Petitioner Company. The representative of the CTUIL further submitted that CTUIL has already recommended to the grant of the transmission licence.

6. As regards the grant of the transmission licence, Clauses (15) and (16) of Regulation 7 of the Transmission Licence Regulations provide as under:

*“(15) The Commission may after consideration of the further suggestions and objections, if any, received in response to the public notice as aforesaid, grant licence as nearly as practicable in Form-III attached to these regulations or for reasons to be recorded in writing, reject the application if such application is not in accordance with the provisions of the Act, the rules or regulations made thereunder or any other law for the time being in force or for any other valid reason.*

*(16) The Commission may, before granting licence or rejecting the application, provide an opportunity of hearing to the applicant, the Central Transmission Utility, the long-term customers, or the person who has filed suggestions and objections, or any other person:*

*Provided further that the applicant shall always be given a reasonable opportunity of being heard before rejecting the application.”*

7. In our order dated 23.9.2023, we had proposed to grant the transmission licence to the Petitioner company and directed the issue of public notice. In response to the public notice, no suggestions/ objections have been received. CTUIL in its letter dated 8.8.2023 has recommended the grant of a transmission licence to the Petitioner. The Commission, in its order dated 23.9.2023 had observed that the Petitioner fulfil the eligibility conditions for the grant of a transmission licence. Since in the present case, the Petitioner is a transmission licensee that is already implementing the project defined under its scope



through the TBCB mechanism, and the present Petition is consequent to the office order 28.10.2021 notified by the Ministry of Power Government of India, the Commission, vide said order dated 23.9.2023 relaxed the provision of Regulation 6 of the Transmission Licence Regulations and held that the Petitioner eligible for the grant of a transmission licence. Considering the strategic importance of the transmission line, We, accordingly, direct that the transmission licence be granted to the Petitioner, NRSS XXIX Transmission Limited to establish the transmission scheme through the RTM route as per the details given in paragraph 1 above.

8. The grant of the transmission licence to the Petitioner (hereinafter referred to as “the licensee”) is subject to the fulfilment of the following conditions throughout the period of licence:

(a) The transmission licence shall, unless revoked earlier, remain in force for a period of 25 years from the date of issue;

(b) The transmission licensee shall comply with the provisions of the Transmission Licence Regulations or any subsequent enactment thereof during the period of subsistence of the licence;

(c) The licensee may make an application, two years before the expiry of the initial licence period, for the grant of the transmission licence for another term in accordance with Regulation 13 (2) of the Transmission Licence Regulations which shall be considered by the Commission in accordance with law;

(d) The licensee shall not enter into any contract for or otherwise engage in the business of trading in electricity during the period of subsistence of the transmission licence;

(e) The licensee shall have the liability to pay the license fee in accordance with the provisions of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, as amended from time to time or any subsequent enactment thereof. Delay in payment or non-payment of licence fee or a part thereof for a period exceeding sixty days shall be construed as breach of the terms and conditions of the licence;

(f) The licensee shall comply with the directions of the National Load Despatch Centre under Section 26 of the Act, or the Regional Load Despatch Centre under sub-section (3) of Section 28 or sub-section (1) of Section 29 of the Act, as may be issued from time to time for maintaining the availability of the transmission system;

(g) The licensee shall remain bound by the provisions of Central Electricity Regulatory Commission (Standard of Performance of inter-State transmission licensees) Regulations, 2012 or subsequent enactment thereof (h) The licensee shall provide the non-discriminatory open access to its Transmission System for use by any other licensee, including a distribution licensee or an electricity trader, or generating company or any other person in accordance with the Act; the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008; the Central Electricity Regulatory Commission (Connectivity

and General Network Access to the inter-State Transmission System) Regulations, 2023; the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2023, as amended from time to time or any subsequent re-enactments thereof;

(i) The licensee shall not undertake any other business for optimum utilization of the Transmission System without prior intimation to the Commission and shall comply with the provisions of the Central Electricity Regulatory Commission (Sharing of Revenue Derived from Utilization of Transmission Assets for other business) Regulations, 2020;

(j) The licensee shall remain bound by provisions of the Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2020 as amended from time to time;

(k) The licensee shall remain bound by the provisions of the Act, the Rules and Regulations framed thereunder, in particular the Transmission Licence Regulations, the Grid Code, the Standards specified by the Central Electricity Authority, orders and directions of the Commission issued from time to time;

(l) The licensee shall ensure the execution of the Project as per the Technical Standards and Grid Standards of CEA; and

(m) The licensee shall submit all such report or information as may be required under Transmission Licence Regulations, Standard of Performance Regulations

or any other regulation of the Commission or as per the directions of the Commission as may be issued from time to time.

(n) The licensee shall ensure that the EPC contract for the execution of work under the scope of the project is awarded through a competitive bidding process.

9. The Central Electricity Authority/ CTUIL shall monitor the execution of the Project and bring to the notice of the Commission any lapse on the part of the licensee to meet the schedule for further appropriate action in accordance with the provisions of the Act and the Transmission Licence Regulations.

10. Let an extract copy of this order be sent to the Central Government in the Ministry of Power and the Central Electricity Authority in terms of sub-section (7) of Section 15 of the Electricity Act, 2003, for their information and record.

11. Petition No. 229/TL/2023 is allowed in terms of the above.

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

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

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