

New Delhi, dated 09th June, 2023

ORDER

Subject: Delegation of power for approval under provision of Section 68 and Section 164 of the Electricity Act, 2003-Regarding.

The undersigned is directed to refer to this Ministry's Order No.4/14/2014-PG dated 12.02.2015 on the subject cited above and to say that Hon'ble Minister of Power & NRE has approved the delegation of powers as follows:

- i. Power for approval under Section 68 of the Electricity Act, 2003, presently vested with Chairperson, CEA, is delegated to Joint Secretary (Transmission), Ministry of Power.
 - ii. Power for approval under Section 164 of the Electricity Act, 2003, presently vested with Chairperson, CEA, is delegated to Joint Secretary (Transmission), Ministry of Power.
2. The revised Standard Operating Procedure (SOP) for granting approval under provision of Section 68 & Section 164 of the Electricity Act, 2003 is also enclosed at **Annexure-I & II** respectively.

Encls: As above


09/06/2023
(Deepak Rao)
Director
Tel: 011-23716674

To

- i. Chairperson, CEA, R.K. Puram, New Delhi
- ii. CMD, PGCIL, Gurugram, Haryana
- iii. CMD, REC Transmission Projects Company Limited, Gurugram, Haryana
- iv. CMD, PFC Consulting Limited, New Delhi
- v. CMD, Grid Controller of India Limited, New Delhi
- vi. Technical Director, NIC for uploading the order on the website of Ministry of Power

Copy for information to :

1. PS to Minister for Power & New and Renewable Energy
2. Addl. PS to MoS for Power
3. Sr.PPS/PPS to Secretary (P)
4. Sr.PPS/PPS to SS&FA/ Additional Secretary, Ministry of Power
5. Sr. PPS/PPS/PS to all Joint Secretaries, Economic Adviser and Chief Engineer, Ministry of Power
6. All Directors/Deputy Secretaries/Under Secretaries in the Ministry of Power

Annexure-I of MoP OM No. 25-10/27/2023-PG dated 09.06.2023

Revised procedure for obtaining prior approval under Section 68 of the Electricity Act, 2003:

- I. Under Section 68 of the Electricity Act 2003, following is prescribed:
 1. An overhead line shall, with prior approval of the Appropriate Government, be installed or kept installed above ground in accordance with the provisions of sub-section (2).
 2. The provisions contained in sub-section (1) shall not apply-
 - a. in relation to an electric line which has a nominal voltage not exceeding 11 kilovolts and is used or intended to be used for supplying to a single consumer;
 - b. in relation to so much of an electric line as is or will be within premises in the occupation or control of the person responsible for its installation; or
 - c. in such other cases, as may be prescribed.
 3. The Appropriate Government shall, while granting approval under sub-section(1), impose such conditions (including conditions as to the ownership and operation of the line) as appear to it to be necessary.
 4. The Appropriate Government may vary or revoke the approval at any time after the end of such period as may be stipulated in the approval granted by it.
 5. Where any tree standing or lying near an overhead line or where any structure or other object which has been placed or has fallen near an overhead line subsequent to the placing of such line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission or electricity or the accessibility of any works, an Executive Magistrate or authority specified by the Appropriate Government may, on the application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he or it thinks fit.
 6. When disposing of an application under sub-section (5), an Executive Magistrate or authority specified under that sub-section shall, in the case of any tree in existence before the placing of the overhead line, award to the person interested in the tree such compensation as he thinks reasonable, and such person may recover the same from the licensee.

- II. For obtaining approval under Section 68 of the Electricity Act, 2003, any inter-state transmission licensee, or a special purpose vehicle company (in case of the inter-state transmission projects to be implemented under tariff based company bidding), or the generation company (in case of his dedicated transmission line which is directly connected to inter-state transmission system), or any other entity for which the appropriate government is the Central Government, is required to submit the proposal duly completed in all respect to Central Electricity Authority (CEA) on National Single Window System (NSWS) portal (www.nsws.gov.in), inter-alia including the following:-

Handwritten signature

- a. Request letter giving name of transmission scheme and the details of overhead transmission line included in the scheme.
- b. The board resolution for authorized signatory.
- c. Copy of the Connectivity granted by CTUIL/STU, for generation projects.
- d. Copy of Gazette notification/Ministry office order, for the ISTS transmission schemes to be implemented through TBCB/RTM mode.

III. The proposal duly completed with in all respects may be sent by CEA, with their recommendations, to the below mentioned addressee for approval of Ministry of Power:

Under Secretary (PG)
Ministry of Power
Shram Shakti Bhawan,
Room No. 634, New Delhi
Tel: 23730264

IV. A copy of duly approved letter would be sent by MoP to CEA for uploading on the NSWS portal.



Annexure-II of MoP OM No. 25-10/27/2023-PG dated 09.06.2023

Revised procedure for obtaining approval under Section 164 of the Electricity Act:

1. Under the provisions of Section 9 of the Electricity Act, 2003, a person may construct, maintain or operate a captive generation plant and dedicated transmission lines. Section 10 (i) of the Electricity Act, 2003 casts the duty on the generating company to establish, operate and maintain generation stations, tie lines, substations and dedicated transmission lines, therewith in accordance with the provisions of this Act or the rules or regulations made thereunder. As per the provisions under Section 63 of the Electricity Act, 2003 and the National Electricity Policy, Ministry of Power issued Guidelines for Encouraging Competition in Development of Transmission Projects and Tariff Based Competitive Bidding Guidelines for Transmission Service. These guidelines are aimed at facilitating competition in the sector through wide participation by providing transmission services and tariff determination through a process of tariff based competitive bidding and to encourage private sector participation in transmission.

2. Under Section 164, *"The appropriate Government may, by order in writing, for the placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper coordination or works, confer upon any public officer, licensee or any other person engaged in the business of supplying electricity under this Act, subject to such conditions and restrictions, if any, as the Appropriate Government may think fit to impose and to the provisions of the Indian Telegraph Act, 1885, any of the powers which the telegraph authority possesses under that Act with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained, by the Government or to be so established or maintained"*.

3. In order to process the request from private transmission companies as well as generating companies who are required to construct, maintain and operate dedicated transmission lines, the following procedure has been prescribed :

- a. The licensee / applicant shall cause such transmission scheme to be published in the Official Gazette of the State concerned or in Government of India Gazette in case of
 - i. Inter- State Schemes
 - ii. Cross Border Schemes (India portion)
 - iii. Generating company dedicated transmission line connecting to ISTS substation;

and in at least two local daily newspapers along with a notice of the date, not being less than two months after the date of such publication, before

