

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 293/TL/2023

Coram:

**Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member**

Date of order: 15th April, 2024

In the matter of:

Petition 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 for grant of separate Transmission Licence to POWERGRID Ramgarh Transmission Limited for implementation of scope of work as detailed in the Petition through RTM mode.

And

In the matter of

POWERGRID Ramgarh Transmission Limited (PRTL),
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 122001, Haryana

...Petitioner

Vs

1. Uttar Pradesh Power Corporation Ltd.,
(Formerly Uttar Pradesh State Electricity Board)
Shakti Bhawan, 14, Ashok Marg, Lucknow-226001 (Uttar Pradesh).
2. Ajmer Vidyut Vitran Nigam Ltd.,
132 kV, GSS RVPNL Sub-station Building,
Caligiri Road, Malviya Nagar, Jaipur-302017 (Rajasthan).
3. Jaipur Vidyut Vitran Nigam Ltd.,
132 kV, GSS RVPNL Sub-station Building,
Caligiri Road, Malviya Nagar, Jaipur-302017 (Rajasthan).

4. Jodhpur Vidyut Vitran Nigam Ltd.,
132 kV, GSS RVPNL Sub-station Building,
Caligiri Road, Malviya Nagar, Jaipur-302017 (Rajasthan).

5. Himachal Pradesh State Electricity Board,
Vidyut Bhawan, Kumar House Complex Building II,
Shimla-171004 (Himachal Pradesh).

6. Punjab State Power Corporation Limited,
Thermal Shed Tia, Near 22 Phatak,
Patiala-147001 (Punjab).

7. Haryana Power Purchase Centre,
Shakti Bhawan, Sector-6,
Panchkula-134109 (Haryana).

8. Power Development Department,
Govt. of Jammu & Kashmir
Mini Secretariat, Jammu

9. BSES Yamuna Power Ltd. (BYPL)
B-Block, Shakti Kiran, Bldg. (Near Karkardooma Courts),
Karkardoomam 2nd Floor, New Delhi-110092

10. BSES Rajdhani Power Ltd. (BRPL),
BSES Bhawan, Nehru Place,
New Delhi-110019.

11. Tata Power Delhi Distribution Ltd. (TPDDL),
NDPL House, Hudson Lines,
Kingsway Camp, Delhi-110009.

12. Chandigarh Administration,
Sector -9, Chandigarh.

13. Uttarakhand Power Corporation Ltd.,
Urja Bhawan, Kanwali Road,
Dehradun (Uttarakhand).

14. New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi-110002.

15. North Central Railway,
Allahabad (Uttar Pradesh).

16. Chief Operating Officer,
Central Transmission Utility India Limited (CTUIL)
Saudamini, Plot no.2, Sector -29,
Gurgaon 122001.

17. Chief Engineer,
Power System Project Monitoring Division
Central Electricity Authority,
Sewa Bhawan, R. K. Puram,
Sector-1, New Delhi - 110 066

...Respondents

The following were present:

Shri Prashant Kumar, PRTL
Shri Abhijit D, PRTL
Shri Yatin Sharma, CTUIL
Shri Siddharth Sharma, CTUIL
Shri Akshyvat Kislav, CTUIL

ORDER

The Petitioner, POWERGRID Ramgarh Transmission Limited, (in short 'PRTL'), has filed the present Petition under Sections 14 and 15 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') read with the provisions of the Central Electricity Regulatory Commission (Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009 (hereinafter referred to as 'the Transmission Licence Regulations') for the grant of a separate transmission licence for the implementation of (i) "400kV bays for RE generators at Fatehgarh-III (erstwhile Ramgarh-II) PS under ISTS", (ii) "Transmission system for evacuation of power from REZ in Rajasthan (20GW) under Phase-III Part E1", (iii) "400 kV & 220 kV bays to RE generators at Fatehgarh-III (erstwhile Ramgarh-II) PS under ISTS", (iv) "Transmission system for evacuation of power from the REZ in Rajasthan (20GW) under phase-III Part E-2" and (v) "Bus Sectionalizer at 400 kV level of 765/400/220 kV Fatehgarh-III PS (Section-2)" through Regulated Tariff Mechanism (RTM) mode. Detailed scope of RTM

transmission projects assigned to the Petitioner by the Ministry of Power/CTUIL for transmission projects detailed as under:

(a) Implementation of 400kV bays for RE generators at Fatehgarh-III (erstwhile Ramgarh-II) PS under ISTS:

S no	Scope of the Transmission Scheme	Capacity/km	Implementation timeframe
1	1 no. of 400 kV bay at Fatehgarh-III PS (erstwhile Ramgarh-II)	• 400 kV line bays -1	20.9.2025
Total Estimated Cost:			Rs. 16.30 crore

(b) Transmission projects assigned under Government of India, Ministry of Power, vide notification No. 15/3/2018-Trans Pt(1) dated 1.12.2021 and CTUIL vide Office memorandum ref No. C/CTUIL/OM/02 dated 2.12.2021 in reference to the aforesaid MOP notification:

(i)Transmission system for evacuation of power from REZ in Rajasthan (20GW) under Phase-III Part E1

S. No.	Scope of the Transmission Scheme	Capacity/km	Implementation timeframe
1.	Establishment of 3x1500 MVA 765/440 kV & 3x500 MVA, 400/220 kV pooling station at Fatehgarh-3 (new section*) (In addition to 4x500 MVA ICT proposed under Rajasthan SEZ Ph-II of section-1) along with 2x330 MVAR, 765 kV & 2x125 MVAR, 420 kV Bus Reactors	765/440 kV 1500 MVA ICT: 3 Nos. (10x500) MVA, including one spare unit) 330MVAR 765 KV bus reactor-2 (7x110 MVAR including one spare unit) 765 kV ICT bays-3 nos. 400/220KV, 500MVA ICT-3 nos. 400 kV ICT bays 6 nos. 220 ICT bays 3 nos. 765kV line bays -2 Nos. 765kV reactor bays -2 nos. 125 MVAR, 420kVbus reactor-2 nos. 420 kV reactor bays -2	1.2.2025

		nos.	
Total Estimated Cost:			Rs. 435 crore

(ii) Grant of 400 kV & 220 kV bays to RE generators at Fatehgarh-III (erstwhile Ramgarh-II) PS under ISTS:

S. No	Scope of the Transmission Scheme	Capacity/km	Implementation timeframe
1.	6 nos. of 220 kV bays and 3 nos of 400 kV bays along with bus extension of 220 kV & 400 kV bus as well as bus sectionaliser arrangement between both the levels i.e. 400 kV new section and 220 kV new section with under implementation section at Fatehgarh-III PS.	400 kV line bays -3 nos. 220 kV line bays-6 nos. 400 kV bus sectionaliser - 1 no. 220 kV bus sectionaliser – 1 no.	As per table A
Total Estimated Cost:			Rs. 82.45 crore including IDC of Rs. 2.30 crore.

S. No.	Element	Implementation schedule as per CTUIL
1	1 nos. 220kV line bays at Fatehgarh-III	31.10.2024
2	1 no. 220kV line bays Fatehgarh-III	31.10.2024
3	1 no. 220kV line bays Fatehgarh-III	31.7.2024
4	1 no. 220kV line bays Fatehgarh-III	31.12.2024
5	1 no. 220kV line bays Fatehgarh-III	31.3.2025
6	1 no. 220kV line bays Fatehgarh-III	30.6.2025
7	1 no. 400kV line bays at Fatehgarh-III	1.2.2025
8	1 no. 400kV line bays at Fatehgarh-III	1.2.2025
9	1 no. 400kV line bays at Fatehgarh-III	31.03.2025

(iii) Transmission Project: Transmission system for evacuation of power from REZ in Rajasthan (20GW) under phase-III Part E-2:

S. No	Scope of the Transmission Scheme	Capacity/km	Implementation timeframe
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S. No	Scope of the Transmission Scheme	Capacity/km	Implementation timeframe
1.	Augmentation of 3x1500 MVA 765/440 kV & 2x500 MVA, 400/220 kV pooling station at Fatehgarh-3 (new section).	765/440 kV 1500 MVA ICT: 3 Nos. 400/220 kV, 500MVA ICT-2 nos. 765 kV ICT bay-3 nos. 400 kV ICT bay-5 nos. 220 kV ICT bays 2 nos.	As per table B
Total Estimated Cost:			Rs. 245 crore

Table

S. No.	Element	Implementation schedule as per CTUIL
1	1x500MVA, 400/220kV ICT (1st):	31.3.2025
2	1x500MVA, 400/220kV ICT (2nd):	30.6.2025
3	1x1500MVA, 765/400kV ICT (1st):	31.3.2025
4	2x1500MVA, 765/400kV ICT (2nd & 3rd):	30.6.2025

(iv) Transmission project assigned by CTUIL vide Office memorandum ref No. C/CTU/AI/00/12th CCTP dated 21.4.2023 and subsequent amendment issued on 8.6.2023:

Transmission Project-implementation of Bus Sectionalizer at 400 kV level of 765/400/220 kV Fatehgarh-III PS (Section-2).

S. No	Scope of the Transmission Scheme	Capacity/km	Implementation timeframe
1.	1 Set of Bus sectionalizer at 400kV level of 765/400/220kV Fatehgarh-III PS (Section-2)	400 kV Bus sectionalizer - 1 set	01.01.2025
Total Estimated Cost:			Rs. 17.11 crore

2. The Petitioner is an Inter-State Transmission Licensee and was awarded a Transmission system strengthening scheme for evacuation of power from solar energy zones in Rajasthan (8.1 GW) under phase II- Part A on a Build, Own, Operate and

Maintain basis through the Tariff Based Competitive Bidding (hereinafter referred to as “TBCB Project”) mode. The Commission vide order dated 31.5.2021 in Petition No. 89/TL/2021 granted a transmission licence to the Petitioner for the aforesaid TBCB Project consisting of the following scope of the work:

Sr. No.	Name of the Transmission Element	Scheduled COD in months from Effective Date
1.	Establishment of 400/220 kV, 4x500 MVA at Ramgarh- II (Fatehgarh-III) PS with 420kV (2x125 MVAR) bus reactor	18 months i.e. December, 2022
2.	Ramgarh-II (Fatehgarh-III) PS – Fatehgarh- II PS 400kV D/c line (Twin HTLS*)	
3.	2 no. of 400 kV line bays at Fatehgarh- II for Ramgarh-II (Fatehgarh-III) PS– Fatehgarh- II PS 400kV D/c line	
4.	Ramgarh –II (Fatehgarh-III) PS– Jaisalmer-II (RVPN) 400 kV D/c line (Twin HTLS*)	
5.	2 no. of 400 kV line bays each at Jaisalmer- II for Ramgarh- II (Fatehgarh-III) - Jaisalmer-II 400kV D/c line	

***with a minimum capacity of 2100 MVA on each circuit at a nominal voltage**

3. The Commission, after considering the application of the Petitioner in light of the provisions of the Act and the Transmission Licence Regulations, vide its order dated 13.3.2024, *prima facie* proposed to grant a separate transmission licence to the Petitioner to implement the transmission projects detailed at paragraph 1 of the order.

The relevant extracts of the order dated 13.3.2024 are extracted as under:

“34. In the present case, the Petitioner does not fulfil any of the eligibility conditions for the grant of a transmission licence. However, in the 6th meeting of the National Committee on Transmission, it was indicated that, as per the revised Terms of Reference issued by the Ministry of Power, Government of India, ISTS projects costing up to Rs. 100 crore or such limit as may be prescribed by Ministry of Power from time to time would be approved by CTUIL, including its mode of implementation and NCT is to approve the ISTS costing between Rs.100 crore and Rs. 500 crore or such limit as prescribed by the Ministry of Power from time to time, along with their mode of implementation under intimation to the Ministry of Power. The Transmission

schemes have been identified for implementation through RTM mode by CTUIL/NCT and the Ministry of Power. The non- grant of a transmission licence to any agency nominated by NCT to implement a transmission scheme through a regulated tariff mechanism in view of the provisions of Regulation 6 defeats the purpose of the Policy decision of the Government. We are of the view that considering the strategic importance of the transmission schemes, it is a fit case for a relaxation of the provisions of Regulation 6 by invoking the power vested under Regulation 24 of the Transmission Licence Regulations.

35. Regulation 24 of the Transmission Licence Regulations, dealing with the power to relax in appropriate cases, provides as under:

“24. The Commission may, when it considers necessary or expedient to do so and for reasons to be recorded in writing, relax or depart from any of the provisions of these regulations”.

36. It is an established principle of law that the power to relax has to be strictly construed and is to be exercised judiciously and with caution. Further, the power to relax is to be exercised only when undue hardship is caused by the application of the rules or regulations. In the present case, the Petitioner is a transmission licensee who has already implemented the project defined under its scope through the TBCB mechanism. The present Petition is consequent to the office order 28.10.2021 notified by the Ministry of Power, Government of India, wherein CTUIL has been authorized to determine the mode of implementation of ISTS projects less than or equal to Rs.100 crore and NCT to approve the ISTS costing between Rs.100 crore and Rs. 500 crore or such limit as prescribed by the Ministry of Power from time to time, along with their mode of implementation under intimation to the Ministry of Power.

37. Since the Petitioner is already an inter-State transmission licensee and has been identified as an agency to implement the project as per RTM, in view of the peculiar facts and circumstances, as stated above, the Commission, in the exercise of power under Regulation 24, hereby relaxes the provision of Regulation 6 of the Transmission Licence Regulations and holds that the Petitioner is eligible for the grant of a separate transmission licence. We hereby 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 a transmission licence aforesaid. The objections or suggestions, if any, shall be filed by any person before the Commission by 28.3.2024.

4. A public notice under Sub-section (5) of Section 15 of the Act was published on 21.3.2024 in all editions of the Times of India (English) and Hindustan (Hindi). No

suggestions/objections have been received from members of the public in response to the public notice.

5. The case was called out for a hearing on 10.04.2024. The representative of the Petitioner submitted that no objection had been received in response to the public notice published by the Commission under sub-section (5) of Section 15 of the Act. Accordingly, it was requested that a separate transmission licence be granted to the Petitioner Company. The representative of CTUIL further submitted that CTUIL has already recommended the grant of the transmission licence.

6. CTUIL has submitted that as per directions of the Commission, CTUIL, vide its letter dated 15.12.2023, has requested the Ministry of Power to clarify the requirement of approval of the Central Government to transmission schemes under the Transmission System Planning Rules, 2021 for the Projects costing up to Rs. 500 crore approved by NCT/CTUIL as per the Ministry's Order dated 28.10.2021. Any directions or observations received from the Ministry of Power in this regard shall be placed before the Commission. Considering the submissions, CTUIL is directed to place on record the response received from the Ministry of Power as and when it is received. Meanwhile, we proceed to grant the transmission licence to the Petitioner Company so that the construction work of the transmission line may not be delayed.

7. As regards the grant of the transmission licence, Clauses (15) and (16) of Regulation 7 of the 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 13.3.2024, we had proposed to grant a transmission licence to the Petitioner company and directed for the issuance of public notice. In response to the public notice, no suggestions/ objections have been received. CTUIL, vide its letters dated 27.9.2023 and 12.2.2024, has recommended the grant of a transmission licence to the Petitioner. The Commission, in its order dated 13.3.2024, had observed that the Petitioner does not fulfil the eligibility conditions for the grant of a transmission licence. Since, in the present case, the Petitioner is a transmission licensee that has already implemented the project defined under its scope through the TBCB mechanism, and the present Petition is consequent to the office order 28.10.2021 notified by the Ministry of Power Government of India, the Commission, vide said order dated 13.3.2024 relaxed the provision of Regulation 6 of the Transmission Licence Regulations and held that the Petitioner is eligible for the grant of a transmission licence. Considering the submissions of the Petitioner and CTUIL, we, accordingly, direct that the transmission licence be granted to the Petitioner, POWERGRID Ramgarh Transmission Limited, to establish the transmission scheme through the RTM route as per the details given in paragraph 1 above.

9. The grant of the 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 during the period of subsistence of the licence;

(c) The licensee may make an application, two years before the expiry of the initial licence period, for the grant of the transmission 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 a 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 provisions of Central Electricity Regulatory Commission (Standard of Performance of inter-State transmission licensees) Regulations, 2012 or subsequent enactment thereof;

(h) The licensee shall provide the non-discriminatory open access to its Transmission System for use by any other licensee, including a distribution licensee, 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 (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2023; the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2023, 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 the execution of the Project as per the Technical Standards and Grid Standards of CEA and

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

(n) The licensee shall ensure that the EPC contract for the execution of work under the scope of the project is awarded through a competitive bidding process.

10. The Central Electricity Authority/ CTUIL shall monitor the execution of the Project and bring to the Commission's notice any lapse on the part of the licensee in meeting the schedule for further appropriate action in accordance with the provisions of the Act and the Transmission Licence Regulations.

11. Let an extract copy of this order be sent to the Central Government in the Ministry of Power and the Central Electricity Authority in terms of sub-section (7) of Section 15 of the Electricity Act, 2003, for their information and record.

12. Petition No. 293/TL/2023 is allowed in terms of the above.

Sd/-
(Arun Goyal)
Member

sd/-
(Jishnu Barua)
Chairperson