

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.3/TL/2024

- Subject : 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 Transmission License to Butwal-Gorakhpur Cross Border Power Transmission Limited (BGCPTL) for implementation of Indian portion of New Butwal- Gorakhpur 400 kV Double Circuit Cross-border interconnection transmission line and associated bay extension work.
- Date of Hearing : **6.3.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Butwal Gorakhpur Cross Border Power Transmission Limited (BGCPTL)
- Respondent : Central Transmission Utility of India Limited (CTUIL) and Ors.
- Parties Present : Shri Shubham Arya, Advocate, BGCPTL
Ms. Reeha Singh, Advocate, BGCPTL
Shri Devyanshu Sharma, Advocate, BGCPTL
Shri V. K. Bhaskar, BGCPTL
Shri Prashant Kumar, BGCPTL
Shri Siddharth Sharma, CTUIL
Shri Rupesh Kumar Shah, NEA

Record of Proceedings

The learned counsel for the Petitioner submitted that the present Petition has been filed for the grant of a transmission licence for the implementation of the Indian portion of New Butwal-Gorakhpur 400 kV Double Circuit Cross-border interconnection transmission line and two nos GIS bays at Gorakhpur as per the terms of the Implementation and Transmission Service Agreement (ITSA) dated 1.6.2023 entered into between the Petitioner company, i.e. Butwal-Gorakhpur Cross Border Power Transmission Limited ('BGCPTL') and Nepal Electricity Authority (NEA). The learned counsel further submitted as under:

(a) The Petitioner has already complied with all the procedural formalities required under the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2009 (Transmission Licence Regulations, 2009).

(b) The Government of India and the Government of Nepal entered into an Agreement on 21.10.2014 in regard to the Electric Power Trade, Cross Border Transmission Interconnection, and grid connectivity. In terms of the above

Agreement, a Joint Working Group ('JWG') co-chaired by the Secretaries of Power Ministries shall undertake the role of planning and identification of cross border interconnections etc., and in the 7th Meeting of JWG held in this regard on 14.10.2019, it was decided that the new Butwal- Gorakhpur 400 kV Double Circuit Cross-Border interconnection transmission line and associated bays at Gorakhpur shall be implemented by a Joint Venture ('JV') between POWERGRID and Nepal Electricity Authority ('NEA') with 50:50 equity participation.

(c) NITI Ayog, vide its letter dated 16.3.2020 has concurred to the formation of a 50:50 Joint Venture between POWERGRID and NEA, for the implementation of the Indian Portion of New Butwal-Gorakhpur 400 kV Cross-Border Interconnection. Accordingly, the BGCPTL was incorporated as a joint venture company of POWERGRID and Nepal Electricity Authority with a 50:50 equity participation under the provisions of the Companies Act, 2013.

2. In response to the Commission's query whether the Commission has granted a transmission licence to any such Project, the learned counsel for the Petitioner submitted that the Commission vide order dated 1.12.2010 in Petition No. 31 of 2010 has granted a transmission licence to the Cross Border Power Transmission Company Limited for implementation of the Muzaffarpur- Sursand Transmission Line (Indian portion of 400 kV Muzaffarpur-Dhalkebar cross border line). In the above order dated 1.12.2020, the Commission has held that the levy of transmission charges shall be governed as per the agreement and NEA will bear the transmission charges of the entire transmission capacity of the Indian portion.

3. The representative of the NEA submitted that an ITSA Agreement has already been signed between BGCPTL & NEA, and it shall pay the transmission charges to the Petitioner as per the mutually agreed terms in the ITSA.

4. The representative of CTUIL submitted that it has already filed its recommendations for granting a transmission licence to the Petitioner company.

5. After considering the submissions of learned counsel for the Petitioner and representatives of CTUIL and NEA, the Commission ordered as under:

(a) Admit.

(b) The Respondents to file their replies, within a week, with a copy to the Petitioner, who may file its rejoinder, if any, within a week thereafter.

(c) The Petitioner to submit on an affidavit within a week the details with respect to the Muzaffarpur (India)- Dhalkebar (Nepal) cross-border line.

6. Subject to the above, the Commission reserved the matters for order.

By order of the Commission

Sd/

(T.D. Pant)

Joint Chief (Law)