

PFC Consulting Limited as its wholly owned subsidiary to initiate the activities for execution of the Project and subsequently to act as Transmission Service Provider (TSP) after being acquired by the successful bidder selected through Tariff Based Competitive Bidding process. Transmission Service Agreement (TSA) was entered between the identified Long-Term Transmission Customers (Paschimanchal Vidyut Vitran Nigam Ltd., Madhyanchal Vidyut Vitran Nigam Ltd., Purvanchal Vidyut Vitran Nigam Ltd., Dakshinanchal Vidyut Vitran Nigam Ltd. & Kanpur Electricity Supply Co. Ltd.) and "Mohanlalganj Transmission Limited" on 09.07.2021.

4. BPC initiated the bidding process and issued the request for qualification (hereinafter to be referred as 'RFQ') document on 12.02.2021, for selection of successful bidder who is to acquire the TSP in accordance with the "Tariff Based Competitive Bidding Guidelines for Transmission Service" and "Guidelines for Encouraging Competition in Development of Transmission Projects" issued by Government of India, Ministry of Power under section - 63 of The Electricity Act, 2003.
5. The Petitioner submitted that Power Grid Corporation of India Limited (POWERGRID) participated in the Request for Qualification (RFQ) process conducted by the BPC and subsequently, POWERGRID was declared as Qualified Bidder by the BPC to participate in the Request for Proposal (RfP) process. Further, bidding was undertaken by the BPC and the e-reverse auction was held on 03.09.2021. Power Grid Corporation of India Limited was declared as the successful bidder after the conclusion of the e-reverse auction with the lowest Levelised Transmission Charges of Rs.1150.08 Million (Rs. 115.008 Crore). The Letter of Intent (LoI) was issued on 12.05.2022 by the BPC to Power Grid Corporation of India Limited. The SPV (Mohanlalganj Transmission Limited) was transferred to Power Grid Corporation of India Limited on 30.05.2022 upon submission of the Contract Performance Guarantee and signing of the Share Purchase Agreement (SPA).
6. The present petition has been filed by Mohanlalganj Transmission Limited, for grant of intra-State transmission license in accordance with the section 14, 15 and 86 (1) (d) of the Electricity Act, 2003 and Uttar Pradesh Electricity Regulatory Commission (General Conditions of Transmission License). Further, the petitioner also forwarded a copy of the application to UPPTCL (STU). The Commission examined the application in the light of the provisions of the Act and provisions of the regulations. Subsequently the Petitioner filed an affidavit dated 18.07.2022 related to its changed legal name from Mohanlalganj Transmission Limited to Powergrid Gomti Yamuna Transmission Limited and sought approval of the Commission to allow the change in its name. The Commission in its order dated 29.08.2022 directed as follows:

*"At this juncture the Commission is not deciding the request of allowing the change in name and it will be considered later. The petitioner is directed to publish a notice under section 15(2) of the Electricity Act, 2003 in accordance with the requirements laid down under section 3.7.1 & 3.7.2 of UPERC (General Conditions of Transmission Licence) Regulations, 2005*

*In accordance with section 15(2)(i) of Electricity Act, 2003, comments/suggestions shall be invited from the public through this notice within a period of 30 days from the date of publication of notice. In the notice published in the newspapers, it shall be indicated that suggestions and objections, if any, may be filed before the Secretary, UP Electricity Regulatory Commission, Vidyut Niyamak Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow - 226010."*





7. The public notice was issued by the petitioner in two Hindi and two English daily newspapers. English Edition: Hindustan Times (Lucknow and New Delhi/Noida editions), Hindi: Hindustan and Aaj, on 15.09.2022. In response to the public notice no objections/suggestions were received by the Commission.
8. UPPTCL (STU) vide its letter 3269/Dir(O)/UPERC dated 15.06.2022 has submitted that it has no objection in issue of transmission license in favour of the petitioner, as the transmission system has been approved by the Energy Task Force (ETF) as well as Government of Uttar Pradesh.
9. The Commission also, vide its order dated 29.08.2022, directed the petitioner to submit a no objection from the concerned authority of the Central Government if their system is likely to affect any cantonment, aerodrome, arsenal, dockyard or camp/building/place in the occupation of Government for defence purposes. In response to the same, the petitioner, vide its affidavit dated 29.09.2022, submitted that the system of the petitioner is not likely to affect any cantonment, aerodrome, fortress, arsenal, dockyard or camp/building/place in the occupation of Government for defence purposes. Further, the petitioner also submitted that the system is neither affecting nor is likely to affect any local authority, any central or state authority body.
10. Subsequent to it, a public notice was published by the Commission in newspapers for holding a public hearing in the matter on 21.11.2022.
11. During the course of public hearing, Sh. Shubham Tripathi, Advocate, appearing for the Petitioner, informed the Commission about the publication of public notice by the Petitioner on 15.09.2022. It was informed that the Petitioner has not received any objection in response to the public notice. He further submitted that the Petitioner has already sent letters dated 15.06.2022, 18.07.2022 and 20.09.2022 to the Quarter Master, General Branch, Army Headquarter Sena Bhawan, and has not yet received any objections/comments in this regard. As a matter of abundant precaution, the Commission separately wrote a letter to Quarter Master, General Branch, Army Headquarter Sena Bhawan, bringing the details of the project to his notice and soliciting his comments on the same. The Commission did not receive any response to the communication.
12. During the course of public hearing, Sh. Awadhesh Verma, a consumer representative, raised objection on why the name of Petitioner was changed from Mohanlalganj Transmission Limited to Powergrid Gombi Yamuna Transmission Limited when the entire tendering process was done under the name of Mohanlalganj Transmission Limited. Sh. Awadhesh Verma further submitted that the Petitioner should have first come before the Commission with a petition for approval of change in its legal name and subsequently a separate petition for grant transmission licence should have been filed.
13. Sh. Rajiv Gandhi, on behalf of the petitioner, informed the Commission that they have met all the compliances required for grant of licence. He further informed the Commission about the progress of commissioning of the Project.
14. Sh. Sanjay Nayak, PFCCL, submitted that the complete bid process has been carried out according





to Ministry of Power guidelines. Further, LOI was issued and the SPV was transferred to POWERGRID. After acquisition of SPV by POWERGRID, they have full right to change their name as per law. There was no representative present in the hearing from UPPTCL (STU) and Long-Term Transmission Customers of the Project.


15. The Commission is, accordingly, satisfied that the Petitioner fulfils the requirement of the Act & regulations for grant of intra-State transmission license for the transmission system mentioned at para 1 of this order, subject to the following conditions:

- a. The transmission license shall, unless revoked earlier, shall remain in force for a period of 25 years;
- b. If the useful life of the "Transmission System" extends beyond the period of 25 years, the licensee may make an application two years before the expiry of initial period of license for grant of license for a further period of 10 years, which shall be considered by the Commission in accordance with the then prevailing laws;
- c. The licensee shall not enter into contract or otherwise engage in the business of trading in electricity during the period of subsistence of the transmission license;
- d. The licensee shall remain bound by the provisions of the Act, the rules and regulations framed there under, in particular the transmission license regulations, IEGC, the Grid Code, the Standards specified by the Central Electricity Authority, orders and directions of the Commission issued from time to time;
- e. The licensee shall carry out the responsibilities conferred upon it, in particular but not limited to, under UP Electricity Grid Code, UPERC (Terms & Conditions for Open Access) Regulations, 2004, UPERC (Grant of connectivity to Intra State Transmission System) Regulations, 2010 including their amendments and modifications;
- f. 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 Uttar Pradesh Electricity Regulatory Commission (Open Access in intra-State Transmission) Regulations, 2019, as amended from time to time;
- g. The licensee shall comply with the directions of the Regional Load Dispatch Centre under sub-section (3) of section 28 or subsection (1) of section 29 of the Act and the directions of the State Load Dispatch Centre under sub-section (2) of section 32 or subsection (1) of section 33 of the Act, as may be issued from time to time for maintaining the availability of the "Transmission System";
- h. The Transmission Service Agreement (TSA) entered into between the licensee and long-term transmission customers shall be honoured by the parties involved in the TSA;
- i. The licensee shall not undertake any other business for optimum utilization of the "Transmission System" without prior intimation to the Commission;



- j. The licensee shall have the liability to pay the license fee in accordance with the provisions of the UP Electricity Regulatory Commission (Fees & Fines) Regulations, 2010, as amended from time to time. The license fee for a part of the year shall be paid on pro-rata basis. The year for the purpose of this clause shall mean a financial year, i.e., a period of twelve months from 1st April of a year to 31st March of the following year.
- k. The licensee shall disclose details of related party transactions to all Long-Term Transmission Customers (LTTCS) and STU, if any, periodically in accordance with provisions of Companies Act.
- l. The licensee may lay down or place electric supply lines and other installations subject to provisions of section 67 to 69 and 159 to 161 of the Electricity Act, 2003. Further, the licensee shall ensure adherence with the requirement laid down under section 164 of Electricity Act, 2003.
- m. The license may be revoked subject to section 19 of Electricity Act, 2003 at any time during its period of operation as specified in Electricity Act, 2003.

16. Petition no. 1852/2022 is disposed of.

  
(V. K. Srivastava)  
Member (Law)



  
(Raj Pratap Singh)  
Chairman

Place: Lucknow  
Dated: 7.7.2022