

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 294/MP/2023

- Subject** : Petition under Regulation 4(1) of the Central Electricity Regulatory Commission (Sharing of Revenue Derived from Utilization of Transmission Assets for Other Business) Regulations, 2020.
- Date of Hearing** : 21.2.2024
- Coram** : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner** : Powergrid Corporation of India Limited (PGCIL)
- Respondent** : Ajmer Vidyut Vitran Nigam Limited (AVVNL) and 47 ors.
- Parties present** : Shri Shubham Arya, Advocate, PGCIL
Ms. Reeha Singh, Advocate, PGCIL
Shri Devyanshu Sharma, PGCIL

Record of Proceedings

Powergrid Corporation of India Limited has filed the instant petition for grant of prior approval of the Commission to undertake the business for offering its transmission towers for placement of telecom and radio antenna, power and telecom equipment and drawing power from earth wire either by it or its wholly owned subsidiary Company Powergrid Teleservices Limited under Regulation 4(1) of the Central Electricity Regulatory Commission (Sharing of Revenue Derived from Utilization of Transmission Assets for Other Business) Regulations, 2020.

2. Learned counsel for the Petitioner made the following submissions:

- a) The Petitioner had earlier filed Petition No. 180/MP/2017 for utilization of its transmission towers for mounting the telecom antennas, Base Transceiver System (BTS), and auxiliary power supply equipment for mobile communication and sharing of revenue on this count, which was allowed by the Commission vide order dated 28.5.2019 for utilization by the Mobile Telecom Service Providers/Telecom Infrastructure Providers subject to certain terms.
- b) The Petitioner thereafter filed Petition No. 494/MP/2020 seeking incorporation of a Company for undertaking telecommunication and digital technology business under Regulation 8(4) of the 2020 Sharing of Revenue Regulations, and the same



was allowed by the Commission vide order dated 10.7.2021 subject to certain terms. Accordingly, the Petitioner incorporated a Company by the name of Powergrid Teleservices Limited (Powertel) on 25.11.2021.

- c) The Petitioner filed Petition No. 287/MP/2022, informing the Commission that it could not commence the telecommunication/BTS business operations. The Commission vide order dated 17.5.2023 in Petition No. 287/MP/2022 observed that in terms of Regulation 4(1) and 4(2) of the 2020 Sharing of Revenue Regulations, the Petitioner did not provide information regarding the sharing of transmission towers/BTS and as such the approval granted vide order dated 28.5.2019 in Petition No. 180/MP/2017 stood expired. Therefore, the Petitioner is required to obtain prior approval of the Commission as per the 2020 Sharing of Revenue Regulations before commencing the telecommunication/BTS business operations.
 - d) After the filing of Petition No.287/MP/2022, certain development took place in the meeting of Governing Council of National Broadband Mission chaired by the Minister of Communication based on which the Department of Telecommunications was directed to make use of the Petitioner's facility in Jharkhand/Naxalite/border areas. Therefore, the Petitioner filed the present petition.
3. After hearing the Petitioner, the Commission issued the following directions:
- a. Admit the petition
 - b. Issue notice to the Respondents
 - c. The Petitioner to serve a copy of the petition on the Respondents by 14.3.2024.
4. The Commission further directed the Petitioner to submit the following information on an affidavit by 14.3.2024, with an advance copy to the Respondents:
- a) When was the meeting of the Governing Council of National Broadband Mission chaired by the Minister of Communication held? Give the necessary details of the said meeting and the Minutes of the Meeting, if any.
 - b) How many EHV transmission towers are proposed to be utilised by the Petitioner for its proposed business in terms of clause (c) of Regulation 4(2) of the Central Electricity Regulatory Commission (Sharing of Revenue Derived from Utilization of Transmission Assets for Other Business) Regulations, 2020?
5. The Commission also directed the Petitioner to serve a copy of the petition on the Respondents by 7.3.2024, and the Respondents may file their replies by 22.3.2024, with an advance copy to the Petitioner, and the Petitioner to file its rejoinder if any, by 5.4.2024. The Commission further directed the Petitioner to adhere to the above timelines and observed that no extension of time would be entertained.



6. The matter will be listed for further hearing on 19.4.2024.

By order of the Commission

sd/-
(V. Sreenivas)
Joint Chief (Law)

