

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

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

**Coram:**

**Shri Jishnu Barua, Chairperson**

**Shri I.S. Jha, Member**

**Shri Arun Goyal, Member**

**Shri P.K. Singh, Member**

**Date of order: 23<sup>rd</sup> September, 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:**

Shri Aman Anand, Advocate, NRSS XXIX  
Shri Aman Dixit, Advocate, NRSS XXIX  
Ms. Natasha Debroy, Advocate, NRSS XXIX  
Shri Yatin Sharma, CTUIL  
Shri Ranjeet Singh, CTUIL  
Shri Akshayvat Kislay, 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:

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

	(GIS) S/s by 1x315MVA 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).	units of 105 MVA) • 400 kV ICT bay (GIS)- 1no. + 1no. additional bay for diameter completion (refer note 2) • 220 kV ICT bay (GIS)- 1no.	
<b>Total estimated cost:</b>			<b>Rs. 82.04 crore</b>

2. The Petitioner has made the following prayers:

*“(a) Issue/Grant the Transmission License to the Applicant/ Petitioner, NRSS XXIX Transmission for establishing, operating and maintaining the Transmission System of “Augmentation of transformation capacity at Amargarh (GIS) S/s by 1x315 MVA, 400/220 kV ICT (3<sup>rd</sup>)”, comprising of assets elements as detailed in the present petition, in terms of Sections 14, 15 and 79 (1) (e) of the Electricity Act;*

*(b) Condone any inadvertent errors omissions/ errors / shortcomings and permit the Applicant to add/change/modify/alter these pleadings and make further submissions as may be required at a future date;*

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

3. 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 (Lol) 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:

Sl. 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>

4. The Petitioner has submitted that after 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>)," the Petitioner shall proceed to implement the transmission scheme under RTM mode. The estimated completion cost of the transmission scheme as per the Office Memorandum (OM) issued by the Central Transmission Utility of India Limited (CTUIL) is Rs. 82.04 crore. After completion of the transmission scheme, the Petitioner shall approach the Commission for the

determination of transmission charges in accordance with Sections 61 and 62 of the Act and as per Regulation 8 (2) of the Transmission Licence Regulations.

**Hearing dated: 15.9.2023**

5. The matter was heard on 15.9.2023. No reply has been filed by the Respondents despite notice. During the course of the hearing, the learned counsel for the Petitioner submitted that the present Petition has been filed for the grant of a transmission licence to the Petitioner in order to implement the Transmission Project, viz. “Augmentation of Transformation Capacity at Amargarh (GIS) S/s by 1 × 135 MVA, 400/220 kV ICT (3rd)” under the Regulated Tariff Mechanism. Learned counsel submitted that the Petitioner has already complied with all the procedural formalities required under the Transmission Licence Regulations, 2009. Learned counsel further submitted that although the Petitioner has not specifically prayed for relaxing the provisions of Regulation 6 of the Transmission Licence Regulations, 2009, the same may be considered by the Commission as having been done in similarly placed cases.

7. The representative of the CTUIL submitted that the CTUIL has already given its recommendations for the grant of a transmission licence to the Petitioner for implementation of the Project under Section 15(4) of the Act.

**Analysis and Decision**

8. 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 “Augmentation of transformation capacity at Amargarh (GIS) S/s by 1x315 MVA, 400/220 kV ICT (3rd)” on the RTM. The transmission scheme was agreed

upon in the 16th meeting of Evolving Transmission Schemes in the Northern Region held on 28.3.2023.

9. 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 I 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.”*



10. Based on the above, CTUIL vide its Office Memorandum dated 21.4.2023 approved the implementation of the subject transmission scheme on RTM mode along with identifying the implementing agency and also addressed 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 Scheme (costing up to Rs. 100 crore) to be taken for implementation under Regulated Tariff Mechanism (RTM).*

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

<b>Sl.</b>	<b>Name of Transmission Scheme</b>	<b>Implementing Agency</b>
<b>[...]</b>		
<b>Northern Region</b>		
3.	Augmentation of transformation capacity at Amargarh (GIS) S/s by 1x315 MVA, 400/220 kV ICT (3 <sup>rd</sup> )	NRSS XXIX Transmission Ltd. (NTL) (a subsidiary of India Grid Trust)

11. 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”*

12. 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.

13. 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.

14. 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 28.7.2023 in English and Hindi. It has been submitted by the Petitioner that no objection has been received in response to the public notices.

15. 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 letter dated 8.8.2023, has recommended the grant of a transmission licence to the Petitioner. The relevant portion of the said letter dated 8.8.2023 is extracted as under:

*“Sub: Recommendation of CTU under Section 15(4) of Electricity Act, 2003 on application filed by M/s NRSSS XXIX Transmission Limited (NTL) for grant of separate Transmission License for “Augmentation of transformation capacity at Amargarh (GIS) S/s by 1x315 MVA, 400/220 kV ICT (3<sup>rd</sup>)”*

*This is with reference to petition having Petition No. 229/TL/2023 filed by M/s NTL before Hon’ble Commission for grant of separate Transmission License to implement the transformation capacity augmentation at Amargarh (GIS) S/s by 1x315 MVA, 400/220 kV ICT (3<sup>rd</sup>). In this regard, following is submitted:*

- In the 16th CMETS-NR meeting held on 28/02/23 (Minutes enclosed at Annexure-I), request from JKPTCL vide letter dated 17/02/2022 to CEA regarding augmentation of Amargarh (GIS) substation was discussed. JKPTCL vide above letter informed that the commissioning of their new Grid Stations necessitates provision of new sources or capacity augmentation at 400/220 kV level to enable the*

trickling down of the benefits of the new Grid stations to the consumers. The maximum drawl of power from 630 MVA Amargarh (GIS) during the present winter has been about 550 MW. In order to address the growing demand of power, it is imperative that Amargarh S/s is augmented by at least 500/o i.e. 315 MVA.

- Further, during the meeting, Grid-India also highlighted the issue of 'N-1' non-compliance of loading of ICTs at Amargarh Sis in their Quarterly operational feedback (January 2023).
- Accordingly, considering the growing demand of power in J&K as well as to meet the N-1 criteria of loading of ICTs, it was agreed to implement one no. of 400/220 kV, 315 MVA, ICT (3'd) (Single phase units of 105 MVA) at Amargarh (GIS) Sis under ISTS.
- 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, implementation of 1x315 MVA, 400/220 kV ICT (3rd) at Amargarh (GIS) S/s was awarded to M/s NTL vide CTU OM dated 21/04/2023 with a copy to MoP and NCT with following details:

<b>S. No.</b>	<b>Scope of the Transmission Scheme</b>	<b>Capacity</b>	<b>Implementation timeframe</b>
1	Augmentation of transformation capacity at Amargarh (GIS) S/s by 1x315MVA 400/220 kV ICT (3rd) (three single phase units of 105MVA) along with associated transformer bays* *along with GIB (420 kV & 245 1-ph indoor and outdoor GIB)	<ul style="list-style-type: none"> <li>• 315 MVA, 400/220 kV ICT- 1 no. (three nos. single phase units of 105 MVA)</li> <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>	21 months from the issuance of OM by CTUIL
<b>Total Estimated Cost:</b>			<b>INR 82.04 Crore</b>

**Note:**

1. \*Best efforts shall be carried out to implement the transmission scheme within 18 months from the issue of OM by CTUIL.
2. One complete 400kV diameter (3 breakers) shall be implemented.”

*Copy of CTU OM dated 21/04/2023 is attached Annexure-I and Transmission Grid Map for the project is also enclosed at Exhibit-1*

- *Earlier M/s NTL was granted ISTS Transmission License for implementation of “Northern Region System Strengthening Scheme NRSS-XXIX” by Hon’ble Commission in Petition No. 221/TL/2014.*

*Keeping above in view and based on details furnished by M/s NTL, CTU, in line with Section 15(4) of the Electricity Act, 2003, recommends grant of separate transmission license to M/s NTL for executing the subject transmission scheme.*

16. 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 “Augmentation of transformation capacity at Amargarh (GIS) S/s by 1x315 MVA, 400/220 kV ICT (3rd)” on the Regulated Tariff Mechanism (RTM) mode.

17. 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 licensee. 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.”*

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**.

22. The Petition shall be listed for hearing on **18.10.2023**.

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

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

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

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