

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.44/TL/2023

Coram:

**Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member**

Date of Order: 22nd March, 2023

In the matter of

Application under Section-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 with respect to Grant of Transmission License to WRSR Power Transmission Limited.

And

In the matter of

WRSR Power Transmission Limited,
C 105, Anand Niketan,
New Delhi 110021

.... **Petitioner**

Versus

1. Central Transmission Utility of India Limited,
Saudamini, Plot No.2, Sector-29,
Gurgaon-122 001.
2. REC Power Development and Consulting Limited,
REC Corporate Head Quarter, D Block, Plot No. I – 4,
Sector 29 Gurugram – 122 001
3. Keral State Electricity Supply Company Limited,
Vydyuthi Bhawanam, Pettom, Tiruvananthapuram,
Kerala – 695 004.
4. Tamil Nadu Generation and Distribution Corporation Limited,
144, Anna Salai, Chennai-600 002.
5. Madhya Pradesh Power Management Company Limited (MPPMCL),
Block No. – 11, Ground Floor, Shakti Bhavan,
Vidhyut Nagar, Rampur,
Jabalpur – 482 008, Madhya Pradesh.
6. Chhattisgarh State Power Distribution Company Limited (CSPDCL),
P.O. Sunder Nagar, Dangania,
Raipur- 492013, Chhattisgarh

7. Maharashtra State Electricity Distribution Company Limited (MSEDCL),
Prakashgad, 4th Floor, Bandra (East),
Mumbai – 400051
8. Gujarat Urja Vikas Nigam Limited (GUVNL),
Vidhyut Bhavan, Race Course,
Vadodara – 390007
9. Southern Distribution Company of Andhra Pradesh Limited,
D.No. 19-13-65/A, Srinivasapuram, Tiruchhanur Road,
Kesavayana Gunta,
Tirupati - 517 503, Andhra Pradesh.
10. Hubli Electricity Supply Company Limited,
Corporate Office, P.B. Road, Navanagar,
Hubli – 580025
11. Gulbarga Electricity Supply Company Limited,
Station Road, Kalaburagi,
Karnataka – 585102
12. Southern Distribution Company of Telangana Limited,
2nd Floor, H. No. 6-1-50, Mint Compound,
Hyderabad – 500 063
13. Bangalore Electricity Supply Company Limited,
Krishna Rajendra Circle,
Bangalore – 560 001.
14. DNH Power Distribution Corporation Limited,
66 kV, Amla Ind. Estate, Silvassa – 396230
Dadar Nagar Haveli
15. Electricity department, Government of Goa,
Vidyut Bhavan, Near Mandvi Hotel,
Panaji, Goa – 403001
16. Chamundeshwari Electricity Supply Company Limited,
No. 29, CESC Corporate Office, Hinka, Vijaynagar, 2nd State
Mysuru – 570017
17. Mangalore Electricity Supply Company Limited,
Paradigm Plaza, A B Shetty Circle,
Pandeshwar, Mangalore – 575001.
18. Electricity Department,
Govt. of Puducherry, 137, NSC Bose Salai,
Puducherry – 605001.
19. Electricity Department, Administration of Daman and Diu,

Plot No. 35, OIDC Complex, Near Fire Station,
Daman – 396210.

20. Eastern Distribution Company of Andhra Pradesh Limited,
P&T Colony, Seethmmadhara,
Vishakhapatnam - 530013, Andhra Pradesh.

21. Northern Power Distribution Company of Telangana Limited,
H. No. 2-5-31/2, Corporate Office Vidyut Bhavan,
Hanamkonda, Warangal – 506.001.

....**Respondents**

Parties present:

Shri Bhavesh Kundalia, WPTL
Shri Ranjeet Rajput, CTUIL
Shri Ajay Dahiya, CTUIL

ORDER

The Petitioner, WRSR Power Transmission Limited, has filed the present Petition for grant of transmission licence under Section 14 and Section 15 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 “Transmission Licence Regulations”) to establish Inter-State Transmission System for “ISTS Network Expansion scheme in Western Region and Southern Region for export of surplus power during high RE scenario in Southern Region”, on Build, Own, Operate and Transfer (BOOT) basis (hereinafter referred to “Transmission System” or “Project”) consisting of the following elements:

	Name of the Transmission Element	Scheduled COD in months from effective date
1.	Narendra New (GIS) – Pune (GIS) 765kV D/c line with 1x330MVar switchable line reactor(SLR) on each ckt at both ends • 765 kV line bays -2 (GIS) (at Narendra New) • 765 kV line bays -2 (GIS) (at Pune) • 765 kV, 330 MVar SLR – 2 nos. (7 x 110 MVar incl. 1 switchable spare unit) at Pune (GIS)	18 months

	Name of the Transmission Element	Scheduled COD in months from effective date
	765 kV, 330 MVar SLR – 2 nos. (6 x 110 MVar) at Narendra (New) (GIS)	
2.	Upgradation of Narendra (New) (GIS) to its rated voltage of 765 kV level along with 4x1500 MVA transformer and 2x330 MVar Bus Reactor 765/400 kV, 1500 MVA- 4 no. (13 X 500 MVA incl. 1 spare unit) 765 kV ICT bays- 4 nos.(GIS) 400 kV ICT bays- 2 nos.(GIS)* 765 kV, 330 MVar Bus Reactor – 2 nos. (7 X 110 MVar inc. 1 switchable spare unit to be used for both bus/line reactors) 765 kV Bus Reactor bays – 2 nos. (GIS)	

**Out of required 04 nos. of 400kV ICT bays (GIS) for 765/400kV ICTs, 02 nos. of 400 kV ICT bays (GIS) for 765/400kV ICTs are under implementation through TBCB route under the scheme “Evacuation of Power from RE Sources in Koppal Wind Energy Zone (Karnataka) (2500 MW)”*

Note:

- 1) Powergrid to provide space for upgradation of Narendra (New) (GIS) to its rated voltage of 765 kV level*
- 2) Powergrid to provide space for 2 no of 765 kV GIS line bays alongwith SLR at Pune end for termination of Narendra New (GIS) – Pune (GIS) 765kV D/c line*
- 3) Powergrid to provide space for implementation of 2 no. 400 kV ICT bays (GIS) for 765/400kV ICTs at Narendra (New) (GIS). Out of required 04 nos. of 400kV ICT bays (GIS) for 765/400kV ICTs, 02 nos. of 400 kV ICT bays (GIS) for 765/400kV ICTs are under implementation through TBCB route under the scheme “Evacuation of Power from RE Sources in Koppal Wind Energy Zone (Karnataka) (2500 MW)”*
- 4) Narendra (New)(GIS) - Kolhapur 765kV D/c line to be kept charged at 400kV level*
- 5) Any bay required for completion of diameter (GIS) in one-and-half breaker scheme shall also be executed by the TSP.*

2. The Petitioner has made the following prayers:

“(a) Issue the Transmission License to the Petitioner for establishing, operating and maintaining the Transmission System as provided for in the Transmission Service Agreement;

(b) Allow the “ISTS Network Expansion scheme in Western Region and Southern Region for export of surplus power during high RE scenario in Southern Region” to be part of PoC Pool as per CERC (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020.

(c) Condone any inadvertent errors omissions/ errors / shortcomings and permit the Petitioner to add/change/modify/alter these filings and make further submissions as may be required at a future date.

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

Hearing dated 7.3.2023

3. During the course of hearing on 7.3.2023, representative of the Petitioner submitted that the Petitioner has already served the copy of the Petitions on the BPC and CTUIL and has complied with all the requirements under the Transmission Licence Regulations including publishing of notice on its website inviting suggestions/objections on its application for grant of transmission licence. However, no suggestion /objection has been received.

4. The representative of CTUIL submitted that CTUIL vide letter dated 8.2.2023 has already recommended the grant of transmission licence to the Petitioner. He further submitted that the SCOD of the Project, as per Transmission Service Agreement, is 17.7.2024.

5. Vide Record of Proceedings for the hearing dated 7.3.2023, the Petitioner was directed to implead the beneficiaries of Western and Southern Region as party to the Petitions and to file revised memo of parties. In response, the Petitioner vide its affidavit dated 13.3.2024 has filed revised memo of parties by impleading the beneficiaries of Western and Southern Region.

6. The Petitioner has submitted that in accordance with the “Guidelines for Encouraging Competition in Development of Transmission Projects” and “Tariff Based Competitive Bidding Guidelines for Transmission Service” (hereinafter referred to as “the Guidelines”) issued by Ministry of Power, Government of India,

under Section 63 of the Act, RECPDCL was notified by Ministry of Power, Government of India, vide Gazette Notification. No. 2580 dated 13.6.2022 as the Bid Process Coordinator (BPC) for the purpose of selection of bidder as Transmission Service Provider (TSP) to establish “ISTS Network Expansion scheme in Western Region and Southern Region for export of surplus power during high RE scenario in Southern Region”, through tariff based competitive bidding process on Build, Own Operate and Transfer (BOOT) basis.

7. RECPDCL in its capacity as the BPC initiated the bid process on 25.7.2022 and completed the same on 17.1.2023 in accordance with the Guidelines. Adani Transmission Limited (ATL) was selected as the successful bidder having quoted the lowest transmission charges of Rs. 2134.77 million per annum in order to provide transmission services to the beneficiaries of the transmission system.

8. BPC appointed a Consultant, namely ABPS infrastructure Advisory Pvt. Ltd. in consortium with Abacus Legal Group for providing consultancy services in the process of selection of the project developer through tariff based competitive bidding process. At RfP (Technical and Financial) stage, five bidders, namely, (i) Adani Transmission Limited, (ii) Megha Engineering & Infrastructures Limited, (iii) Power Grid Corporation of India Limited, (iv) Sterlite Grid 12 Limited, and (v) Tata Power Company Limited submitted their offers. The RfP (Technical bids of the five bidders were opened by Bid Opening Committee in Central Electricity Authority on 15.11.2022 in the presence of representative of bidders. Based on the recommendation of the Bid Evaluation Committee (BEC), the RfP (Financial) Bids-Initial Price Offer of the five bidders were opened on 14.12.2022. Lowest Initial Price Offer discovered (Best Deal) at MSTC portal was Rs. 2525.05 million. Based on the recommendation of BEC, four bidders, except Sterlite Grid 12 Limited were qualified to participate in the e-reverse auction

stage. E-reverse auction of all four bidders was carried out at MSTC portal on 15.12.2022 and the following transmission charges for bidders (in ascending order) emerged:

Sr. No.	Name of Bidder	Transmission Charges from the initial offer (Rs.in million)	Transmission charges from the final offer (Rs.in million)	Rank
1	Adani Transmission Limited	3270.00	2134.77	L1
2	Tata Power Company Limited	2601.10	2140.13	L2
3	Power Grid Corporation of India	2525.05	2199.98	L3
4	Megha Engineering & Infrastructures Limited	3290.00	No bid submitted during e-reverse auction	L4

9. As per the Bid Evaluation Report dated 20.12.2022, Adani Transmisison Limited emerged as the successful bidder with the lowest quoted transmission charges of Rs. 2134.77 million. BEC vide its certificate dated 20.12.2022 has certified that entire bid process has been carried out in accordance with the Guidelines issued by the Ministry of Power under Section 63 of the Act. BEC has further certified that the transmission charges discovered through e-reverse auction is acceptable.

10. Consequent to its selection as the lowest bidder, Letter of Intent (LoI) was issued to Adani Transmission Limited by the BPC on 26.12.2022 which was accepted by Adani Transmission Limited. Under the terms of RfP and the Letter of Intent, the successful bidder is obligated to accomplish the following tasks:

- (a) Provide Contract Performance Guarantee in favour of Central Transmission Utility of India Limited (CTUIL);
- (b) Execute Share Purchase Agreement and Transmission Service Agreement;

(c) Acquire, for the Acquisition Price, 100% share equity share holding of WRSR Power Transmission Limited from RECPDCL along with all its related assets and liabilities;

(d) Make an application to this Commission for adoption of transmission charges, as required under Section 63 of the Act; and

(e) Apply to this Commission for grant of transmission licence;

11. The Petitioner has furnished the Contract Performance Guarantee (CPG) in favour of Nodal Agency i.e. CTUIL for an aggregate value of Rs. 58.80 crore on 12.01.2023 and has acquired hundred percent equity holding in WRSR Power Transmission Limited on 17.1.2023. The Petitioner entered into Transmission Service Agreement (TSA) with CTUIL on 17.1.2023.

12. 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 has been incorporated under the Companies Act, 2013. 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”

13. Section 15(1) of the Act provides that every application under Section 14 of the Act shall be made in such manner and in such form as may be specified by the Appropriate Commission and shall be accompanied by such fees as may be prescribed by the Central Government. The Commission has specified Transmission Licence Regulations in this regard. Regulation 3 of the Transmission Licence Regulations provides that the Empowered Committee shall identify the Projects included in the transmission plan to be developed under the Guidelines issued under Section 63 of the Act. Regulation 4 of the Transmission Licence Regulations provides that in case of projects identified for development under the Guidelines for competitive bidding, selection of the project developer shall be made in accordance with the procedure laid down in the Guidelines. The Project under consideration has been identified for development under competitive bidding by competent authority in the Ministry of Power/ CEA. Central Electricity Authority, vide its letter No. CEA-PS-11-21/1/2021-PSPA-I Division-I/24255/2022 dated 25.10.2022 had issued prior approval to the Project under Section 68 of the Act. Selection of the Project developer, WRSR Power Transmission Limited (WPTL), has certified to have been made in accordance with the Guidelines.

14. 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 Clause (4), Clause (7), Clause (9) and Clause (12) and dispensed with Clause (10) of Regulation 7] provide for the procedure for grant of transmission licence as under:

“(1) The application for grant of transmission 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

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(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."

15. The Petitioner has approached the Commission by a separate application for adoption of transmission charges in respect of the transmission system which is presently under consideration of the Commission and order in that Petition will be issued separately. The Petitioner has filed the present Petition for grant of transmission licence in accordance with the Transmission Licence Regulations. The Petitioner has submitted proof of service of the copies of the application on the BPC and CTUIL and proof of web posting of the complete application. The Petitioner has further undertaken to pay the applicable licence fee upon the grant of transmission licence in terms of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012. The Petitioner has prayed for grant of transmission licence to WRSR Power Transmission Limited with respect to the transmission system as per details given in paragraph 1 above.

16. The Petitioner has made the Application as per Form-I and paid fee of Rs. one lakh as prescribed by the Central Government. As per direction of the Commission, the Petitioner has served copy of the Application on the beneficiaries of the

transmission project for the Project. The transmission charges quoted by the Petitioner which have been recommended by the Bid Evaluation Committee for acceptance, is Rs. 2134.77 million. The Petitioner has also enclosed copies of the recommendations of the Bid Evaluation Committee.

17. The Petitioner vide its affidavit dated 28.2.2023 has placed on record the relevant copies of the notices wherein notices were published in terms of the Regulation 7(7) of the Transmission Licence Regulations. The Petitioner has published the notices on 6.2.2023 in Indian Express (Pune, Satara, Solapur and Sangli editions), The Times of India (Huballi, Dharwad, Belagavi editions), Punya Nagari (Pune, Kolhapur, Satara and Solapur editions) and Vijayvani (Bijapur editions). The Petitioner has also published the notice on the e-filing portal of the Commission and on its website in Form-II. No objection has been received from the general public in response to the public notices.

18. The Petitioner has served the copy of the Application on the Central Transmission of Utility of India Limited (CTUIL) as required under Section 15(3) of the Act and Regulation 7(6) of the Transmission Licence Regulations. CTUIL vide its letter dated 8.2.2023 has recommended for grant of transmission licence to the Petitioner. Relevant portion of the said letter dated 8.2.2023 is extracted as under:

"This has reference to petition filed M/s WRSR Power Transmission Limited for grant of Transmission License for subject transmission scheme against the application/petition filed to CERC. In this regard, following is submitted:

- 1. M/s WRSR Power Transmission Limited has filed application/petition under Section 14 of the Electricity Act, 2003 and CERC (Procedure, Terms and Conditions for grant of Transmission License and other related matters) Regulations, 2009 for grant of transmission license to establish Transmission Scheme "ISTS Network Expansion scheme in Western Region & Southern Region for export of surplus power during high RE scenario in Southern Region" on Build, Own, Operate and Transfer (BOOT) basis as ISTS. The detailed scope of the scheme is enclosed at Annexure-I.*

2. *As per section 15(3) of Electricity Act, 2003 copy of the application for grant of transmission license for the above transmission system has been received on 03.02.2023 for recommendation required U/S 15(4) of the Electricity Act, 2003.*
3. *In reference to the Transmission Scheme "ISTS Network Expansion scheme in Western Region & Southern Region for export of surplus power during high RE scenario in Southern Region" following is submitted:*
 - i) *The subject network expansion scheme has been proposed between WR and SR to cater to export requirement from SR under high RE scenario as well as to mitigate operational constraints being faced on Kolhapur (PG) – Kolhapur (MSETCL) - Karad (MSETCL) 400kV corridor.*
 - ii) *The scheme was agreed in the 2nd Consultation Meetings for Evolving Transmission Schemes in Western Region (CMETS-WR) held on 28.12.2021 & Southern Region (CMETS-SR) held on 29.12.2021 at an estimated cost of Rs. 2374 Crores. Extract of the minutes of 2nd CMETS-WR & CMETS-SR are enclosed at Annexure-II.*
 - iii) *The scheme was also discussed in the 40th and 41st SRPC meeting held on 31.01.2021 and 02.03.2022 respectively. Extract of the minutes of meetings are enclosed at Annexure-III.*
 - iv) *The National Committee on Transmission (NCT) in its 8th meeting held on 25.03.2022 has recommended the implementation of the subject transmission scheme through TBCB route. Extract of the minutes of 8th NCT meeting are enclosed at Annexure-IV.*
 - v) *Ministry of Power vide Gazette notification dated 13.06.2022 (copy enclosed at Annexure-V) has appointed REC Power Development and Consultancy Limited as BPC for bidding of the subject scheme through TBCB route.*
4. *BPC vide letter dated 17.01.2023 has intimated that M/s Adani Transmission Limited is the successful bidder and has acquired M/s WRSR Power Transmission Limited on 17.01.2023 (Copy of SPV transfer intimation enclosed at Annexure-VI). The Commissioning schedule of the scheme is 18 months (17.07.2024) from the date of transfer of SPV.*
5. *In line with Section 15 (4) of the Electricity Act, 2003, based on details furnished by M/s WRSR Power Transmission Limited, CTU recommends grant of transmission license to M/s WRSR Power Transmission Limited for executing the transmission scheme as mentioned in Para-1 above."*

19. We have considered the submissions of the Petitioner, BPC and CTUIL. The proviso to Clause 2.15.2 of the RfP provides that "if for any reason attributable to the BPC, the said activities are not completed by the Selected Bidder within the above period of ten (10) days as mentioned in this clause, such period of 10 days shall be extended, on a day to day basis till the end of the Bid validity period". As per the above provision, selected bidder was required to complete all the activities including

acquisition of SPVs by 5.1.2023. Lol was issued on 26.12.2022. The selected bidder furnished the Contract Performance Guarantee in favour of Nodal Agency (CTUIL) for an amount of Rs. 58.80 crore on 12.1.2023 and has acquired hundred percent equity-holding in the applicant company on 17.1.2023 after execution of the Share Purchase Agreement. As per clause 2.15.4 of the RfP, TSP is required to apply to the Commission for grant of transmission licence within five working days of the issuance of the acquisition of the SPV to the successful bidder. Successful bidder, namely Adani Transmission Limited acquired the SPV on 17.1.2023. Accordingly, the TSP has filed the instant Petition through e-filing for grant of transmission licence on 23.1.2023.

20. Considering the material on record, 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 para 1 of this order. We therefore, 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 of transmission licence aforesaid. The objections or suggestions, if any, be filed by any person before the Commission, by 11.4.2023.

21. It is expected that while carrying out the survey, the Petitioner has complied with the provisions of clause 2.5.7.3, clause 2.5.7.4 and clause 2.5.7.5 of the RfP. The Petitioner will comply with the provisions of bidding documents and TSA for commissioning of the Project within the SCOD.

22. In order to ensure that the Project is implemented within the time schedule as provided in the TSA, the licensee should not approach the Commission for extension

of time for execution of the Project or for increase in the transmission charges over and above what is permissible under the provisions of the TSA. Accordingly, the Petitioner is directed to file an affidavit by 4.4.2023 to the effect that the execution of the Project shall not be delayed due to time taken in obtaining statutory clearances required under the RfP and/ or adjudication of any claim of the Petitioner arising under the TSA.

23. It is observed that as per Article 5.1.1 of the TSA, the TSP at its own cost and expense, shall be responsible for designing, constructing, erecting, completing and commissioning each element of the Project by scheduled COD in accordance with the various regulations of the Central Electricity Authority regarding Technical Standards and Grid Standards, Prudent Utility Practices and other applicable laws. Further, Article 5.4 of the TSA provides that the TSP shall ensure that the Project is designed, built and completed in a good workman like manner using sound engineering and construction practices and using only materials and equipment that are new and of international utility grade quality such that the useful life of the Project will be till the expiry date. Further, the design, construction and testing of all equipment, facilities, components and systems of the Project shall be in accordance with Indian Standards and Codes issued by Bureau of Indian Standards. Accordingly, the Petitioner is directed to submit the information by 4.4.2023 with regard to quality control mechanism available or to be put in place by to ensure the compliance of the requirements stipulated in Article 5.1.1 and Article 5.4 of the TSA.

24. The Petition shall be listed for hearing on 13.4.2023.

Sd/-
(P.K. Singh)
Member

Sd/-
(Arun Goyal)
Member

Sd/-
(I.S. Jha.)
Member