

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 221/TL/2022**

**Coram:**

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

**Shri Arun Goyal, Member**

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

**Date of Order: 25<sup>th</sup> November, 2022**

**In the matter of**

Application under Section 14 of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission Licence and other related matters) Regulations, 2009 with respect to Transmission Licence to Power Grid Bhadla Transmission Limited (formerly Fatehgarh Bhadla Transco Limited) a 100% wholly owned subsidiary of Power Grid Corporation of India Limited.

**And**

**In the matter of**

**Power Grid Bhadla Transmission Limited,**

(formerly Fatehgarh Bhadla Transco Limited)

B-9, Qutab Institutional Area,

Katwaria Sarai, New Delhi-110 016

.....**Petitioner**

**Vs**

**1. SBE Renewables Seventeen Private Limited,**

1st Floor, Worldmark-2, Aerocity,

New Delhi -110037

**2. Renew Surya Aayan Private Limited,**

138, Ansal Chambers-II,

Bhikaji Cama Place New Delhi -110066

**3. Renew Surya Vihaan Private Limited,**

138, Ansal Chambers-II,

Bhikaji Cama Place New Delhi -110066

**4. Altra Xergi Power Private Limited,**

8th Floor, DLF Square, DLF Phase-II,

Gurgaon-122002

**5. North Bihar Power Distribution Company Limited,**

3rd Floor, Vidyut Bhawan

Bailey Road, Patna -800001

**6. South Bihar Power Distribution Company Limited,**  
2<sup>nd</sup> Floor, Vidyut Bhawan  
Bailey Road, Patna -800001

**7. Eden Renewable Passy Private Limited,**  
Unit No. 236 B &C, 1st Floor,  
DLF South Court,  
Saket, New Delhi-110017

**8. Chief Executive Officer,**  
REC Power Development and Consultancy Limited  
(formerly REC Power Distribution Company Limited)  
REC Corporate Head Quarter,  
C & D Block, Plot No. I – 4,  
Sec – 29 Gurugram – 122 001  
Haryana,

**9. Chief Operating Officer, CTU Planning,**  
Central Transmission Utility of India Limited  
Saudamini, Plot No.2, Sector -29,  
Gurugram-122 001.

.....**Respondents**

**Parties present:**

Shri Shubham Arya, Advocate, PBTL  
Ms. Poorva Saigal, Advocate, PBTL  
Ms. Reeha Singh, Advocate, PBTL  
Shri Yatin Sharma, CTUIL  
Shri Siddartha Sharma, CTUIL  
Ms. Priyansi Jadiya, CTUIL

**ORDER**

The Petitioner, Power Grid Bhadla Transmission Limited (formerly Fatehgarh Bhadla Transco Limited), has filed the present Petition for grant of transmission licence under Section 14 of the Electricity Act, 2003 (hereinafter referred to as “the Act”) read with the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009 (hereinafter referred to as “the Transmission Licence Regulations”) to establish “Transmission System Strengthening Scheme for

Evacuation of Power from Solar Energy Zones in Rajasthan (8.1 GW) under Phase II (Part B)", on Build, Own, Operate and Maintain (BOOM) basis (hereinafter referred to as "the Project") consisting of the following elements:

<b>Sr No</b>	<b>Name of the Transmission Element</b>	<b>Scheduled COD in months from Effective Date</b>
1.	<i>Fatehgarh-II PS- Bhadla-II PS 765 kV D/c line (2nd)</i>	<b>18 Months</b>
2.	<i>2 no. of 765 kV line bays each at Fatehgarh-II and Bhadla-II for Fatehgarh-II PS- Bhadla- II PS 765 kV D/c line (2nd)</i>	
3.	<i>1x240 MVAr Switchable line reactor for each circuit at each end of Fatehgarh-II- Bhadla- II 765kV D/c line (2nd)</i>  <i>240 MVAr, 765 kV reactor- 4 (2 reactors each at Fatehgarh-II and Bhadla-II).</i>  <i>Switching equipment for 765 kV reactor-4 (2 Switching equipments each at Fatehgarh-II and Bhadla-II)</i>  <i>[1x80 MVAr Spare* reactor each at Fatehgarh-II and Bhadla-II to be used as spare for Fatehgarh-II- Bhadla-II 765 kV D/c line (2nd)]</i>  <i>*not under the present scope.</i>	

Note:

i. POWERGRID to provide space for 2 no of 765 kV bays each at Fatehgarh-II and Bhadla-II substation and space for 2 no of switchable line reactors each at Fatehgarh-II and Bhadla-II substation.

ii. TSP shall install the 765 kV Line Reactor banks at Bhadla II PS under each of the schemes (Part-B, Part-C and Part-E) and all the associated equipment required for switching arrangement viz isolators, circuit breakers, 765kV & 145kV (neutral) auxiliary buses etc., so that spare 1-ph unit, whenever provided in future, is able to replace any of the faulty unit without its physical movement. Respective TSP shall provide the equipment/facilities at Bhadla II PS such that only supply & installation of 1x80 MVAR spare unit of Reactor, associated LA, 1-Ph Circuit Breaker and extension of 765 kV & 145 kV buses will be required for completion of switching arrangement in future."

2. Based on the competitive bidding carried out by REC Power Development and Consultancy Limited (RECPDCL) in its capacity as the Bid Process Coordinator (BPC) in accordance with the Guidelines issued by Ministry of Power, Government of India under Section 63 of the Act, Power Grid Corporation of India Limited

(PGCIL) was declared the successful bidder with the lowest levelized transmission charges of Rs. 728.93 million.

3. The Commission after considering the application of the Petitioner in the light of the provisions of the Act and the Transmission Licence Regulations, in its order dated 22.10.2022, *prima facie* proposed to grant transmission licence to the Petitioner. Relevant extract of order dated 22.10.2022 is extracted as under:

*“23. CTUIL vide its letter dated 26.8.2022, has recommended for grant of transmission licence to the Petitioner.....*

*24. We have considered the submissions of the Petitioner and CTUIL. The selected bidder furnished the Contract Performance Guarantee to the Long-Term Transmission Customers of the Project for an amount of Rs. 105 million (Rs. 10.5 crore) on 4.6.2021 and has acquired hundred percent equity holding in the applicant company on 4.6.2021 after execution of the Share Purchase Agreement. The TSP on behalf of the selected bidder filed the revised application for grant of transmission licence through e-portal on 3.8.2022.*

*25. Considering the material on record and submissions made by CTUIL to the effect that implementation of Fatehgarh-II– Bhadla-II 765 kV D/c line (2<sup>nd</sup>) line shall facilitate transfer of power from additional RE generation proposed to be connected at Fatehgarh-II PS (LTA-2.17GW) as well as Fatehgarh-III PS (2.2GW). This corridor shall facilitate transfer of power up to Bhadla-II PS which is further connected to existing grid as well as being strengthening as part of transmission system strengthening scheme for evacuation of power from solar energy zones in Rajasthan (8.1 GW) under Phase-II-Part-C & D (Sikar-II/Aligarh) and most of the RE generation is expected to be commissioned in matching time frame of above system, we are prima-facie of the view that the Petitioner satisfies the conditions for grant of inter-State transmission licence under Section 15 of the Act read with Transmission Licence Regulations for construction, operation and maintenance of the Transmission System as described in paragraph 1 of this order. We, therefore, direct that a public notice under sub-section (5) of Section 15 of the Act be published to invite suggestions or objections to grant of transmission licence aforesaid. The objections or suggestions, if any, be filed by any person before the Commission, by 11.11.2022.*

*26. The Petitioner has undertaken to comply with the recommendations made by the Committee constituted vide by Hon`ble Supreme, vide its letter dated 18.7.2022 in letter and spirit.”*

4. A public notice under Sub-section (5) of Section 15 of the Act was published on 29.10.2022 in all editions of the Times of India (English) and Hindustan (Hindi). No suggestions/ objections have been received from the members of the public in response to the public notice.

5. Case was called on for the hearing on 22.11.2022. It was submitted by the learned counsel for the Petitioner that in response to public notice published by the Commission, no objection has been received. The learned counsel further submitted that at least 15 months are required for execution of the project from the date of grant of transmission licence.

6. The representative of CTUIL during the hearing submitted that generators have confirmed that their commissioning will match with the proposed commissioning schedule of 15 months from the date of grant of transmission licence. He further submitted that there is no bottleneck of generation and all the generators are aligning with the project.

7. As regards grant of transmission licence, Clauses (15) and (16) of Regulation 7 of 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.”*

8. In our order dated 22.10.2022, we had proposed to grant transmission licence to the Petitioner company and directed for issue of public notice. In response to the public notice, no suggestions/objections have been received. CTUIL in its letter dated 26.8.2022 has recommended for grant of transmission licence to the Petitioner. We are satisfied that the Petitioner company meets the requirements of the Act and the Transmission Licence Regulations for grant of transmission licence for the subject Transmission System mentioned at paragraph1 of this order. Accordingly, we direct that transmission licence be granted to the Petitioner, Power Grid Bhadla Transmission Limited, to establish “Transmission System Strengthening Scheme for Evacuation of Power from Solar Energy Zones in Rajasthan (8.1 GW) under Phase II (Part B)” on Build, Own, Operate and Maintain basis as per the details given in paragraph 1 above.

9. The grant of 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 and

the terms and condition of the TSA during the period of subsistence of the licence.

(c) Since the expiry date as per the TSA is 35 years from the scheduled COD of the Project, the licensee may make an application, two years before the expiry of initial licence period, for grant of 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 Central Electricity Regulatory Commission (Standard of Performance of inter-State transmission licensees) Regulations, 2012 or subsequent enactment thereof;

(h) The licensee shall provide 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 (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009; the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010, 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 execution of the Project within timeline specified in the Schedule 3 of the TSA and as per the Technical Standards and Grid Standards of CEA prescribed in Article 5.1.1 and Article 5.4 of the TSA;

(m) The licensee shall coordinate with the licensees (including deemed licensees) executing the upstream or downstream transmission projects, the Central Electricity Authority and CTUIL for ensuring smooth execution and commissioning of the Project; and



(n) The licensee shall submit all such reports or information as may be required under Transmission Licence Regulations, Standard of Performance Regulations, Transmission Service Agreement or any other regulation of the Commission or as per the directions of the Commission as may be issued from time to time.

10. During the course of hearing, learned counsel for the Petitioner requested for 15 months' time to execute the Project from the date of grant of transmission licence. As per the TSA, the Project is to be executed within 18 months from the effective date. In the meantime, due to directions of the Hon`ble Supreme Court dated 19.4.2021 providing for appropriate steps for laying of transmission lines in the priority and potential habitats of GIB, the Project was put on hold. Subsequent to compliance of direction of the Hon`ble Supreme Court, the Petitioner has approached the Commission for grant of transmission licence. Therefore, the Transmission Service Provider cannot be made to suffer on account of reasons which are beyond its control. We have considered the submissions of the learned counsel for the Petitioner. Since the scope of the instant Petition is limited to grant of transmission licence, after execution of the project, the Petitioner may approach the Commission with a Petition which will be dealt with in line with the provisions of bidding guidelines and the TSA.

11. Central Electricity Authority 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.

12. Let an extract copy of this order be sent to CEA for information and necessary action.

13. Petition No. 221/TL/2022 is allowed in terms of the above.

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

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

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