

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 347/TL/2024

**Coram:
Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member**

Date of Order: 3rd December, 2024

In the matter of

Application under Section 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, 2024 seeking Transmission License for Tumkur-II REZ Power Transmission Limited.

**And
In the matter of**

Tumkur- II REZ Power Transmission Limited,
2nd Floor, Novus Tower,
Plot No. 18, Sector-18,
Gurugram-122015, Haryana.

....Petitioner

Vs

1. **Central Transmission Utility of India Limited,**
Ministry of Power Govt. of India,
Shram Shakti Bhawan,
Rafi Marg, New Delhi-110001.
2. **REC Power Development and Consultancy Limited,**
Core-4, Scope Complex,
7, Lodhi Road, New Delhi- 110003.
3. **Kerala State Electricity Board Limited,**
Tariff Regulatory and Affairs Cell,
Vydyuthi Bhavan, KSEB Ltd.,
Thiruvananthapuram– 695004 (Kerala).
4. **Tamil Nadu Generation & Distribution Corporation,**
NPKRR Maaligai, 144 Anna Salal,
Chennai– 600002 (Tamil Nadu).
5. **Karnataka Power Transmission Corporation Limited,**
Corporate Office, KPTCL,
Kaveri Bhavan, K.G Road,

Bengaluru- 560009 (Karnataka).

6. **Southern Power Distribution Company of Andhra Pradesh Limited,**
APPCC, Vidyut Soudha, Gunadala,
Vijayawada- 520004 (Andhra Pradesh).

7. **Transmission Corporation of Andhra Pradesh Limited,**
Power Systems & Commercial, APTRANSCO,
Vidyut Soudha-520004 (Vijayawada).

8. **Gulbarga Electricity Supply Company Limited,**
PTC Section, Station Main Road, Opp. Parivar Hotel,
GESCOM, Kalaburagi, Gulbarga- 585102,
Karnataka.

9. **Transmission Corporation of Telangana Limited,**
6-3-572 Vidyut Sauda, Khairatabad,
Hyderabad– 500082 (Telangana).

10. **Bangalore Electricity Supply Company,**
Corporate Office BESCOM,
K.R. Circle Bangalore-560001,
Bengaluru– 560001 (Karnataka).

11. **Renew Solar Power Private Limited,**
138, Ansal Chamber Bika Ji Cama, Chamber,
New Delhi-110029.

12. **Chamundeshwari Electricity Supply Corporation Limited,**
No.29, Corporate Office CESC Mysore,
Vijayanagar 2nd Stage,
Hinkal, Mysuru-570 017 (Karnataka).

13. **Mangalore Electricity Supply Company Limited,**
Corporate Office, Mescom,
Mescom Bhavana,
Kavoor Cross Road, Bejai,
Mangalore– 575004 (Karnataka).

14. **JSW Renew Energy Limited,**
JSW Centre, BKC, Bandra East,
Mumbai- 400051 (Maharashtra).

15. **Renew Surya Ojas Private Limited,**
138, Ansal Chamber - II,
Bikaji Cama Place,
New Delhi-110066.

16. **Ayana Renewable Power Six Private Limited,**
S 2904, 29th floor, World Trade Center,

Brigade Gateway Campus, 26/1,
Dr. Rajkumar Road, Rajajinagar-560055 (Bangalore).

17. **Eastern Power Distribution Company of Andhra Pradesh Limited,**
Chief General Manager, RA&PP,
Corporate Office, Seethammadhara, P&T Colony,
Visakhapatnam-530013 (Andhra Pradesh).

18. **Hubli Electricity Supply Company Limited,**
Corporate Office PB Road,
Navanagar Hubballi, Hubli– 580025 (Karnataka).

...Respondents

Parties present:

Shri Biju Mattam, Advocate, TRPTL
Ms. Ankita Bafna, Advocate, TRPTL
Ms. Lavanya Panwar, Advocate, TRPTL
Shri Jai Lal, Advocate, TRPTL
Shri Pawan Singh, Advocate, TRPTL
Shri Nishant Kumar, Advocate, TRPTL
Shri Gaurav Pathak, Advocate, TRPTL
Shri Arun Lal, Advocate, TRPTL
Shri Akshaya Lal, Advocate, TRPTL
Shri Vivek Trivedi, TRPTL
Shri Pratap Singh, TRPTL
Shri Shashank Singh, RECPDCL
Shri Ritam Biswas, RECPDCL

ORDER

The Petitioner, Tumkur-II REZ Power Transmission Limited (hereinafter referred to as “the Petitioner”), has filed the present Petition for the grant of a transmission licence under Sections 14 and 15 of the Electricity Act, 2003 (hereinafter referred to as “the Act”) read with the Central Electricity Regulatory Commission (Procedure, Terms, and Conditions for grant of Transmission Licence and other related matters) Regulations, 2024 (hereinafter referred to as “the Transmission Licence Regulations”) for the grant of a transmission licence in order to implement the inter-State transmission system, namely “*Transmission Scheme for Integration of Tumkur – II REZ in Karnataka*” on a Build, Own, Operate, and Transfer Basis” (hereinafter referred to as “the Project”) consisting of the following elements:

Sl. No	Name of the Transmission Element	Scheduled COD	Percentage of Quoted Transmission Charges recoverable on Scheduled COD of the Element of the Project	Element(s) which are prerequired for declaring the commercial operation (COD) of the respective Element
1	Establishment of 400/220 kV 4x500 MVA Pooling Station near Tumkur, Karnataka	24 months from SPV transfer (3.9.2026)	59.06%	All elements of scheme are required to be commissioned simultaneously as their utilization is dependent on each other.
2	Tumkur-II- Tumkur (Pavagada) line 400 kV (Quad ACSR moose) D/c line		29.60%	
3	2x125 MVAr 420 kV bus reactors at Tumkur-II PS		11.34%	

2. The Petitioner has made the following prayers:

“(a) Issue the Transmission Licence to the Applicant/ Petitioner for establishing, operating and maintaining the Transmission System of “Transmission Scheme for Integration of Tumkur-II REZ in Karnataka”, comprising of assets/ elements as detailed in the present petition, in terms of the provisions of RFP dated 4.4.2024 and Transmission Service Agreement dated 3.9.2024 read with Sections 14, 15 and 79 (1) (e) of the Electricity Act;

(b) Allow the Transmission Project, as detailed in the present Petition/ Application, to be part of the Inter-State Transmission System and direct that the recovery of transmission charges shall be in accordance with the terms of the Central Electricity Regulatory Commission (Sharing of Inter-state Transmission Charges and losses 2020) and subsequent amendments/ enactments, thereto;

(c) 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;

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

Hearing dated 12.11.2024

3. During the course of the hearing on 12.11.2024, the learned counsel for the Petitioner submitted that the Petitioner has complied with the requirements, including

publication of notice(s) under the provisions of the Transmission Licence Regulations. The representative of CTUIL confirmed that CTUIL has already issued its recommendations for the grant of a transmission licence to the Petitioner Company.

4. Vide Record of Proceedings dated 12.11.2024, the Petitioner was directed to implead designated ISTS Customers and beneficiaries of Southern Region as a party to the Petition and to file a revised memo of parties. In compliance with the said direction, the Petitioner, vide affidavit dated 21.11.2024, submitted the revised memo of parties. The Respondents were further directed to file their respective replies, if any, within a week with a copy to the Petitioner, who may file its rejoinder(s) within a week thereafter. However, no reply has been filed by the Respondents.

5. The Petitioner has submitted that in accordance with the “Guidelines for Encouraging Competition in Development of Transmission Projects” and “Tariff Based Competitive Bidding Guidelines for Transmission Service” (hereinafter referred to as “the Guidelines”) issued by the Ministry of Power, Government of India, under Section 63 of the Act, REC Power Development and Consultancy Limited (hereinafter referred to as “RECPDCL”) was notified by the Ministry of Power, Government of India, vide Gazette Notification. No. 232 [Advt. III/4/Exty./001/2024-25] dated 1.4.2024 as the Bid Process Coordinator (BPC) for the purpose of selection of the bidder as the Transmission Service Provider (TSP) to establish the inter-State transmission system, namely “Transmission Scheme for Integration of Tumkur – II REZ in Karnataka” on a Build, Own, Operate and Transfer (BOOT) basis.

6. RECPDCL, in its capacity as the BPC, initiated the bid process on 4.4.2024 and completed the same on 3.9.2024 in accordance with the Guidelines. G R

Infraprojects Limited was selected as the successful bidder, having quoted the lowest transmission charges of Rs. 537.70 million in order to provide the transmission services of the transmission system.

7. The RfP was issued on 4.4.2024. At the RfP (Technical and Financial) stage, five bidders, namely, (i) G R Infraprojects Limited, (ii) Adani Energy Solutions Limited (formerly known as Adani Transmission Limited), (iii) Sterlite Grid 32 Limited, (iv) Power Grid Corporation of India Limited and (v) Techno Electric and Engineering Company Limited submitted their offers. The RfP (Technical bids) of the five bidders were opened by the Bid Opening Committee in the Central Electricity Authority on 23.7.2024 & 30.7.2024 in the presence of the bidder's representatives. Based on the recommendation of the BEC, the RfP (Financial) Bids-Initial Price Offers of the five bidders were opened on 5.8.2024. The lowest Initial Price Offer discovered (Best Deal) at the MSTC portal was Rs. 537.70 million. The details of the quoted transmission charges by the bidders are given below:

Sr. No.	Name of the Bidder	Quoted transmission charges as per the Initial Offer (in Rs. million)	Rank
1.	G R Infraprojects Limited	537.70	L1
2.	Adani Energy Solutions Limited (Formerly known as Adani Transmission Limited)	564.60	L2
3.	Sterlite Grid 32 Limited	730.10	L3
4.	Power Grid Corporation of India Limited	750.00	L4
5.	Techno Electric and Engineering Company Limited	760.00	L5

8. As per Clause 2.5 of the RfP document, Initial Offers shall be ranked on the basis of ascending order for the determination of the qualified bidders. The bidders holding the first fifty per cent of the ranks (with any fraction rounded off to a higher

integer) or four Bidders, whichever is higher, shall be considered to be qualified for participating in the electronic reverse auction stage and submitting their final offer.

9. The e-reverse auction of four bidders was carried out at the MSTC portal on 6.8.2024. The following transmission charges, as quoted by each bidder, emerged:

Sr. No.	Name of the Bidder	Transmission Charges from the Initial Offer (in Rs. million)	Transmission Charges from the Final Offer (In Rs. million)	Rank
1.	G R Infraprojects Limited	537.70	537.70	L1
2.	Adani Energy Solutions Limited (Formerly known as Adani Transmission Limited)	564.60	564.60	L2
3.	Sterlite Grid 32 Limited	730.10	730.10	L3
4.	Power Grid Corporation of India Limited	750.00	750.00	L4

10. As per the Bid Evaluation Report dated 6.8.2024, G R Infraprojects Limited emerged as the successful bidder with the lowest quoted transmission charges of Rs. 537.70 million. BEC, vide its certificate dated 9.8.2024, has certified that the entire bid process has been carried out in accordance with the Guidelines issued by the Ministry of Power under Section 63 of the Act. BEC has further certified that the transmission charges discovered through the e-reverse auction are acceptable.

11. Consequent to its selection as the lowest bidder, a Letter of Intent (LoI) was issued to G R Infraprojects Limited by the BPC on 12.8.2024, which was accepted by G R Infraprojects Limited. Under the terms of the RfP and the Letter of Intent, the successful bidder is obligated to accomplish the following tasks:

- (a) Provide the Contract Performance Guarantee in favour of Central Transmission Utility of India Limited (CTUIL);

- (b) Execute the Share Purchase Agreement and the Transmission Service Agreement;
- (c) Acquire, for the Acquisition Price, 100% equity share of Tumkur-II REZ Power Transmission Limited from RECPDCL along with all its related assets and liabilities;
- (d) Make an application to this Commission for the adoption of transmission charges, as required under Section 63 of the Act; and
- (e) Apply to this Commission for the grant of a transmission licence;

12. The Petitioner has furnished the Contract Performance Guarantee (CPG) in favour of the Nodal Agency, i.e., CTUIL, for Rs. 14.70 crores on 31.8.2024 and has acquired a hundred per cent equity holding in Tumkur-II REZ Power Transmission Limited on 3.9.2024. The Petitioner entered into a Transmission Service Agreement (TSA) with CTUIL on 3.9.2024.

13. 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 has been incorporated under the Companies Act 2013. 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”

14. Section 15(1) of the Act provides that every application under Section 14 of the Act shall be made in such manner and in such form as may be specified by the Appropriate Commission and shall be accompanied by such fees as may be prescribed by the Central Government. The Commission has specified the Transmission Licence Regulations in this regard. Regulation 4 (1) of the Transmission Licence Regulations provides that eligibility for the grant of a licence for inter-State transmission of electricity is contingent upon the entity being selected either through the competitive bidding process under Section 63 of the Electricity Act, 2003 or by the Central Government or its authorized agency to implement a project under the regulated tariff mechanism. Regulation 10(1) of the Transmission Licence Regulations provided that in case the licensee has been selected for implementation of the project in accordance with the competitive bidding guidelines, the transmission tariff in terms of the Transmission Service Agreement shall be adopted by the Commission under Section 63 of the Act. The Project under consideration has been identified for development under competitive bidding by a competent authority, and the selection of the project developer, Tumkur- II REZ Power Transmission Limited, has been certified to have been made in accordance with the Guidelines for competitive bidding.

15. Regulation 5 of the Transmission Licence Regulations provides for the procedure for grant of a transmission licence as under:

“(1) The application for the grant of licence shall be made to the Commission in Form-I appended to these regulations and shall be accompanied by such fee as may be prescribed by the Central Government from time to time under sub-section (1) of section 15 of the Act.

(2) The application shall be supported with an affidavit in accordance with Regulation 17 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023.

(3) The applicant shall submit the original application in electronic form along with enclosures on the e-filing portal of the Commission and electronically serve a copy of such application on all the concerned DICs of the project and the Central Transmission Utility. The application shall be served through e-mail on the concerned DICs of the project who are not registered on the e-filing portal of the Commission.

(4) The applicant shall also upload the complete application along with annexures on its website, in English. The applicant shall also upload on its website, the details as per Form-I and Form-II appended to these regulations in the Indian language of the State or the Union Territory where an element of the project or concerned transmission line is situated or proposed to be situated. The application shall be kept posted on the website of the applicant till such time the application is disposed of by the Commission.

(5) The applicant shall, within 3 working days of filing the application, publish a notice of its application in Form-II appended to these regulations in at least two leading daily digital newspapers, one in English language and another in the Indian language of the State or Union Territory where an element of the project or concerned transmission line is situated or proposed to be situated, inviting comments from the general public. The notice shall also be kept posted on the website of the applicant.

(6) The Registry of the Commission shall carry out a preliminary scrutiny of the application and convey the defects, if any, as far as possible within 7 days of receipt of the application. The defects shall be rectified by the applicant within a period of 7 days from the date of such intimation from the Registry of the Commission.

(7) In the notice published in the digital newspapers and on the applicant's website under this Regulation, it shall be indicated that the suggestions and objections to the application, if any, may be filed by any person within 15 days of publication of the notice to The Secretary, Central Electricity Regulatory Commission at the address where the office of the Commission is situated and at email id: registry@cercind.gov.in. Any suggestion or objection received in response to the public notice shall be shared with the applicant and the respondents by the Registry of the Commission.

(8) The applicant shall within 3 working days from the date of publication of the notice in terms of Clause (5) of this Regulation submit to the Commission on affidavit the details of the notice published, names of the digital newspapers in which the notice has been published, the dates and places of their publication and enclosing the relevant pages of the publication of notice.

(9) The CTUIL shall send its recommendations, if any, to the Commission on the proposal for grant of licence made in the application as far as practicable within a period of 10 (ten) days from the date of receipt of the application with a copy to the applicant:

Provided that if CTUIL is unable to submit its recommendations within a period of 10 days, it shall inform the Commission the reasons for the same and submit its recommendations within a period of 30 (thirty) days from the date of receipt of the application:

Provided further that along with its recommendations, CTUIL shall submit the copy of approval of the transmission project by the Central Government in terms of Electricity (Transmission System Planning, Development and Recovery of Inter-state Transmission Charges) Rules, 2021 as amended from time to time. Explanation: The recommendations of the Central Transmission Utility shall not be binding on the Commission.

(10) The applicant may file its comments, duly supported by an affidavit, on the recommendations made by CTUIL and the suggestions and objections, if any, received in response to the public notice within 7 working days of receipt of such suggestions and objections, with an advance copy to the CTUIL and the person, if any, who has filed the suggestions and objections on the proposal made in the application.

(11) The Commission after considering the suggestions and objections received from the DICs and in response to the public notice published by the applicant, and the recommendations, if any, received from CTUIL may either propose to grant the licence to the applicant or for reasons to be recorded in writing, reject the application.

(12) Before granting a licence, the Commission shall publish a notice of its proposal on the Commission's website and in two daily digital newspapers, having wide circulation, as the Commission may consider appropriate, stating the name and address of the person to whom it proposes to grant the licence, details of the project for which it proposes to grant a licence, location or route of the elements of the project, and any other details that the Commission may consider appropriate, to invite further suggestions and objections on its proposal within 15 days of the publication of the notice.

(13) The Commission may, after consideration of the further suggestions and objections, if any, received in response to the public notice in terms of Clause (12) of this Regulation, grant licence to the applicant in Form-III appended to these regulations or for reasons to be recorded in writing, reject the application.

(14) The Commission shall before granting licence or rejecting the application under the provisions of this Regulation provide an opportunity of hearing to the applicant, CTUIL, the concerned DICs, or the person who has filed suggestions and objections, or any other interested person.

(15) The Commission shall, within 7 days of making the order to grant the licence to an applicant send a copy of the licence to the Central Government, the Central Electricity Authority, the Central Transmission Utility, the applicant and the concerned DIC(s)."

16. The Petitioner has approached the Commission with a separate application for the adoption of transmission charges in respect of the transmission system, which is presently under consideration of the Commission, and the order in that Petition will be issued separately. The Petitioner has filed the present Petition for the grant of a

transmission licence in accordance with the provisions of the Transmission Licence Regulations. The Petitioner has submitted proof of service of the copies of the application on the BPC, CTUIL and the beneficiaries and proof of web posting of the complete application. The Petitioner has further undertaken to pay the applicable licence fee upon the grant of a transmission licence in terms of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012. The Petitioner has prayed for the grant of a transmission licence to Tumkur-II REZ Power Transmission Limited with respect to the transmission system as per the details given in paragraph 1 above.

17. The Petitioner has made the Application as per Form-I and paid a fee of Rs. one lakh as prescribed by the Central Government. As per the direction of the Commission, the Petitioner has served a copy of the Application on the beneficiaries of the transmission project for the Project. The transmission charges quoted by the Petitioner, which have been recommended by the Bid Evaluation Committee for acceptance, is Rs. 537.70 million. The Petitioner has also enclosed copies of the recommendations of the Bid Evaluation Committee.

18. The Petitioner has published the notices on the e-filing portal of the Commission and on its website in Form-II in English and Vernacular language. The Petitioner has also published the notice digitally in all editions of New Sunday Express, Andhra Jyothy, and Vijayvani (in English and Indian Languages of the State of Andhra Pradesh and Karnataka) on 22.9.2024. In response, no objection has been received from the general public to the notices.

19. The Petitioner has served the copy of the application on the Central Transmission of Utility of India Limited (CTUIL) as required under Section 15(3) of the

Act and Regulation 5(3) of the Transmission Licence Regulations. CTUIL, vide its letter dated 18.10.2024, has recommended the grant of a transmission licence to the Petitioner. The Relevant portions of the said letter dated 18.10.2024 are extracted as under:

“This has reference to petition filed by M/s Tumkur-II REZ Power Transmission Ltd for grant of Transmission License for subject transmission scheme against the application/petition filed to CERC. In this regard, following is submitted:

1. M/s Tumkur-II REZ Power Transmission Ltd. has filed application/petition under Section 14 & 15 of the Electricity Act, 2003 and CERC (Procedure, Terms and Conditions for grant of Transmission License and other related matters) Regulations, 2000 for grant of transmission license to establish Transmission Scheme "Transmission Scheme for Integration of Tumkur - II REZ in Karnataka on Build, Own, Operate and Transfer (BOOT) basis as ISTS. The detailed scope of the scheme is enclosed at Annexure-I

2. In reference to the Transmission Scheme "Transmission Scheme for integration of Tumkur- II REZ in Karnataka" following is submitted:

(i) Govt. of India has set a target of 500 GW generation capacity from non-fossil fuel resources by 2030. In this direction, MNRE has identified addition of 181.5 GW RE Potential in the States of Andhra Pradesh, Telangana, Karnataka, Rajasthan, Madhya Pradesh and Tamil Nadu (Offshore). Out of the identified 181.5 GW Potential, 86 GW RE Potential is identified in the State of Andhra Pradesh, Telangana Karnataka and Tamil Nadu (Offshore) in Southern Region. Out of the identified (86 GW) RE Potential in Southern Region, 17 GW has been identified in the State of Karnataka.

(ii) Out of the identified (17 GW) RE Potential in Karnataka, 1.5 GW RE has been identified in the Tumkur area. The subject transmission scheme involves establishment of Tumkur II Pooling Station and its interconnection with ISTS grid at Tumkur (Pavagada) through 400kV (Quad) D/c line for evacuation of RE power from Tumkur area. The present scheme shall facilitate integration and evacuation of 1.5 GW RE potential from Tumkur area.

(iii) The scheme was deliberated and agreed in the 14th CMETS-GR held on 26.12.2022 Extracts of the minutes of 14 CMETS-SR is enclosed at Annexure-II.

(iv) The scheme was deliberated in the 45th SRPC meeting held on 04.03.2023. Extracts of the minutes of 45th SRPC meeting is enclosed at Annexure-III.

(v) *The National Committee on Transmission in its 18th meeting held on 05.03.2024 has approved the implementation of the subject transmission scheme through TBCB route and has identified the RECPDCL as BPC for bidding of the subject transmission scheme. Extracts of the minutes of 18th NCT meeting is enclosed at Annexure-IV*

(vi) *CEA vide Gazette notification dated 28.03.2024 has notified the transmission scheme for implementation through TBCB route (copy enclosed at Annexure-V).*

3. M/s GR Infraprojects Limited is the successful bidder and has acquired M/s Tumkur - II REZ Power Transmission Ltd. on 03.09 2024 after execution of requisite Share Purchase Agreement. The Commissioning schedule of the schemes is 24 months (03.09.2026) from the date of transfer of SPV (03.09 2024)

4. The total connectivity of about 1350 MW has been granted at Tumkur-II PS with the above transmission system. Further, additional applications of about 1350 MW has also been received and has been agreed with the additional transmission system / re-allocation of connectivity at Tumkur (Pavagada) with augmentation of additional ICTs through acquisition of additional land As the connectivity quantum has already surpassed the capacity of above transmission system, accordingly, suitable augmentation of transformation capacity and additional transmission system for facilitating immediate integration and evacuation is being identified separately.

5. In line with Section 15(4) of the Electricity Act, 2003, based on details furnished by Mis Tumkur-II REZ Power Transmission Ltd, CTU recommends grant of transmission license to M/s Tumkur-II REZ Power Transmission Ltd. for executing the transmission scheme as mentioned in Para-1 above."

20. We have considered the submissions of the Petitioner, BPC, and CTUIL. The proviso to Clause 2.15.2 of the RfP provides that "if for any reason attributable to the BPC, the said activities are not completed by the Selected Bidder within the above period of ten (10) days as mentioned in this clause, such period of 10 days shall be extended, on a day to day basis till the end of the Bid validity period". As per the above provision, the selected bidder was required to complete all the activities, including the acquisition of SPVs, by 22.8.2024. The selected bidder furnished the Contract Performance Guarantee in favour of the Nodal Agency (CTUIL) for an amount of Rs. 14.70 crores on 31.8.2024 and acquired a hundred per cent equity-

holding in the applicant company on 3.9.2024 after execution of the Share Purchase Agreement. As per clause 2.15.4 of the RfP, TSP is required to apply to the Commission for the grant of a transmission licence within five working days of the issuance of the acquisition of the SPV to the successful bidder. The successful bidder, namely, G R Infraprojects Limited, acquired the SPV on 3.9.2024. Accordingly, the TSP has filed the instant Petition through e-filing for the grant of a transmission licence on 20.9.2024. It is noted that there is a delay of 18 days in filing the Petition. In this regard, the Petitioner has submitted that the Petitioner vide its letter 17.9.2024 requested to refer back the Petition due to technical error. Accordingly, the Petition was referred back based on the request of the Petitioner. Subsequent to removing certain technical errors, the Petition was again filed on 20.9.2024. According to the Petitioner, due to a technical error, it could not file the Petition within the specified time and has prayed to condone the delay. We have considered the submissions of the Petitioner. Since the Petitioner could not file the Petition due to certain technical aspects, the delay of 18 days in filing the Petition is condoned.

21. Considering the material on record, we are *prima-facie* of the view that the Petitioner satisfies the conditions for the grant of inter-State transmission licence under Section 15 of the Act read with the Transmission Licence Regulations for construction, operation, and maintenance of the transmission system as described in para 1 of this order. We, therefore, direct that a public notice in **two daily digital** newspapers and on the Commission`s website under clause (a) of sub-section (5) of Section 15 of the Act be published to invite suggestions or objections to the grant of a transmission licence aforesaid. The objections or suggestions, if any, be filed by any person before the Commission on or before **13.11.2024**.

22. The Petitioner has undertaken that it shall implement the Project as per the provisions of the TSA. The Petitioner has also undertaken that the time overrun and cost overrun, if applicable, shall be claimed by the Petitioner in accordance with the applicable provisions of the TSA read with the provisions of the Act, the bidding documents and the regulations of the Central Electricity Regulatory Commission.

23. It is observed that as per Article 5.1.1 of the TSA, the TSP, at its own cost and expense, shall be responsible for designing, constructing, erecting, testing, and commissioning each element of the Project by scheduled COD in accordance with the various regulations of the Central Electricity Authority regarding Technical Standards and Grid Standards, Prudent Utility Practices and other applicable laws. Further, Article 5.4 of the TSA provides that the TSP shall ensure that the Project is designed, built, and completed in a good workman-like manner using sound engineering and construction practices and using only materials and equipment that are new and of international utility-grade quality such that the useful life of the Project will be till the expiry date. Further, the design, construction, and testing of all equipments, facilities, components, and systems of the Project shall be in accordance with the Indian Standards and Codes issued by the Bureau of India Standards. In this regard, 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 the bidding documents and the TSA for the commissioning of the Project within the SCOD.

24. The Petition shall be listed for the hearing on **16.12.2024**.

Sd/-
(Harish Dudani)
Member

sd/-
(Ramesh Babu V.)
Member

sd/-
(Jishnu Barua)
Chairperson