

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 514/AT/2024

Coram:

**Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member**

Date of Order: 7th January, 2026

In the matter of

Application under Section 63 of the Electricity Act, 2003 seeking adoption of Transmission Charges of the “Eastern Region Expansion Scheme – XXXIX” to be established by ERSS-XXXIX Power Transmission Limited.

And

In the matter of

**TP Gopalpur Transmission Limited,
(earlier known as EREX-XXXIX Power Transmission Limited),
104-B, First Floor, 191/A,
Kharavela Nagar, Unit- 3,
Bhubaneswar-751001, Odisha.**

...Petitioner

Versus

**1. Central Transmission Utility of India Limited,
Plot No. 2 Sector-29, Gurgaon-12200, Haryana.**

**2. REC Power Development and Consultancy Limited,
Core 4, SCOPE Complex 7,
Lodhi Road, New Delhi-110003.**

**3. Bihar State Power Transmission Company Limited,
Vidyut Bhavan, 4th Floor,
Bailey Road-800021, Patna.**

**4. Jharkhand Urja Sancharan Nigam Limited,
Engineering Building, HEC,
Dhurwa-834004, Ranchi.**

**5. Odisha Power Transmission Corporation Limited,
Bhoinagar Post Office, Janpath,
Bhubaneshwar-751022.**

6. West Bengal State Electricity Transmission Company Limited,

Vidyut Bhavan, 8th Floor, A-Block
Salt Lake City, Kolkata-700091.

7. Power Department, Government of Sikkim,
Through the Principal Chief Engineer cum Secretary,
Gangtok, Sikkim.

8. Damodar Valley Corporation,
DVC Towers, VIP Road,
Kolkata-700054.

9. Power Grid Corporation of Indian Limited,
Saudamini, Plot No. 2, Sector 29, Gurgaon
Haryana-122001.

10. Avaada Greenh2 Private Limited,
C-11, Sector 65 Gautam Buddha Nagar,
Gautam Buddha Nagar,
Noida-201301, Uttar Pradesh.

11. Acme Clean Energy Private Limited,
Plot No. 152, Sector-44,
Gurugram-122002, Haryana.

...Respondents

Parties present:

Shri Basava Prabhu Patil, Sr. Advocate, ERSS XXXIX
Shri Anand Kumar Shrivastava, Advocate, ERSS XXXIX
Shri Shivam Sinha, Advocate, ERSS XXXIX
Shri Ravi Nair, Advocate, ERSS XXXIX
Ms. Tanya Singh, ERSS XXXIX
Shri Sandeep Mahapatra, Advocate, OPTCL
Ms. Rohini Prasad, Advocate, BSPTCL
Ms. Ashika Ranjan, Advocate, BSPTCL
Shri Swapnil Verma, CTUIL
Shri Ranjeet Rajput, CTUIL
Shri Akshayvat Kislay, CTUIL

ORDER

The Petitioner, TP Gopalpur Transmission Limited (erstwhile ERSS – XXXIX Power Transmission Limited (hereinafter referred to as “ERSS XXXIX”), has filed the present Petition under Section 63 read with Section 79(1)(c) & (d) of the Electricity Act, 2003 (hereinafter referred to as “the Act”) seeking the adoption of transmission tariff discovered through the tariff based competitive bidding process for the purpose

of selection of the Bidder as the Transmission Service Provider (hereinafter referred to as “TSP”) to establish the Inter-State Transmission System namely the “Eastern Region Expansion Scheme – XXXIX” on a Build, Own, Operate and Transfer Basis (hereinafter referred to as “BOOT Basis”). The Petitioner has made the following prayers:

- “(a) Adopt the Transmission Charges of Rs. 2897.29 million up to the validity/ expiry of TSA discovered through a transparent competitive bidding process pursuant to the RFP dated 16.03.2024, for “Eastern Region Expansion Scheme – XXXIX” comprising of the elements/ assets as detailed in the executed Transmission Service Agreement dated 14.11.2024;*
- (b) Approve the Transmission Service Agreement dated 14.11.2024 and other Project Documents including the RFP issued on 16.03.2024 along with all amendments/communications/ clarifications forming part of Project Documents for the “Eastern Region Expansion Scheme – XXXIX” and direct that the recovery of transmission charges shall be in accordance with the terms of the Transmission Service Agreement dated 14.11.2024 executed between the parties and the CERC (Sharing of Inter-State Transmission Charges and losses) Regulations 2020 and its amendments;*
- (c) Condone any inadvertent errors/ omissions/ shortcomings and permit the Petitioner to add/change/modify/alter these filings and make further submissions as may be required at a future date; and*
- (d) Pass any such other order/orders, as may be deemed fit and proper in the facts and circumstances of the case.”*

2. On receipt of the present Petition, the Bid Process Coordinator (BPC), REC Power Development and Consultancy Limited (hereinafter referred to as “RECPDCL”), vide letter dated 8.1.2025, was directed to submit the relevant documents regarding the complete process of competitive bidding. The necessary details have been filed by the BPC vide affidavit dated 15.1.2025.

Hearing Dated 28.1.2025

3. On 28.1.2025, the Petition was admitted, subject to just exceptions. Vide Record of Proceedings (hereinafter referred to as “RoP”) for the hearing dated 28.1.2025, the Petitioner was directed to implead PGCIL as a party to the Petition

and to file a revised memo of parties. In compliance with the RoP dated 28.1.2025, the Petitioner, vide its affidavit dated 3.2.2025, has impleaded Power Grid Corporation of India Limited as a party to the Petition and has filed a revised memo of parties.

Hearing Dated 19.2.2025

4. During the course of the hearing, the learned counsel for the Petitioner submitted that the Petitioner has complied with all the directions issued vide Record of Proceedings for the hearing dated 28.1.2025. He further submitted that the name of the company has been changed from 'ERES-XXXIX Power Transmission Limited' to 'TP Gopalpur Power Transmission Limited', and sought permission to place on record the certificate in support thereof. Vide RoP dated 19.2.2025, the Petitioner was directed to file an appropriate application for change of name and place on record, and to submit the supporting documents in this regard. In compliance with the RoP dated 19.2.2025, the Petitioner submitted the relevant documents in support of the change of name on 22.2.2025.

Hearing Dated 4.3.2025, 20.3.2025 and 22.4.2025

5. Vide RoP dated 4.3.2025, the Commission deemed it appropriate to list the present Petition along with similar matters, i.e., Petition Nos. 424/TL/2024 and 426/TL/2024. During the hearing on 22.4.2025, the learned counsel appearing for the Petitioner submitted that, pursuant to the CTUIL meeting, one bulk consumer was initially impleaded as a party to the Petition. However, in its subsequent affidavit, CTUIL has indicated the names of two additional bulk consumers. Accordingly, the Petitioner sought permission to file a revised memo of parties to implead the said additional bulk consumers.

6. Vide RoP dated 22.4.2025, the Petitioner was directed to file an amended memo of parties to implead the additional bulk consumers as indicated by CTUIL. Further, all the bulk consumers in the instant case, including the additional bulk consumers to be impleaded as above, were directed to file their respective replies, if not filed already. In compliance with the said direction, the Petitioner, vide affidavit dated 5.5.2025, filed the revised memo of parties, which has been taken on record.

Hearing Dated 20.5.2025 and 7.7.2025

7. During the course of the hearing on 20.5.2025, the learned counsel for the Respondent, Bihar State Power Holding Company Limited (hereinafter referred to as "BSPHCL") submitted that insofar as issues with respect to time overrun and cost overrun are concerned, the Commission may kindly observe that these issues would be adjudged on their own merits as and when they arise. During the course of the hearing on 7.7.2025, after hearing the learned counsels for the Petitioner, the Respondent, i.e., OPTCL, and the representative of CTUIL, an order was reserved in the matter.

Analysis and Decision

8. We have considered the submissions of the Petitioner and the Respondents and perused the documents available on record. The Petitioner has filed the instant Petition under Section 63 of the Act for the adoption of the Inter-State Transmission System to establish the "Eastern Region Expansion Scheme – XXXIX (ERES-XXXIV).

9. The Ministry of Power, Government of India, vide its Gazette Notification No. 943 [F. No. 15/3/2018- Trans-Part(I)] dated 1.3.2024 has notified the RECPDCL

Limited as the BPC for the purpose of selection of a bidder as the Transmission Service Provider to establish a transmission system for evacuation of power from “Eastern Region Expansion Scheme-XXXIV (ERES-XXXIV)” on a Build, Own, Operate and Transfer Basis through a tariff based competitive bidding process.

10. ERES-XXXIX Power Transmission Limited (now known as TP Gopalpur Transmission Limited) was incorporated on 27.3.2024 under the Companies Act 2013 as a wholly owned subsidiary of RECPDCL with the objective to establish “Eastern Region Expansion Scheme-XXXIV (ERES-XXXIV) on Build, Own, Operate and Transfer Basis” and to act as the Transmission Service Provider after being acquired by the successful bidder.

11. BPC prepared the bidding document (RfP) in accordance with the Standard Bid Documents issued by the Ministry of Power, Government of India. BPC started the process of selection of the successful bidder with the publication of a Global Invitation for Qualification for the selection of a developer on a BOOT basis for the Project. The notice of the RfP was published in National/International newspapers on 16.3.2024, with the last date of submission of response to the RfP as 20.5.2024. Intimation regarding the initiation of the bid process was given to this Commission on 18.3.2024 in accordance with Clause 4.2 of the Guidelines dated 10.8.2021.

12. The scope of the Project as per the Request for Proposal and the Transmission Service Agreement is as under:

S. No.	Scope of Transmission Scheme	Scheduled COD in months from the Effective Date
1.	Establishment of new 765/400 kV, 2x1500 MVA GIS	

<p>substation at Gopalpur in Odisha</p> <ul style="list-style-type: none"> • 765/400 kV, 1500 MVA ICTs: 2 nos. (7x500MVA single phase units including one spare) • 765 kV ICT bays: 2 nos. • 400 kV ICT bays: 2 nos. • 765 kV, 330 MVAr Bus reactor: 2 nos. (7x110 MVAr single phase units including one spare unit for both bus and line reactors) • 765 kV Bus reactor bays: 2 nos. • 420 kV, 125 MVAr Bus reactor: 2 nos. • 400 kV Bus reactor bays: 2 nos. • 765 kV line bays: 2 nos. <p><i>[for termination of Angul (POWERGRID) – Gopalpur 765 kV D/c line along with 765 kV, 1x330 MVAr switchable line reactor at Gopalpur end in both circuits]</i></p> <ul style="list-style-type: none"> • 400 kV line bays: 2 nos. <p><i>[for termination of Gopalpur – Gopalpur (OPTCL) 400 kV D/c (Quad) line]</i></p> <ul style="list-style-type: none"> • 765 kV, 330 MVAr (3x110 MVAr single phase units) switchable line reactor along with associated bay and 500 ohm NGR (with NGR bypass arrangement) <i>[at Gopalpur end in both circuits of Angul (POWERGRID) – Gopalpur 765 kV D/c line]</i>: 2 nos. <p>Additional space for future expansion:</p> <ul style="list-style-type: none"> • 765/400 kV, 4x1500 MVA ICTs (12x500MVA single phase units) along with associated ICT bays at both voltage levels • 400/220 kV, 4x500 MVA ICTs along with associated ICT bays at both voltage levels • 765 kV, 2x330 MVAr (6x110 MVAr single phase units) bus reactor along with associated bays • 420 kV, 2x125 MVAr bus reactor along with associated bays • 8 nos. of 765 kV line bays (along with space for switchable line reactor) for future lines • 10 nos. of 400 kV line bays (along with space for switchable line reactor) for future lines • 12 nos. of 220 kV line bays for future lines • 765 kV bus sectionaliser bay: 1 set • 400 kV bus sectionaliser bay: 1 set 	<p>31-12-2027</p>
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	<ul style="list-style-type: none"> • 220 kV bus sectionaliser bay: 1 set • 220 kV bus coupler bay: 2 no. 	
2.	Angul – Gopalpur 765 kV D/c line	
3.	<p>Extension at 765 kV level at Angul (POWERGRID) S/s including bus extension in GIS</p> <ul style="list-style-type: none"> • 765 kV AIS line bays (<i>along with space for future switchable line reactor</i>): 2 nos. [for termination of Angul (POWERGRID) – Gopalpur 765 kV D/c line] including bus extension in GIS of about 3000 m 	
4.	Gopalpur – Gopalpur (OPTCL) 400 kV D/c (Quad) line@	
5.	<p>Extension at 400 kV level at #Gopalpur (OPTCL) GIS S/s</p> <ul style="list-style-type: none"> • 400 kV GIS line bays: 2 nos. [for termination of Gopalpur – Gopalpur (OPTCL) 400 kV D/c (Quad) line] + #2 nos. for diameter completion 	

Note:

- a) @Gopalpur (OPTCL) is being taken up for implementation and is expected to be awarded by March 2024. As per OPTCL's input 20 km line has been considered between 765/400 kV (ISTS) and 400/220 kV (Intra-state) substations at Gopalpur.
- b) #The bus scheme of 400 kV level at Gopalpur (OPTCL) GIS S/s shall be one and half breaker scheme, 2 nos. full diameter i.e., 4 nos. of GIS bays needs to be implemented in the scheme for requirement of 2 nos. GIS Bays for termination of Gopalpur (OPTCL) – Gopalpur 400 kV D/c (Quad) line in two different diameters. Utilisation of other 2 nos. GIS bays of these diameters shall be identified in future.
- c) OPTCL shall provide space at under implementation Gopalpur (OPTCL) 400/200 kV GIS S/s for implementation of 2 nos. of 400 kV GIS line bays for termination of Gopalpur (ISTS) – Gopalpur (OPTCL) 400 kV D/C (Quad) line. 2 nos. full diameter i.e. 4 nos. GIS bays shall be established.
- d) POWERGRID shall provide space at Angul (POWERGRID) 765/400 kV S/s for implementation of 2 nos. of 765 kV line bays (*along with space for future switchable line reactor*) along with bus extension in GIS for termination Angul (POWERGRID) – Gopalpur 765 kV D/c line.

13. The RfP was issued on 16.3.2024. At the RfP (Technical and Financial) stage, four bidders, namely, (i) Power Grid Corporation of India Limited; (ii) The Tata Power Company Limited; (iii) Adani Energy Solutions Limited and (iv) Sterlite Grid 32 Limited submitted their offers. The RfP (Technical bids) of the bidders were opened by the Bid Opening Committee at the Central Electricity Authority on 3.10.2024 in the presence of representatives of the bidders. Based on the recommendation of the Bid Evaluation Committee (hereinafter referred to as "BEC"), the RfP (Financial) Bids Initial Price Offer of the bidders were opened on 3.10.2024. The Lowest Initial Price Offer discovered (Best Deal) on the MSTC portal was Rs. 3,750.00 million, which was the initial ceiling for quoting the final offer during the e-Reverse Auction.

14. As per the provisions of the RfP documents, BEC recommended that the four qualified bidders participate in the e-reverse auction stage and submit their final offer. The e-reverse auction was conducted on the MSTC portal on 4.10.2024 and concluded on 5.10.2024 after intimation to the bidders regarding the lowest initial price offer. Among the four qualified bidders, only two bidders, namely, The Tata Power Company Limited and Power Grid Corporation of India Limited, participated in the e-reverse auction and submitted their bids.

15. Based on the e-reverse bidding, BEC, in its meeting held on 8.10.2024, recommended The Tata Power Company Limited, with the lowest transmission charges of Rs. 2897.29 million, as the successful bidder. The Letter of Intent was issued by the BPC on 15.10.2024 to the successful bidder, i.e., The Tata Power Company Limited. In accordance with Clause 12.3 of the Guidelines, the BPC has hosted on the website of RECPDCL the final result of the evaluation of the bids for the selection of a developer for the Project.

16. In accordance with the provisions of the bid documents and upon the issuance of LoI to the successful bidder (The Tata Power Company Limited) and acquisition of SPV (the Petitioner) by the successful bidder, the Petitioner has prayed for the adoption of transmission charges for the Project, which has been discovered through the competitive bidding process.

17. It is noted that the Petitioner had filed a separate application along with the instant Petition for the grant of a transmission licence for the subject transmission system. The Commission, vide its order dated 18.12.2025 in Petition No. 513/TL/2024, has observed that it is premature to consider the grant of a transmission licence for the instant transmission scheme, as it does not fulfil the requirement prescribed under Section 38(2)(c) of the Act, and accordingly, referred the matter to NCT for reconsideration on the basis of its likely utilization and impact on the consumers, in the absence of any application for its use by the bulk consumers. The relevant extract of the order dated 18.12.2025 is as under:

“34. The Act mandates that an inter-State transmission system is required to be developed in an efficient and economical manner. However, the instant transmission scheme may result in a redundant transmission asset without any visibility of its utilisation. Therefore, we are of the considered view that it is premature to consider the grant of a transmission licence for the instant transmission scheme, as it does not fulfil the requirement prescribed under Section 38(2)(c) of the Act. Therefore, we find it appropriate to refer the proposal for the instant transmission scheme back to the NCT for reconsideration on the basis of its likely utilisation and impact on the consumers in the absence of any application for its use by the bulk consumers. Accordingly, we direct the Petitioner and the CTUIL to approach the NCT with the observations as made in this Order. After the decision of the NCT, the Petitioner is granted liberty to approach the Commission, if so advised.

35. Petition No. 513/TL/2024 is disposed of in terms of the above.”

18. In view of the above, the question of adoption of transmission charges of the subject transmission scheme does not arise at this stage, and no purpose would be served to keep the instant adoption Petition pending any further when the decision of the NCT is pending in the subject transmission scheme. Accordingly, the Petition is disposed of, with liberty to the Petitioner to approach the Commission for the adoption of transmission charges after the NCT takes a decision on the subject transmission scheme. The filing fee paid in the instant Petition shall be adjusted against the adoption Petition, if any, to be filed by the Petitioner for the subject transmission scheme in future.

19. Petition No. 514/AT/2024 is disposed of in terms of the above.

Sd/- (Ravinder Singh Dhillon) Member	sd/- (Harish Dudani) Member	sd/- (Ramesh Babu V.) Member	sd/- (Jishnu Barua) Chairperson
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