

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 103/TL/2023

Coram:

Shri Jishnu Barua, Chairperson

Shri I.S. Jha, Member

Shri Arun Goyal, Member

Shri P. K.Singh, Member

Date of order: 15th May, 2023

In the matter of:

Application under Sections 14, 15, 79(1)(e) of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Transmission License and other related matters) Regulations, 2009 seeking Transmission License for Patran Transmission Company Limited for the Transmission Project to be constructed through regulated tariff mechanism (RTM).

And

In the matter of

Patran Transmission Company Limited,
Windsor, 1st Floor, Unit No. 101,
Kalina, Santacruz East-400 098,
Mumbai, Maharashtra.

....**Petitioner**

vs

1. Central Transmission Utility of India Limited,
CTUIL-Planning, 1st Floor, A-wing,
Saudamini, Plot No.2, Sector-29,
Near IFFCO Chowk Metro Station,
Gurgaon-122 001

2. Haryana Power Purchase Centre,
Shakti Bhawan, Energy Exchange
Room No 446, Top Floor,
Sector-6, Panchkula-134109
Haryana

3. Punjab State Power Corporation Limited,

Shed No T-1-A, Thermal Design,
Near 22 No. Phatak,
Patiala, Punjab

4. Himachal Sorang Power Private Limited,
D-7, Sector-1, Lane-1, 2nd Floor
New Shimla, Shimla-171009
Himachal Pradesh

5. Adani Power Limited,
3th Floor, Achalraj,
Opposite Mayors Bungalow
Law garden, Ahmedabad-380006, Gujarat

6. Jaipur Vidyut Vitran Nigam Limited,
Vidyut Bhawan, Janpath
Jaipur-302005
Rajasthan

7. Ajmer Vidyut Vitran Nigam Limited,
Old Power House, Hathi Bhata
Jaipur Road,
Ajmer, Rajasthan

8. Jodhpur Vidyut Vitran Nigam Limited,
400 kV, GSS Building,
Ajmer Road, Heerapur,
Jodhpur, Rajasthan

9. Lanco Anpara Limited,
Plot No 397, Udyog Vihar
Phase-3, Gurgaon-122016
Haryana

10. Power Development Department
Govt. of Jammu & Kashmir
SLDC Building, 1st Floor
Gladani Power House
Narwal, Jammu
Jammu & Kashmir

11. Lanco Green Power Private Ltd
Plot No 397, Udyog Vihar
Phase- III, Gurgaon-122016
Haryana

12. North Central Railway
DRM Office, Nawab Yusuf Road
Allahabad, Uttar Pradesh
13. Ad Hydro Power Limited,
Bhilwara Towers,
A-12, Sec-1, Noida-201301
Uttar Pradesh
14. Jaiprakash Power Ventures Limited,
A Block, Sector-128, Noida-201304
Uttar Pradesh
15. BSES Yamuna Power Limited,
2nd Floor, B Block,
Shakti Kiran Building, (Near Karkardooma Court)
New Delhi
16. BSES Rajdhani Power Limited
BSES Bhawan, 2nd Floor,
B Block, Behind Nehru Place Bus Terminal,
Nehru Place, New Delhi-110019
17. Tata Power Delhi Distribution Limited,
33 kV sub-station Building,
Hudson Lane, Kingsway Camp,
New Delhi-110019
18. New Delhi Municipal Corporation,
Palika Kendra, Sansad Marg,
New Delhi-110 001
19. Union Territory of Chandigarh,
Div-11, Opposite Transport Nagar,
Industrial Phase-1, Chandigarh
20. Power Grid Corporation of India Limited,
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi-110016
21. Uttar Pradesh Power Corporation Limited,
14th Floor, Shakti Bhawan,
Ext Building, 14, Ashok Marg,
Lucknow, Uttar Pradesh

22. PTC India Limited,
2nd Floor, NBCC Tower,
15, Bhikaji Cama Place,
New Delhi-110066

23. Uttaranchal Power Corporation Limited,
Urja Bhawan, Kanwali Road,
Near Balli Wala Chowk,
Dehradun, Uttarakhand

24. Himachal Pradesh State Electricity Board,
Vidyut Bhawan, Kumar House Complex,
Building No. 11, Shimla,
Himachal Pradesh.

...Respondents

The following were present:

Ms. Aparajita Upadhyay, Advocate for the Petitioner
Shri Lokindra Ranawat, PTCL
Shri Saurav Kumar Jha, PTCL
Shri Swapnil Verma, CTUIL
Shri Ranjeet Singh Rajput, CTUIL

ORDER

The Petitioner, Patran Transmission Company Limited (PTCL) has filed the present Petition under Section 14 and Section 15 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') read with 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 grant of separate transmission licence for implementation of "augmentation of transformation capacity by 1x500 MVA, 400/220 ICT (3rd) at 400/220 kV Patran (GIS) sub-station' on the Regulated Tariff Mechanism (RTM) mode

(hereinafter referred to as the 'transmission scheme'). The scope of the project for which transmission licence has been sought is as under:

S. No.	Scope of Transmission Scheme	Capacity/km	Implementation timeframe
1.	Augmentation of Transformation Capacity by 1x1500 MVA, 400/220 kV ICT (3 rd) at 400/220 kV Patran (GIS) S/s along with GIS duct (at 400 KV and 220 kV) in new diameter of ICT-Tie-Line.	<ul style="list-style-type: none"> • 500 MVA 400/220 kV ICT- 1no. • 400 kV ICT bay (GIS)- 1no. • 400 kV bay (GIS) for diameter completion for future line (duct up to outside GIS Hall)- 1no. • 220 kV ICT bay (GIS)- 1no. 	21 months from the issue of OM by CTUIL.
Total Estimated Cost:			Rs. 65.19 crore

2. The Petitioner has made the following prayers:

“(a) Issue/Grant the Transmission Licence to the Applicant/ Petitioner, Patran Transmission Company Ltd. for establishing, operating and maintaining the Transmission System of “Augmentation of Transformation Capacity by 1x500 MVA, 400/220 kV ICT (3rd) at 400/220 kV Patran (GIS) S/s”, comprising of assets elements as detailed in the present petition, in terms of Sections 14, 15 and 79 (1) (e) of the Electricity Act;

(b) Condone any inadvertent errors omissions/ errors / shortcomings and permit the Applicant to add/change/modify/alter these pleadings and make further submissions as may be required at a future date;

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

3. PTCL was incorporated as a Special Purpose Vehicle (SPV) by PFC Consulting Limited (PFCCL) as part of Tariff Based Competitive Bidding ('TBCB') process for implementation of "Patran 400 kV sub-station" on Build, Own, Operate and Maintain

(BOOM) basis. Techno Electric and Engineering Company Limited (TEECL) participated in the competitive bidding process conducted by PFC Consulting Limited (PFCCL) and upon emerging as the successful bidder, Letter of Intent (LoI) was issued by PFCCL to TEECL on 17.9.2013. In accordance with the bidding documents, TEECL acquired 100% of the shareholding in PTCL by executing a Share Purchase Agreement with PFCCL on 13.11.2013. PTCL entered into Transmission Service Agreement (TSA) with LTTCs on 12.5.2014. The Commission in its order dated 14.7.2014 in Petition No. 321/TL/2013 granted transmission licence to PTCL to establish the transmission scheme for "Patran 400 kV sub-station" on BOOM basis consisting of the following elements:

S. No.	Transmission elements	Completion Target
1.	Creation of 2x500 MVA, 400/220 kV sub-station at Patran with (i) 6 Nos.400 kV Bays (ii) 8 Nos.220 kV Bays Space for spare Bays (6 Nos. 400 kV & 6 Nos. 220 kV)	30 months from effective date (25.10.2013)
2.	LILO of both circuits of Patiala-Kaithal 400 kV D/C at Patran	30 months from effective date (25.10.2013)

4. The Petitioner has submitted that after grant of separate transmission scheme, the Petitioner shall proceed to implement the transmission scheme under RTM mode. The estimated completion cost of the transmission scheme as per Office Memorandum (OM) issued by the Central Transmission Utility of India Limited (CTUIL) is Rs. 65.19 crore. After completion of the transmission scheme, the Petitioner shall approach the

Commission for determination of transmission charges in accordance with Section 61 and Section 62 of the Act and as per Regulation 8 (2) of the Transmission Licence Regulations.

Hearing dated: 10.5.2023

5. The matter was heard on 10.5.2023. No reply has been filed by the Respondents despite notice. During the course of hearing, the learned counsel for the Petitioner submitted that the Petitioner has filed all requisite details/ documents as per the provisions of the Transmission Licence Regulations along with its application. He further added that CTUIL vide its OM dated 28.11.2022 had approved the implementation of the above transmission scheme under RTM. The representative of CTUIL submitted that in the 11th Consultation Meeting for Evolving Transmission Schemes in NR held on 30.09.2022 considering the unprecedented load growth in Punjab and request of PSTCL, augmentation of 1x500 MVA (3rd) ICT at 400/220 kV Patran (GIS) S/s along with GIS duct (at 400kV and 220kV) in new diameter was agreed to be implemented as ISTS scheme with timeframe as May, 2024. Subsequently, PSTCL vide email dated 1.11.2022 has intimated the timeframe requirement as 31.5.2024.

Analysis and Decision

6. We have considered the submissions of the Petitioner and CTUIL. The Petitioner has filed the present Petition for grant of separate transmission licence for implementation of “Augmentation of Transformation Capacity by 1x1500 MVA, 400/220

kV ICT (3rd) at 400/220 kV Patran (GIS) S/s” through the Regulated Tariff Mechanism (RTM) mode. The transmission scheme was agreed in the 11th meeting of Evolving Transmission Schemes in Northern Region held on 30.9.2022.

7. Ministry of Power, Government of India vide its letter dated 28.10.2021 had issued terms of Reference of the NCT and *inter alia* directed that NCT shall 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 Ministry of Power further directed that ISTS costing less than or equal to Rs. 100 crore, or such limit as prescribed by Ministry of Power from time to time, will be approved by the Central Transmission Utility of India Limited (CTUIL) along with mode of implementation under intimation to the NCT and Ministry of Power, Government of India. Relevant portion of the said order dated 28.10.2021 is extracted as under:

“2. Terms of Reference (ToR) of the NCT are as under:

*j.******

VIII. The NCT shall recommend to Ministry of Power (MoP) for implementation of the ISTS for projects with cost more than Rs 500 crore, along with their mode of implementation i.e. Tariff Based Competitive Bidding (TBCB) / Regulated Tariff Mechanism (RTM), as per the existing Tariff Policy. However, the NCT shall approve the ISTS costing between Rs100 crore to Rs.500 crore or such limit as prescribed by MoP from time to time, along with their mode of implementation under intimation to MoP. The ISTS costing less than or equal to Rs. 100 crores, or such limit as prescribed by MoP from time to time, will be approved by the CTU along with their mode of implementation under intimation to the NCT and MoP. After approval of the ISTS by the NCT or the CTU (as the case may be), the TBCB project shall be allocated to Bid Process Coordinators through Gazette Notification, while the RTM project shall be allocated to CTU.”

8. Based on the above, CTUIL vide its Office Memorandum dated 28.11.2022 approved the implementation of subject transmission scheme on RTM mode along with

identifying the implementing agency and also addressed the same to Ministry of Power, Government of India and NCT. Relevant portion of the said Office Memorandum dated 28.11.2022 is extracted as under:

“Sub: Inter-State Transmission Scheme (costing up to Rs. 100 crore) to be taken for implementation under Regulated Tariff Mechanism (RTM).

The undersigned is directed to inform that CTU has approved implementation of the following ISTS costing less than or equal to Rs. 100 crore in line with MoP Office order dated 28.10.2021 under the Regulated Tariff mechanism (RTM) mode by the implementing agencies as indicated in the table below:

<i>Sr. No.</i>	<i>Name of scheme</i>	<i>Implementing Agency</i>
8.	<i>Augmentation of Transmission Capacity by 1X500 MVA, 400/220/kV ICT (3rd) at 400/220 kV Patran (GIS) S/s</i>	<i>Patran Transmission Company Ltd. (a subsidiary of India Grid Trust)</i>

9. 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 company has been incorporated under the Companies Act, 2013 and is already a transmission licensee. 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”

10. Regulation 7 of the Transmission Licence Regulations read with the order dated 22.1.2022 passed 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 Clauses (4), (7), (9) and (12) and dispensed with Clause (10) of Regulation 7] provide for the procedure for grant of transmission licence as under:

“(1) The application for grant of 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).....

(11) 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.

(12) 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.

(13) 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.”

11. The Petitioner has filed the present Petition for grant of transmission licence in accordance with the Transmission Licence Regulations. The Petitioner has submitted proof of web posting of the complete application. On perusal of the Application, it is also noted that the Petitioner has served copy of the application on the LTTCs for the

Project. The Petitioner has served a copy of the Application on CTUIL as required under Section 15(3) of the Act and Regulation 7(6) of the Transmission Licence Regulations.

12. The Petitioner has made the application as per Form-I prescribed in the Transmission Licence Regulations. The Petitioner has posted its application on its website in Form-II. The Petitioner vide its affidavit dated 5.4.2023 has submitted that notices under Sub-section (2) of Section 15 of the Act have been published on 18.3.2023 in 'The Indian Express' (Gujarat and Uttar Pradesh), "Hari Boomi" (Haryana and New Delhi) 'The Tribune' (Haryana, Punjab, Himachal Pradesh, Jammu & Kashmir, New Delhi, Uttarakhand and Chandigarh), 'Danik Tribune' (Haryana, Punjab and Chandigarh), 'Times of India' (Rajasthan), 'Punjabi Tribune' (Punjab and Chandigarh), 'Aap ka Faisla' (Punjab) , 'Sandesh' ('Gujarat'), Danik Navajyoti (Rajasthan) , 'Daily Taskeen' (Jammu & Kashmir), 'Jansatta' (Uttar Pradesh) and 'Shah Times' (Uttarakhand). It has been submitted by the Petitioner that no objection has been received in response to the public notices

13. CTUIL vide its letter dated 17.4.2023 has recommended the grant of transmission licence to the Petitioner. Relevant portion of the said letter dated 17.4.2023 is extracted as under:

"Sub: Recommendation of CTU under Section 15(4) of the Electricity Act, 2003 on application filed by M/s Patran Transmission Company Limited (PTCL) before the Commission for grant of transmission licence for implementation of "Augmentation of transformation capacity by 1x500 MVA, 400/220 k V ICT (3rd) at 400/200k V Patran (GIS) S/s"

This is with reference to Petition No. 103/TL/2023 filed by M/s PTCL before Hon'ble Commission for grant of Transmission License to facilitate implementation of "Augmentation of transformation capacity by 1x500MVA, 400/220kV ICT (3rd) at

400/220kV Patran (GIS) S/s". In this regard, following is submitted:

- In 11th Consultation Meeting for Evolving Transmission Schemes in NR held on 30.09.2022, it was informed by PSTCL that existing 2x500 MVA ICTs at 400/220 kV Patran S/s are 'N-1' noncompliant. It was deliberated that existing 400/220kV Patran ICTs are on the verge of 'N-1' non-compliance as per operational feedback report on transmission constraint (Apr-Jun'22) of Grid-India (erstwhile POSOCO). Grid-India/NRLDC also stated that augmentation of transformation capacity is required at Patran S/s. It was further discussed that considering the load growth of paddy/summer season in Punjab, 3rd 500 MVA ICT at 400/220 kV Patran S/s is required with the timeline of May 2024. During the above meeting, M/s PTCL has confirmed the availability of space for installation of 3rd 400/220kV ICT at Patran S/s. PTCL also confirmed the GIS duct requirement at both 400kV and 220kV side along with new Diameter and additional gantry tower side requirement for the interconnection facilities of 220kV side GIS duct with proposed the ICT-3. Accordingly, considering the unprecedented load growth in Punjab & request of PSTCL, augmentation of 1x500 MVA (3rd) ICT at 400/220 kV Patran (GIS) S/s along with GIS duct (at 400kV and 220kV) in new diameter was agreed to be implemented as ISTS scheme with timeframe as May'24 in above mentioned meeting. Subsequently, PSTCL vide email dated 01.11.2022 has intimated the timeframe requirement as 31.05.2024. Extracts of minutes of above meeting is attached at **Annexure-I**.

- Ministry of Power, Govt, of India vide office order dated 28.10.2021 has revised the TOR for National Committee on Transmission. As per the point no, 2 (viii) of amended terms of reference:

"The NCT shall recommend to Ministry of Power (MoP) for implementation of the I STS projects with cost more than Rs 500 crore, along with their mode of implementation i.e. Tariff Based Competitive Bidding (TBCB) / Regulated Tariff Mechanism (RTM), as per the existing Tariff Policy. However, the NCT shall approve the I STS costing between Rs 100 crore to Rs. 500 crore or such limit as prescribed by MoP from time to time, along with their mode of implementation under intimation to MoP. The I STS costing less than or equal to Rs. 100 crores, or such limit as prescribed by MoP from time to time, will be approved by the CTUIL along with their mode of implementation under intimation to the NCT and MoP. After approval of the I STS by the NCT or the CTU (as the case may be), the TBCB project shall be allocated to Bid Process Coordinators through Gazette Notification, while the RTM project shall be allocated to CTU. "

- Accordingly, responsibility for approval of ISTS transmission projects costing (up to 100 Cr) along with their mode of implementation was entrusted to CTUIL. In line with above notification, "Augmentation of transformation capacity by 1x500MVA, 400/220kV ICT (3rd) at 400/220kV Patran (GIS) S/s" was awarded to M/s PTCL through RTM route vide CTU OM dated 28.11.2022 with implementation schedule as 21 months from OM issuance with following scope:

- ✓ Augmentation of transformation capacity by 1x500MVA, 400/220kV ICT (3rd) at 400/220kV Patran (GIS) S/s along with GIS duct (at 400kV and 220kV) and

- ✓ GIS bays at 400kV & 220kV
- ✓ 400kV bay (GIS) for diameter completion for future line (duct up to outside GIS Hall)

However, it was also mentioned that best efforts shall be carried out to implement the transmission scheme by 31.05.2024 as per request of PSTCL. Same was intimated to MoP and NCT also. Copy of CTU OM is attached at **Annexure-II**.

• Earlier M/s PTCL was granted ISTS Transmission License for implementation of "Transmission System for Patran 400kV S/s" by Hon'ble Commission in Petition No. 321/TL/2013.

Keeping above in view, in line with Section 15 (4) of Electricity Act, 2003 and details furnished by M/s PTCL, CTU recommends grant of Transmission License to M/s PTCL for implementation of "Augmentation of transformation capacity by 1x500MVA, 400/220kV ICT (3rd) at 400/220kV Patran (GIS) S/s" through RTM route."

14. We have considered the submissions of the Petitioner and CTUIL. The Petitioner has filed the present Petition for issuance of separate transmission licence for implementation of '1x500MVA, 400/220kV ICT (3rd) at 400/220kV Patran (GIS) S/s' on the Regulated Tariff Mechanism (RTM) mode.

15. Section 14 of the Act provides that the Appropriate Commission may, on an application made to it under Section 15, grant a licence to any person to transmit electricity as a transmission licensee in any area as may be specified in the licensee. Section 16 of the Act provides that the Appropriate Commission may specify any general or specific conditions which shall apply either to a licensee or class of licensees and such conditions shall be deemed to be conditions of such licence. The Commission has specified the Transmission Licence Regulations. Regulation 6 of the said Regulation lays down the eligibility criteria for grant of transmission licence as under:

"6. Eligibility for Grant of licence:

- (a) *No person shall be eligible for grant of licence unless it is—(a) selected through the process under the guidelines for competitive bidding, or*
- (b) *a State owned or controlled company identified as a project developer on or before 5.1.2011, or*
- (c) *a generating company which has established the dedicated transmission line, and intends to use such dedicated transmission line as the main transmission line and part of the inter-State transmission system.”*

16. In the present case, the Petitioner does not fulfil any of the eligibility condition for grant of transmission licence. However, in the 6th meeting of 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. The scheme has been identified for implementation though RTM mode by CTUIL. Non-grant of a transmission licence to any agency nominated by NCT to implement a transmission scheme through 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 line, it is a fit case for relaxation of the provisions of Regulation 6 by invoking of the power vested under Regulation 24 of the Transmission Licence Regulations.

17. Regulation 24 of the Transmission Licence Regulations dealing with 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”

18. 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 which is already implementing the project defined under its scope through TBCB mechanism. The present Petition is consequent to the office order 28.10.2021 notified by 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. Pursuant to direction of the Ministry of Power, CTUIL, vide its Office Memorandum dated 28.12.2022, has determined a list of Projects to be implemented or through Regulated Tariff Mechanism which also includes the instant Petition for the subject transmission scheme.

19. Since the Petitioner is already an inter-State transmission licensee and has been identified as an agency to implement the project as per RTM, the Commission in 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 grant of 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 of transmission licence aforesaid. The objections or suggestions, if any, be filed by any person before the Commission, by 7.6.2023.

20. The Petition shall be listed for hearing on 8.6.2023.

Sd/-
(P.K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(I.S. Jha)
Member

sd/-
(Jishnu Barua)
Chairperson