

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 47/TL/2024

Coram:

**Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P.K. Singh, Member**

Date of Order: 21st March, 2024

In the matter of

Application under Sections 14 & 15 of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Procedure, Terms and Conditions for the grant of Transmission License and other related matters) Regulations, 2009 with respect to Transmission Licence to Bikaner-III Neemrana Transmission Limited.

And

In the matter of

Bikaner III Neemrana Transmission Limited,
B-9, Qutab Institutional Area, Katwaria Sarai,
New Delhi 110 016

Address for correspondence:

ED (TBCB), Power Grid Corporation of India Limited,
Saudamini, Plot No.2, Sector -29,
Gurgaon-22001, Haryana

....**Petitioner**

Vs

- 1. Chief Operating Officer,**
Central Transmission Utility of India Limited,
Saudamini, Plot no.2, Sector -29,
Gurgaon-122001, Haryana
- 2. General Manager,**
PFC Consulting Limited,
9th Floor, A-Wing, Statesman House Connaught Place,
New Delhi- 110001
- 3. ACME Cleantech Solutions Private Limited,**
Plot No 152, Sector 44,
Gurugram-122002
- 4. Avada RJ Bikaner Private Limited,**
C-11, Sector-65, Gautam Buddha Nagar- Noida
- 5. MRS Buildvision Private Limited,**

306A, D-2, Sourthen Park,
Saket District Centre,
Saket, New Delhi-110017

- 6. Saimma Solar Provate Limited,**
5th Floor, North Tower, M3M Tee point,
Sector-65, Golf Course Extension Road,
Gurugram, Haryana-122018
- 7. Sunbreeze Renewables Nine Private Limited,**
Office Ni 520, Urbtech Building Park,
Sector -153, Noida,
Gautam Buddha Nagar, UP-201301
- 8. Sunrise solar RJ one private Limited,**
1101A-1107, 11th floor, BPTP paerk centra,
Jal Vayu Vihar, Sector-30, Gurugram-122001
- 9. TP Saurya Limited,**
C/o The Tata power company Limited,
Corporate Centre, 34 Sant Tukaram Road,
Carnac Bunder, Mumbai-400009
- 10. Central Electricity Authority,**
Sewa Bhawan,
R.K.Puram, New Delhi-110 066
- 11. Northern Regional Power Committee,**
18A, Shaheed Jeet Singh Sansanwal Marg,
Katwaria Sarai, New Delhi-110 016
- 12. Delhi Transco Limited,**
Shakti Sadan, Kotla Road,
New Delhi-110 002
- 13. Grid Controller of India Limited,**
(erstwhile Power System Operation Corporation Limited)
9th Floor, IFCI Towers,
61, Nehru Place, New Delhi-110 016
- 14. HPPTCL,**
Himfed Bhawan, Panjari,
Shimla-171005, HP
- 15. UP Power Transmission Company Limited,**
Shakti Bhawan Extn, 3rd Floor,
14, Ashok Marg, Lucknow-226001, U.P.
- 16. Punjab State Transmission Corporation Limited,**
The Mall, Patiala-147001, Punjab

17. Power Transmission Corporation of Uttarakhand Limited,
Vidyut Bhawan, Near ISBT Crossing,
Saharanpur Road, Majra, Dehradun.

18. Development Commissioner (Power) Power,
Development Department Grid sub-station,
Complex, Janipur, Jammu

19. Rajasthan Rajya Vidyut Prasaran Nigam Limited,
Vidyut Bhawan, Jaipur-302005, Rajasthan

20. Haryana Vidyut Prasaran Nigam Limited,
Shakti Bhawan, Sector-6,
Panchkula-134109, Haryana

21. Administration of Chandigarh Electricity Department,
UT Secretariat Sector-9 D,
Chandigarh-161009

....Respondents

Parties present:

Shri Mani Kumar, BNTL
Shri Rohit Jain, BNTL
Shri Ranjeet S. Rajput, CTUIL
Shri Akshayvat Kislay, CTUIL

ORDER

The Petitioner, Bikaner III Neemrana Transmission Limited (BNTL) has filed the present Petition for the grant of a transmission licence under Sections 14 and 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 the “Transmission system for evacuation of power from Rajasthan REZ Ph-IV (Part-1) (Bikaner Complex): PART-A” on a Build, Own, Operate and Transfer (BOOT) basis (hereinafter referred to as “the Project”) consisting of the following elements:

S. No.	Name of the Transmission Element	Scheduled COD
1	<p>Establishment of 6x1500 MVA (along with one spare unit of 500 MVA), 765/400 kV & 5x500 MVA 400/220 kV Bikaner-III Pooling Station along with 2x330 MVAR (765 kV) Bus Reactor (along with one spare unit of 110 MVAR) & 2x125 MVAR (420 kV) Bus Reactor at a suitable location near Bikaner.</p> <p>765/400 kV 1500 MVA ICTs: 6 nos. (19x500 MVA including one spare unit) 765 kV ICT bays- 6 nos. 765 kV line bays- 2 nos. 330 MVAR Bus Reactor-2 nos. (7x110 MVAR, including one spare unit) 765kV reactor bays- 2 nos. 400/220 kV, 500 MVA ICTs- 5 nos. 400 kV ICT bays -11 nos. 420 kV reactor bays - 2 nos. 125 MVAR, 420 kV bus reactor- 2 nos. 400 kV line bays - 6 nos. (4 nos. for LILO of Bikaner-Bikaner-II D/c line & 2 nos. for Bikaner-II D/c line) 220 kV ICT bays - 5 nos. 220 kV line bays- 5 nos. (for RE connectivity) 220 kV BC (2 nos.) and 220 kV TBC (2 nos.) 220kV Sectionalisation bay: 1 set</p> <p>Future provisions: Space for</p> <p>765 kV line bays along with switchable line reactors-- 6 nos. 765kV Bus Reactor along with bay: 1 no. 400 kV line bays along with switchable line reactor --4 nos. 400 kV line bays-4 nos. 400/220kV ICT along with bays -5 nos. 400 kV Bus Reactor along with bay: 1 no. 400kV Sectionalization bay: 2 sets 220 kV line bays for connectivity of RE Applications - 8 nos. 220kV Sectionalization bay: 2 sets 220 kV BC (2 no.) and 220 kV TBC (2 no.) STATCOM (2x±300MVAR) along with MSC (4x125 MVAR) & MSR (2x125 MVAR)</p>	24 Months from SPV transfer
2	LILO of both ckts of 400 kV Bikaner (PG)- Bikaner-II D/c line (Quad) at Bikaner-III PS	
3	Bikaner-II PS – Bikaner-III PS 400 kV D/c line (Quad)	
4	2 no. of 400 kV line bays at Bikaner-II. • 400 kV line bays - 2 nos	

5	<p>Bikaner-III - Neemrana-II 765 kV D/c line along with 330 MVAR switchable line reactor for each circuit at each end</p> <ul style="list-style-type: none"> • 765 kV, 330 MVAR switchable line reactors at Bikaner-III PS – 2 nos. • 765 kV, 330 MVAR Switchable line reactors at Neemrana-II S/s – 2 nos. • Switching equipment for 765kV 330 MVAR switchable line reactors at Bikaner-III PS – 2 nos. • Switching equipment for 765kV 330 MVAR switchable line reactors at Neemrana-II S/s – 2 nos. 	
6	<p>2 no. of 765 kV line bays at Neemrana-II S/s</p> <ul style="list-style-type: none"> • 765kV line bays at Neemrana-II S/s- 2 nos. 	

Note:

1. *POWERGRID to provide space for 2 nos. of 400 kV line bays at Bikaner-II PS.*
2. *Developer of Neemrana-II S/s shall provide space for 2 nos. of 765 kV line bays at Neemrana-II S/s for termination of Bikaner-III - Neemrana-II 765 kV D/c line.*
3. *Provision of suitable sectionalization shall be kept at Bikaner-III PS, at 400kV & 220kV level to limit short circuit level.”*

2. The Petitioner has made the following prayers:

“(a) Grant Transmission License to the Applicant;

(b) Allow the sharing and recovery of Transmission Charges for Inter-State Transmission System for “Transmission system for evacuation of power from Rajasthan REZ Ph-IV (Part-1) (Bikaner Complex): PART-A” as per Sharing of Inter-state Transmission Charges and Losses CERC Regulations 2020 and any other amendment thereon issued from time to time by CERC; and

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

Hearing dated 5.3.2024

3. During the course of the hearing on 5.3.2024, the representative of the Petitioner submitted that the Petitioner has already served the copy of the Petition on the Bid Process Coordinator (BPC) and the Central Transmission Utility of India Limited (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 the grant of a transmission licence.

However, no suggestion /objection has been received. The representative of the Petitioner further submitted that pursuant to being declared as a successful bidder in a tariff based competitive bidding process, Power Grid Corporation of India Limited (PGCIL) acquired the Petitioner company on 27.12.2023. He further stated that the Petitioner is in the process of changing the name of the company and will place the relevant details by way of an additional affidavit pursuant to such change. The representative of the Petitioner submitted that there had been a delay of seven days due to a delay in reflecting the filing fees status and urged the Commission to condone the same.

4. The representative of the CTUIL submitted that CTUIL has issued its recommendations for the grant of a transmission licence to the Petitioner company. He further submitted that there is no mismatch in the present case.

5. Vide Record of Proceedings for the hearing dated 5.3.2024, respondents were directed to file their replies. However, no reply has been received from them. The Petitioner was directed to file the status (including SCOD) of RE plants planned to be connected on Bikaner-III PS. The Petitioner vide its affidavit dated 21.3.2024 has filed the status of RE plants planned to be connected on Bikaner - III PS.

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 the Ministry of Power, Government of India, under Section 63 of the Act, PFC Consulting Limited (PFCCL) was notified by the Ministry of Power, Government of India, vide Gazette Notification. No. CG-DL-E-14012023-241990 dated 13.1.2023 as the Bid Process Coordinator (BPC) for the

purpose of selection of the bidder as Transmission Service Provider (TSP) to establish the “Transmission system for evacuation of power from Rajasthan REZ Ph-IV (Part-1) (Bikaner Complex): PART-A”, through the tariff based competitive bidding process on a BOOT basis.

7. PFCCCL, in its capacity as the BPC, initiated the bid process on 15.2.2023 and completed the same on 27.12.2023 in accordance with the provisions of the Guidelines. Power Grid Corporation of India Limited was selected as the successful bidder having quoted the lowest transmission charges of Rs. 2732.69 million per annum to provide the transmission services to the transmission system’s beneficiaries.

8. As per the BPC, RfP was issued on 15.2.2023. At the RfP (Technical and Financial) stage, four bidders, namely, (i) The Tata Power Company Limited, (ii) Power Grid Corporation of India Limited, (iii) Adani Energy Solutions Limited (Formerly known as Adani Transmission Limited), and (iv) Sterlite Grid 31 Limited submitted their offers. The RfP (Technical bids of the four bidders were opened by the Bid Opening Committee in the office of Central Electricity Authority on 9.10.2023 in the presence of the representative of the bidders. Based on the recommendation of the Bid Evaluation Committee (BEC), the RfP (Financial) Bids-Initial Price Offer of the four bidders were opened on 1.11.2023. The lowest Initial Price Offer discovered (Best Deal) at the MSTC portal was Rs. 3160.00 million per annum. The details of the quoted transmission charges by the bidders are given below:

Sr. No.	Name of the Bidder	Quoted Transmission Charges from the Initial Offer (in Rs. Million)
1.	Power Grid Corporation of India Limited	3,160.00
2.	The Tata Power Company Limited	3,510.00

3.	Sterlite Grid 31 Limited	3,599.99
4.	Adani Energy Solutions Limited (Formerly known as Adani Transmission Limited)	3,881.90

9. As per Clause 2.5 of the RfP document, Initial Offers shall be ranked on the basis of ascending order for the determination of the qualified bidders. The bidders holding the first fifty per cent of the ranks (with any fraction rounded off to a higher integer) or four bidders, whichever is higher, shall be considered to be qualified for participating in the electronic reverse auction stage and submit their final offer. Accordingly, the rank of the bidders qualified for participating in the e-reverse auction stage, in the ascending order of the initial offer, is as under:

Sr. No.	Name of the Bidder	Quoted Transmission Charges from the Initial Offer (in Rs. Million)	Rank
1.	Power Grid Corporation of India Limited	3,160.00	L-1
2.	The Tata Power Company Limited	3,510.00	L-2
3.	Sterlite Grid 31 Limited	3,599.99	L-3
4.	Adani Energy Solutions Limited (Formerly known as Adani Transmission Limited)	3,881.90	L-4

10. E-reverse auction of all four qualified bidders was carried out at the MSTC portal on 2.11.2023, and the following transmission charges for the bidders (in ascending order) emerged:

S. No.	Name of the Bidder	Transmission Charges from the Initial Offer (in Rs. Million)	Transmission Charges from the Final Offer (in Rs. Million)	Rank
1.	Power Grid Corporation of India Limited	3,160.00	2,732.69	L-1
2.	The Tata Power Company Limited	3,510.00	2,739.54	L-2

3.	Sterlite Grid 31 Limited	3,599.99	3,599.99 (not participated in e-RA)	L-3
4.	Adani Energy Solutions Limited (Formerly known as Adani Transmission Limited)	3,881.90	3,881.90 (not participated in e-RA)	L-4

11. As per the Bid Evaluation Report dated 14.11.2023, Power Grid Corporation of India Limited emerged as the successful bidder with the lowest quoted transmission charges of Rs. 2732.69 million per annum. BEC, vide its certificate dated 14.11.2023, has certified that the entire bid process was 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 are acceptable.

12. Consequent to its selection as the lowest bidder, a letter of Intent (LoI) was issued to Power Grid Corporation of India Limited by the BPC on 29.11.2023, which was accepted by Power Grid Corporation of India Limited. Under the terms of RfP and the Letter of Intent, the successful bidder is obligated to accomplish the following tasks:

(a) Provide the Contract Performance Guarantee in favour of the Central Transmission Utility of India Limited;

(b) Execute the Share Purchase Agreement and the Transmission Service Agreement;

(c) Acquire, for the acquisition price, 100% share equity shareholding of Bikaner III Neemrana Transmission Limited from PFCCL along with all its related assets and liabilities;

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

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

13. The Petitioner has furnished the Contract Performance Guarantee (CPG) in favour of the Nodal Agency, i.e. CTUIL for an aggregate value of Rs. 81 crore on 27.12.2023 and acquired a hundred percent equity holding in Bikaner III Neemrana Transmission Limited on 27.12.2023. The Petitioner entered into a Transmission Service Agreement (TSA) with the CTUIL on 27.12.2023.

14. 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”

15. 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 the 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, the 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 a competent authority in the Ministry of Power/ CEA. The Ministry of Power/Central Electricity Authority, vide its letter No. 25-17/25/2023-PG dated 3.10.2023, had issued prior approval to the Project under Section 68 of the Act. Selection of the Project developer, Bikaner III Neemrana Transmission Limited, has been certified to have been made in accordance with the Guidelines.

16. Regulation 7 of the Transmission Licence Regulations read with the order dated 22.1.2022 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 the grant of a 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

.....

(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.”

17. The Petitioner has approached the Commission with a separate application for the adoption of the transmission charges in respect of the transmission system, which is presently under consideration of the Commission, and an order in that Petition will be issued separately. The Petitioner has filed the present Petition for the grant of a transmission licence in accordance with the provisions of 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 a transmission licence in terms of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012. The Petitioner has prayed for the grant of a transmission licence to Bikaner III Neemrana Transmission

Limited with respect to the transmission system as per the details given in paragraph 1 above.

18. The Petitioner has made the Application as per Form-I and paid a fee of Rs. one lakh as prescribed by the Central Government. As per the direction of the Commission, the Petitioner has served the copy of the Application on the beneficiaries of the transmission project. The transmission charges quoted by the Petitioner, which have been recommended by the Bid Evaluation Committee for acceptance is Rs. 2,732.69 million per annum. The Petitioner has enclosed copies of the recommendations of the Bid Evaluation Committee.

19. The Petitioner has published the notices on the e-filing portal of the Commission and on its website in Form-II in English language and in Hindi (Vernacular) language. No objection has been received from the general public in response to the notices.

20. The Petitioner has served a 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 23.1.2024, has recommended the grant of a transmission licence to the Petitioner. The relevant portion of the said letter dated 23.1.2024 is extracted as under:

“This is with reference to Petition having Diary no. 29/2024 filed by M/s Bikaner III Neemrana Transmission Limited before Hon'ble Commission for grant of Transmission License to facilitate implementation of Transmission System for Evacuation of Power from Rajasthan REZ Ph-IV (Part 1) (Bikaner Complex): Part-A. In this regard, following is submitted:

1. Towards achievement of 500 GW non-fossil generation by 2030, Renewable Energy Zones (REZs) of 181.5GW for likely benefits by 2030,

were identified by MNRE/SECI. These REZs are located in eight states, out of which, 75 GW REZs are identified in the state of Rajasthan (Comprising of 15 GW Wind and 60 GW Solar potential). Accordingly, based on the discussion, a comprehensive transmission scheme for evacuation of 75 GW RE potential from Rajasthan has been evolved. This also includes transmission scheme for evacuation of 7.7GW RE power in Bikaner complex, (Bikaner-II: 3.7GW and Bikaner-III:4 GW).

2. The subject transmission scheme was agreed in the 8th Consultation meeting for Evolving Transmission Schemes in NR held on 30/06/2022. Extract of the minutes of 8th NR-CMETS meeting are enclosed at Annexure-I. The detailed scope of the subject scheme is attached at Annexure-II.

3. Subsequently transmission scheme was agreed in the 9th meeting of National Committee of Transmission (NCT) held on 28/09/2022. Extract of minutes of meeting are attached at Annexure-III. Transmission Scheme was also agreed in the 56th NRPC meeting held on 29/07/2022. Extract of the 56th NRPC minutes are enclosed at Annexure-IV.

4. Ministry of Power, Govt. of India vide gazette notification dated 13/01/2023 has identified M/s PFC Consulting Ltd. (PFCCL) as Bid Processing Coordinator (BPC) for the purpose of selection of bidder as Transmission Service Provider (TSP) to establish the above referred project through TBCB route. Bid Evaluation Committee appointed by the BPC has selected Power Grid Corporation of India Limited ("POWERGRID") as successful bidder. POWERGRID has subsequently acquired Bikaner III Neemrana Transmission Limited after execution of the requisite Share Purchase Agreement (SPA) on 27/12/2023.

5. As part of subject scheme, 765/400/220 kV Bikaner-III PS along with LILO of both ckts of 400 kV Bikaner (PG) - Bikaner-II D/c line (Quad) at Bikaner-III PS, Bikaner-II PS — Bikaner-III PS 400 kV D/c (Quad) line & Bikaner-III - Neemrana-II 765 kV D/c line is to be established with completion schedule as 24 months from effective date (27/12/2023) ie. 26/12/2025. Bikaner, Bikaner-II PS are existing substations whereas Neemrana-II S/s shall be implemented as part of Transmission System for Evacuation of Power from Rajasthan REZ Ph-IV (Part 1) (Bikaner Complex) matching with completion schedule of 26/12/2025.

6. Implementation of this project shall facilitate transfer of power from RE generation (About 7.7 GW) proposed to be connected in Bikaner Complex in Western Rajasthan.

Keeping above in view and based on details furnished by M/s Bikaner III Neemrana Transmission Limited, CTU, in line with Section 15(4) of the Electricity Act, 2003, recommends grant of transmission license to M/S Bikaner III Neemrana Transmission Limited for executing the subject transmission scheme.”

21. 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, the selected bidder was required to complete all the activities including the acquisition of SPVs, by 9.12.2023. Though Lol was issued on 29.11.2023, BPC vide its letter dated 27.12.2023 in terms of proviso to Clause 2.15.2 of RfP has extended the date up to 27.12.2023 for completion of the activities by the successful bidder. The selected bidder furnished the Contract Performance Guarantee in favour of the Nodal Agency (CTUIL) for an amount of Rs. 81 crore on 27.12.2023 and has acquired a hundred per cent equity-holding in the applicant company on 27.12.2023 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 the grant of a transmission licence within five working days of the issuance of the acquisition of the SPV to the successful bidder. The successful bidder, namely Power Grid Corporation of India Limited, acquired the SPV on 27.12.2023. Accordingly, the TSP has filed the instant Petition through e-filing for the grant of a transmission license on 10.1.2024. There is a delay of seven days in filing the Petition. In this regard, the Petitioner, during the hearing dated 5.3.2024, has submitted that it had paid the transmission licence fees on 2.1.2024. However, the application could be filed online on 10.1.2024 due to the issue of reflection of payment in the e-filing portal. The Petitioner has prayed for condoning the delay in filing the application. Since the Petitioner could not file the application due to procedural issues, the same is condoned.

22. Considering the material on record, we are *prima-facie* of the view that the Petitioner satisfies the conditions for the grant of an inter-State transmission licence under Section 15 of the Act read with the Transmission Licence Regulations for 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 the grant of a transmission licence aforesaid. The objections or suggestions, if any, be filed by any person before the Commission by **8.4.2024**.

23. 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 the commissioning of the Project within the SCOD.

24. The Petitioner has undertaken that it shall implement the Project as per the provisions of the TSA. The Petitioner has also undertaken that the time overrun and cost overrun, if applicable, shall be claimed by the Petitioner in accordance with the applicable provisions of the TSA read with the provisions of the Act, the bidding documents and the regulations of the Central Electricity Regulatory Commission.

25. 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, testing 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 the Bureau of India Standards. In this regard, the Petitioner has submitted that it would implement the Project as per the provisions of the TSA, including Article 16.4, Article 5.1.1 and Article 5.4 of the TSA.

26. The Petition further submitted that it has applied for the name change of the transmission service provider to the Ministry of Corporate Affairs. However, the same has not yet been approved. The Petitioner further submitted that upon approval, the requisite affidavit shall be filed in this regard. The Commission noted the same.

27. The Petition shall be listed for the hearing on **10.4.2023**.

Sd/-
(P.K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(Jishnu Barua)
Chairperson