

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 267/MP/2021

Subject : Petition seeking approval under Section 17(3) and 17(4) of the Electricity Act, 2003 read with Article 15.3 of the Transmission Service Agreement dated 13.1.201, Article 17.3 of the Supplementary TSA dated 3.7.2017 and Regulation 12 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009.

Date of Hearing : 11.1.2022

Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioners : 1. NRSS XXXVI Transmission Limited
2. PTC India Financial Services Limited
3. Resurgent Power Ventures Pte. Limited

Respondents : U P Power Corporation Limited and 13 Ors.

Parties Present : Shri Venkatesh, Advocate, Resurgent Power
Shri Ashutosh K Srivastava, Advocate, Resurgent Power
Shri Neil Chatterjee, Advocate, Resurgent Power
Shri Jayant Bajaj, Advocate, Resurgent Power
Ms. Mandakini Ghosh, Advocate, PFS
Ms. Ritwika Nanda, Advocate, Essel Infra
Shri Randolph DSouza, Resurgent Power
Shri Girish Kaul, Essel Infra
Shri Anil Salvi, Essel Infra
Shri Rajnish Mehortha, Essel Infra
Shri Pramod Sharma, Essel Infra
Shri Vishal Goyal, PFS
Ms. Shikha Jain, PFS

Record of Proceedings

Case was called out for virtual hearing.

2. The learned counsel for the Petitioner No. 3, Resurgent Power Ventures Pte. Limited (in short, 'Resurgent Power') submitted that the present Petition has been jointly filed by the Petitioners, NRSS XXXVI Transmission Limited (a transmission licensee), PTC India Financial Services Limited PFS (the lender) and Resurgent Power Ventures Pte. Limited (nominee of the lender) under Section 17(3) of the Electricity Act, 2003 read with Article 15.3 of the Transmission Service Agreement ('TSA') dated 13.1.2016, Article 17.3 of the Supplementary TSA dated 3.7.2017 and in terms of liberty granted by the Commission in its order dated 8.3.2018 in Petition No. 266/MP/2017 seeking prior approval of the Commission for transfer of equity



shareholding and management control of NRSS XXXVI Transmission Limited in favour of the Nominee of Lender i.e. Resurgent Power. The learned counsel further reiterated the key submissions made in the Petition and added that similar issue/ matter has already been considered by the Commission in its order dated 27.1.2021 in Petition No. 71/MP/2020 (Warora Kurnool Transmission Limited & Ors. v. TANGEDCO and Ors.)

3. In response to the query of the Commission regarding Resurgent Power having constructed any transmission line in the country, the learned counsel submitted that the Petitioner No. 3 through its wholly owned subsidiary, Renascent Power Ventures Pvt. Ltd., owns 75.01% stake in Prayagraj Power Generation Company Limited which owns and operates 1980 MW thermal power Plant in the State of Uttar Pradesh, which comprises of power evacuation system at 765 kV and 400 kV level through 765/400 kV switchyard. The learned counsel further submitted that Tata Power Company Limited, which is an affiliate company of Resurgent Power, is also a transmission licensee and operates significant transmission network in the country.

4. After hearing the learned counsel for the Petitioner No.3, Resurgent Power, the Commission ordered as under:

- (a) Admit. Issue notice to the Respondents;
- (b) The Petitioners to serve copy of the Petition on the Respondents immediately, if not already served and the Respondents to file their reply, if any, by 30.1.2022 after serving copy of the same to the Petitioners, who may file their rejoinder, if any, by 15.2.2022; and
- (c) Parties to comply with the above directions within the specified timelines and no extension of time shall be granted.

5. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**