

4. A public notice under Sub-section (5) of Section 15 of the Act was published on 31.5.2022 in all editions of the Indian Express (English) and Amar Ujala (Hindi). No suggestions/ objections have been received from the members of the public in response to the public notice.

5. Case was called out for virtual hearing on 5.7.2022 in response to public notice published by the Commission, no objection has been received. The Petitioner vide Record of Proceedings for the hearing dated 5.7.2022 was directed to submit the schematic diagram, duly vetted by CTUIL, of bays to be constructed at Bongaigaon (POWERGRID) substation under the instant project. The Petitioner and CTUIL were directed to confirm that there is no ambiguity in scope of works for implementation of 2 nos. of 220 kV GIS bay at Bongaigaon (POWERGRID) 400/220 kV S/s for termination of Bongaigaon (POWERGRID)-Nangalbibra 400 kV D/c line (initially operated at 220 kV).

6. The Petitioner vide its affidavit dated 25.7.2022 has placed on record schematic diagram, duly vetted by CTUIL, of bays to be constructed at Bongaigaon (POWERGRID) substation under the instant project and has submitted as under:

(a) The scope of work of the Petitioner as stated in the RfP and TSA is amply clear and there is no ambiguity in the same. The scope of work between the Petitioner and PGCIL is clearly delineated and the Petitioner does not apprehend any ambiguity in that respect at a later date. Particularly with respect to the extension at the Bongaigaon sub-station, it is clear from the scope of work that the Petitioner is required to implement 2 (two) number of GIS line bays for termination of the NB Line. The Notes under the scope of work corroborates the said understanding when it states that PGCIL is to provide space for extension at the Bongaigaon sub-station corresponding to 2 (two) number of 220 kV line bays for termination of the NB Line. Adequate space and bay extensions are envisaged even for future expansion of the Bongaigaon sub-station even after

the Petitioner's scope of work is completed. Hence, no constraint or ambiguity in scope of work is envisaged in this case.

(b) The Revised Specific Technical Requirement for establishment of the Project issued by the BPC included the drawings for bay extension at Bongaigaon sub-station. The said drawings included the Single Line Diagram (**SLD**) and General Arrangement (**GA**) for bay allocation at existing Bongaigaon sub-station for NB Line – which clearly marks out the 2 (two) bays under the scope of work of the Petitioner. With the said marking, the scope of work of the Petitioner stands clarified beyond doubt.

(c) In line with the scope of work prescribed under the RfP and the TSA, the Petitioner vide its letter dated 9.2.2022 had shared the SLD for 2 line bays to be implemented at the Bongaigaon sub-station, for the record and information of PGCIL, while stating that the said SLD drawing will be referred for the bay extension work. The said SLD indicates the scope of the work of the Petitioner as implementation of bay 6 and bay 7 at the Bongaigaon sub-station, in line with the SLD issued by the BPC.

(d) Subsequently, in line with the ROP for the hearing dated 5.7.2022, the learned counsel for the Petitioner shared the SLD depicting the bays in the Petitioner's scope of work at the Bongaigaon sub-station with CTUIL. As per the direction of the Commission dated 5.7.2022, CTUIL was requested to vet and approve the said SLD depicting the Petitioner's scope of work at the Bongaigaon sub-station. A follow-up email on the subject matter was sent by the Petitioner to the CTUIL on 18.7.2022.

(e) CTUIL vide its email dated 22.7.2022 has confirmed that there is no ambiguity in the Petitioner's understanding on its scope of work for implementation of 2 nos. of 220 kV GIS line bays at the Bongaigaon sub-station for termination of BN Line and the SLD submitted by the Petitioner indicates double main switching scheme which is in line with the provisions of the RFP.

7. We have considered the submissions of the Petitioner and CTUIL. Perusal of the documents submitted by the Petitioner reveals that there is no ambiguity regarding scope of the work of the Petitioner. CTUIL has submitted that SLD for extension of work at 220 kV level at Bongaingaon (Powergrid) sub-station as submitted by the Petitioner indicates double main switching scheme which is in line with the provisions of the RfP. CTUIL has further confirmed that there is no ambiguity in the Petitioner's understanding on its scope of work for implementation of 2 nos. of 220 kV GIS line bays at the Bongaingaon sub-station for termination of BN Line.

8. As regards grant of transmission licence, Clause (15) and Clause (16) of Regulation 7 of 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.”

9. In our order dated 23.5.2022, we had proposed to grant transmission licence to the Petitioner company and directed for issue of public notice. In response to the public notice, no suggestions/objections have been received. CTUIL in its letter dated 17.3.2022 has recommended for grant of transmission licence to the Petitioner. We are satisfied that the Petitioner company meets the requirements of the Act and the Transmission Licence Regulations for grant of transmission licence for the subject Transmission System mentioned at paragraph 1 of this order. Accordingly, we direct that transmission licence be granted to the Petitioner, Nangalbibra-Bongaingaon

Transmission Limited, to establish to establish “new 220/132 kV substation at Nangalbibra” on Build, Own, Operate and Maintain basis as per the details given in paragraph 1 above.

10. 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 SCOD.

11. The grant of 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 and the terms and condition of the TSA during the period of subsistence of the licence.

(c) Since the expiry date as per the TSA is 35 years from the scheduled COD of the Project, the licensee may make an application, two years before the expiry of initial licence period, for grant of 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 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 Central Electricity Regulatory Commission (Standard of Performance of inter-State transmission licensees) Regulations, 2012 or subsequent enactment thereof;

(h) The licensee shall provide non-discriminatory open access to its Transmission System for use by any other licensee, including a distribution licensee or 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 (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009; the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010, 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 execution of the Project within timeline specified in the Schedule 3 of the TSA and as per the Technical Standards and Grid Standards of CEA prescribed in Article 5.1.1 and Article 5.4 of the TSA;

(m) The licensee shall as far as practicable coordinate with the licensee (including deemed licensee) executing the upstream or downstream transmission projects and the Central Electricity Authority and CTUIL for ensuring execution of the Project in a matching timeline; and

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

12. Central Electricity Authority shall monitor the execution of the Project and bring to the notice of the Commission any lapse on the part of the licensee to meet the schedule for further appropriate action in accordance with the provisions of the Act and the Transmission Licence Regulations.

13. Let an extract copy of this order be sent to CEA for information and necessary action.

14. Petition No. 33/TL/2022 is allowed in terms of the above.

Sd/-
(P. K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(I.S. Jha)
Member