

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION, BHOPAL

Subject: In the matter of petition under Section 14, 15 and 86 (1) (d) of the Electricity Act, 2003 read with MPERC (Procedure of Application for License) Regulations, 2004, with respect to Grant of Transmission License to M. P. Power Transmission Package-II Limited.

Petition No. 59 of 2021

ORDER

(Hearing through Video Conferencing)

(Date of Order: 4th May, 2022)

M.P. Power Transmission Package-II Limited

C/o Adani Transmission Limited,
Adani Corporate House, Adani Shantigram,
Near Vaishno Devi, Ahmedabad - 382421

- **Petitioner**

Vs.

(i) Managing Director

M. P. Power Management Company Ltd.,
Shakti Bhawan, Rampur, Jabalpur - 482008

(ii) Managing Director

M. P. Power Transmission Company Ltd.,
Shakti Bhawan, Rampur, Jabalpur - 482008.

(iii) Chief Executive Officer

REC Transmission Projects Company Ltd.,
ECE House, 3rd Floor, Annexe-II, 28 A,
KG Marg, New Delhi - 110 001

- **Respondents**

Shri Sanjay Sen, Senior Advocate, Shri Hemant Singh, Advocate, Shri Dilip Kumar Moolchandani and Shri Bhavesh Kundalia, Representatives had appeared on behalf of the petitioner.

Shri Manoj Dubey, Advocate appeared on behalf of the Respondent No. 1.

Shri Vincent D'Souza, SE and Shri M. M. Dhoke, SE appeared on behalf of the Respondent No. 2.

Shri P. S. Hariharan Addl. CEO and Shri Ankit Kumar, Chief Manager appeared on behalf of the Respondent No. 3.

2. The subject petition has been filed by M. P. Power Transmission Package - II Limited seeking grant of Transmission License under the provisions of Sections 14, 15 and 86(1)(d) of the Electricity Act, 2003 read with MPERC (Procedure of Application for License) Regulations, 2004.

3. Petitioner's submission:

In the subject petition, the petitioner has broadly submitted as under;

- i. *The instant application is being preferred by M. P. Power Transmission Package-II Limited under Sections 14, 15 and 86 (1) (d) of the Electricity Act, 2003 read with Madhya Pradesh Electricity Regulatory (Procedure of Application for License) Regulation, 2004 for Grant of Transmission License (hereinafter referred to as "Transmission License Regulations"), seeking grant of Transmission License to the Applicant.*

That the said transmission license would categorically allow the Applicant to establish and maintain transmission system for "Development of intra - state transmission work in M. P. through Tariff Based Competitive Bidding: Package - II" on build, own, operate and maintain basis (hereinafter referred to as "the Project"). A copy of the List of Elements is enclosed herewith and marked as Annexure A-1.

Annexure A-1 shows the list of elements as under:

Name of the Scheme: "Development of Intra-State Transmission work in M.P. through Tariff Based Competitive Bidding: Package - II"

Work Covered under the Scheme: -

S No	Name of Work
1	220/132/33kV substation Ajaygarh (District-Panna)
<i>i</i>	<i>Construction of 220/132/33kV substation Ajaygarh</i>
<i>ii</i>	<i>LILO of both circuits of Satna - Chhatarpur 220kV line at Ajaygarh 220kV S/s</i>
<i>iii</i>	<i>Ajaygarh - Panna 132kV DCDS line</i>
<i>iv</i>	<i>Ajaygarh - Luvkushnagar (Laundi) 132kV DCSS line</i>
2	220/132/33kV substation Begamganj (District - Raisen)
<i>i</i>	<i>Construction of 220/132/33kV substation at Begamganj</i>
<i>ii</i>	<i>Sagar - Begamganj 220kV DCDS line</i>
<i>iii</i>	<i>Begamganj - Rahatgarh 132kV DCSS line</i>
<i>iv</i>	<i>Begamganj - Silwani 132kV DCSS line</i>
<i>v</i>	<i>Begamganj - Gyaraspur 132kV DCSS line</i>
<i>vi</i>	<i>Begamganj - Gairatganj 132kV DCDS line</i>

3	220/132kV Substation at Bargawan (District-Singrauli)
i	Construction of 220/132/33kV substation at Bargawan
ii	LILO of both circuits of Sidhi - Hindalco 220kV line at Bargawan 220kV S/s
iii	LILO of both circuits of Rajmilan - Morwa/ Waidhan 132kV line at Bargawan 220kV S/s
4	132/33kV substation at Mehaluwa Chauraha (District-Vidisha)
i	Construction of 132/33kV substation at Mehaluwa Chauraha
ii	LILO of Bina - Ganjbasoda 132kV line at Mehaluwa Chauraha
5	132/33kV substation at Narwar (District-Shivpuri)
i	Construction of 132/33kV substation at Narwar
ii	LILO of one circuit of Madhikheda - Karera 132kV DCDS line at Narwar
6	132/33kV substation at Kanather (District - Bhind)
i	Construction of 132/33kV substation at Kanather
ii	LILO of Mehgaon 220-Seondha 132kV S/C line at Kanather
iii	Hastinapur - Kanather 132kV DCSS line
7	132/33kV substation at Beerpur (District-Sheopur)
i	Construction of 132/33kV substation at Beerpur
ii	LILO of one circuit of Sabalgarh - Sheopur 132kV DCDS line at Beerpur
8	132/33kV substation at MES Gwalior (District-Gwalior)
i	Construction of 132/33kV substation at MES Gwalior
ii	Malanpur 220-MES Gwalior 132kV DCDS line
9	132/33kV substation at Khaniyadana (District-Shivpuri)
i	Construction of 132/33kV substation at Khaniyadana
ii	LILO of Pichhore - Rajghat 132kV line at Khaniyadana
10	132/33kV substation at Chand (District-Chhindwara)
i	Construction of 132/33kV substation at Chand
ii	Chhindwara 220 - Chand - Bichhua 132kV DCSS line
11	132/33kV substation at Keolari (District-Seoni)
i	Construction of 132/33kV substation at Keolari
ii	LILO of one circuit of Seoni220-Nainpur 132kV DCDS (new line) at Keolari
12	132/33kV substation at Devendranagar (District-Panna)
i	Construction of 132/33kV substation at Devendranagar

ii	<i>LILO of remaining part of Satna-Panna 132kV S/c line from Nagod to Panna at Devendranagar.</i>
13	132/33kV substation at Semariya (District-Panna)
i	<i>Construction of 132/33kV substation at Semariya</i>
ii	<i>Patera – Semariya - Hatta 132kV DCSS line</i>
14	132/33kV substation at Khaira (Manikwar) (District-Rewa)
i	<i>Construction of 132/33kV substation at Khaira (Manikwar)</i>
ii	<i>Mauganj - Khaira (Manikwar) -Mangawan 132kV DCSS line</i>
15	132/33kV substation at Bahoribandh (District-Katni)
i	<i>Construction of 132/33kV substation at Bahoribandh</i>
ii	<i>Sleemnabad – Bahoribandh - Katangi 132kV DCSS line</i>
16	220/33kV substation at Manpur (Bijouri) (District - Umariya)
i	<i>Construction of 220/33kV substation at Manpur (Bijouri)</i>
ii	<i>LILO of Birsinghpur - Satna 220kV line at Manpur (Bijouri)</i>
17	132/33kV substation at Gopalganj (Kurai) (District-Seoni)
i	<i>Construction of 132/33kV substation at Gopalganj (Kurai)</i>
ii	<i>LILO of one circuit of PENCH - Seoni 132kV DCDS line at Gopalganj (Kurai).</i>
18	132/33kV substation Harrai (District-Chhindwara)
i	<i>Construction of 132/33kV substation at Harrai</i>
ii	<i>Deonagar - Harrai - Amarwara 132kV DCSS line</i>
19	System Strengthening Works
i	<i>Digoda - Prithivipur 132kV DCSS line</i>
ii	<i>LILO of Nainpur - Mandla 132kV line at Baihar 132kV S/s</i>

ii. In the above context, it is most respectfully submitted that the Government of Madhya Pradesh, vide its Gazette Notification No. F-3/02/2020/13 dated 13.04.2020, notified REC Transmission Projects Company Limited to be the Bid Process Coordinator (hereinafter referred to as the “BPC”) for the purpose of selection of Bidder as Transmission Service Provider (hereinafter referred to as the “TSP”) for “Development of intra – state Transmission work in M. P. through Tariff Based Competitive Bidding: Package - II”.

A Copy of Notification No. F-3/02/2020/13 dated 13.04.2020 issued by the Government of Madhya Pradesh, is enclosed as Annexure A-2.

iii. *Subsequently, the BPC, on 20.08.2020, incorporated MP Power Transmission Package-II Limited under the Companies Act 2013, as its 100% wholly owned subsidiary to initiate the activities qua 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.
A copy of the Certificate of Registration of the Applicant Company is enclosed herewith and marked as Annexure A-3.*

A copy of the Memorandum of Association of the Applicant Company is enclosed herewith and marked as Annexure A-4.

A copy of the Articles of Association of the Applicant Company is enclosed herewith and marked as Annexure A-5.

iv. *It is submitted that the said BPC invited all prospective Bidders for issue of Request for Qualification (hereinafter referred to as the "RFQ") on 04.06.2020 to qualify/shortlist the Bidders for participation in the next stage of bidding, i.e., Request for Proposal (RFP), as part of the process for selection of Transmission Service Provider (TSP). The said TBCB process was to be conducted 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 EA,2003 and as amended. In this regard, the responsibility of the TSP was to establish the Transmission System, viz., "**Development of intra - state Transmission work in M. P. through Tariff Based Competitive Bidding: Package - II**" on build, own, operate & maintain basis.*

A copy of the Global Invitation for Qualification as published in the newspapers is enclosed herewith and marked as Annexure A-6.

A copy of the RFQ dated is enclosed and marked as Annexure A-7.

A copy of the RFP is enclosed and marked as Annexure A-8.

v. *Further, Adani Transmission Limited qualified as a participant for the RFP process, as communicated by the BPC vide letter dated 10.11.2020.*

A copy of letter dated 10.11.2020 issued by BPC to Adani Transmission Limited is enclosed and marked as Annexure A-9.

- vi. *Thereafter, the BPC (RECTPCL), on behalf of M.P. Power Transmission Package-II Limited, entered into a Transmission Service Agreement (hereinafter referred to as the "TSA") dated 05.02.2021 with the identified Long Term Transmission Customers. A copy of the TSA dated 05.02.2021 is enclosed herewith as Annexure A-10.*
- vii. *Pursuant to the process of competitive bidding conducted by the BPC, M/s. Adani Transmission Limited has been declared as the successful bidder, and accordingly, the BPC, on 13.09.2021, issued a Letter of Intent (hereinafter referred to as "LoI") in favour of M/s Adani Transmission Limited. A copy of the Letter of Intent (LoI) dated 13.09.2021 along with the details of Annual Transmission Charges is enclosed herewith and marked as Annexure A-11.*
- viii. *As per the Clause 2.6 of Request for Proposal (RFP), the TSP/ Applicant is required to apply for Grant of Transmission License within 10 days of issuance of LoI by the BPC. Therefore, the Applicant was to originally file the present application by 23.09.2021.*
- However, it is pertinent to mention herein that the BPC, vide its letters dated 23.09.2021, 04.10.2021 and 14.10.2021 granted extensions for complying with the aforesaid Clause 2.4 of the RFP, and finally on 25.10.2021, BPC granted the extension upto 05.11.2021.*
- A copy of the letters dated 23.09.2021, 04.10.2021 and 14.10.2021 and 25.10.2021 issued by BPC are enclosed herewith and marked as Annexure A-12 (Colly.).*
- ix. *It is further submitted that as accordance with the LoI, Adani Transmission Limited is under an obligation to furnish a Contract Performance Guarantee. Accordingly, Adani Transmission Limited on 28.10.2021 furnished the Contract Performance Guarantees (hereinafter referred to as the "CPG") for an aggregate value of Rs. 57.94 Crores separately in favour of Long-Term Transmission Customers listed out in Annexure-1 of the RFP documents and as per the provisions of Clause 2.21 of the RFP documents. A copy of the CPG dated 28.10.2021 is enclosed herewith as Annexure A-13.*
- x. *That M/s Adani Transmission Limited acquired M.P. Power Transmission Package-II Limited/ Applicant on 01.11.2021 after execution of the Share Purchase Agreement, and has completed all procedural requirements as contemplated in the bid documents. A copy of the Share Purchase Agreement dated 01.11.2021 is enclosed herewith and marked as Annexure A-14.*

xi. *As such, in terms of the aforesaid SPA, the Applicant is now a 100% wholly owned subsidiary of M/s Adani Transmission Limited, who has been selected as the successful bidder on the basis of the Tariff Based Competitive Bidding as per the Tariff Based Bidding Guidelines for Transmission Service issued by the Government of India, Ministry of Power and thus eligible for issuance of transmission license.*

xii. *In view of the above, it is submitted that Section 14 of the EA, 2003 provides that the Appropriate Commission may, on an application made under Section 15 of the said Act, grant license to any person to permit transmission of electricity as a transmission licensee, in any area as may be specified in the License. The aforesaid provisions are set out herein below for the ready reference of this Hon'ble Commission.*

Further, the word 'person' has been defined in Section 2(49) of the EA, 2003 to include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person. Therefore, the Applicant, in accordance with the TSA dated 05.02.2021 and as per the principle enshrined under Section 14 of the said Act, is filing the present Application inter-alia seeking grant of Transmission License for the Project as explained hereinabove.

xiii. *It is submitted that Section 15(1) of the EA, 2003 provides that every application under Section 14 of the said Act shall be made in such manner and in such form as may be specified by the Appropriate Commission and shall be accompanied with such fees as may be prescribed.*

In furtherance to the above, the grant of transmission license is a condition under Transmission Service Agreement, and is also a requirement in law without which the Applicant cannot proceed with the establishment of the Transmission System.

xiv. *In this regard, reference is made to Regulations 1.5 and 1.8 of the Madhya Pradesh Electricity Regulatory Commission (Procedure of Application for License) Regulation, 2004 (hereinafter of the "**License Application Regulations, 2004**"), which are set out herein below:*

"Application for license:

1.5 Any person desirous of engaging in the State of Madhya Pradesh in the business of transmission or distribution or trading of electricity shall apply to the Commission for the grant of appropriate license by the Commission in such form as specified under clause 1.8 (a) to (h) of these Regulations and accompanied by documentary evidence of having paid such fees as may be prescribed for the purpose under section 180 (2) (a) of Electricity Act 2003.

.....

1.8 Every application for license and the supporting documents shall be signed by or on behalf of the applicant and addressed to Secretary or such Officer as the Commission may designate in this behalf and shall be accompanied by

(a) six copies, or such number of copies as the Commission may direct, of the pro-forma containing the terms and conditions which the applicant desires to be included in the License with the name and address of the applicant and of his agent (if any) printed on the cover page of the pro-forma

(b) six copies or such number of copies as the Commission may direct, each signed by the applicant, of maps of the proposed area of transmission or supply on such scale as may be approved/specified by the Commission

(c) a statement describing any lands or assets, which the applicant proposes to acquire for the purpose of the license and the means of such acquisition;

(d) a copy of the business plan, with a statement of the capital proposed to be expended in connection with the licensee, the means of financing for such capital expenditure, the resultant efficiency improvements and such other particulars as the Commission may require;

(e) a copy of Memorandum and Articles of Association in the case of a company or the incorporation or registration documents in the case of other legal entities.

(f) Annual Accounts or other similar documents as may be required; (g) a receipt in acknowledgement of payment of the fee.

(h) Formats (I) to (VIII) enclosed with these regulations are applicable as below:-

(i) formats (1) and (III) are commonly applicable to all applicants.

(ii) formats (II),(IV) and (V) are applicable to proposed Distribution Licensee.

(iii) formats (VI) and (VII) are applicable to proposed Transmission Licensee.

(iv) format (VIII) is applicable to proposed Trading Licensee.

From a perusal of the aforesaid Regulations, it can be seen that any person desirous of engaging in the State of Madhya Pradesh in the business of transmission shall apply to this Hon'ble Commission, for grant of transmission license in such form as specified under Regulation 1.8 (a) to (h).

xv. *In compliance of the aforesaid Regulation 1.8 of the aforesaid License Application Regulations, 2004, the Applicant submits as under::*

a. *As per Regulation 1.8 (a), the Applicant has to submit six copies, or such number of copies as the Commission may direct, of the pro-forma containing the terms and conditions which the applicant desires to be included in the License with the name and address of the applicant and of his agent (if any) printed on the cover page of the pro-forma.*

The above mandates that the Applicant is duly complying by way of the present Application, with the mandate of the aforesaid provisions. Accordingly, the duly filled pro-forma with the information to be incorporated under Regulation 1.9 of the License Application Regulations, 2004 is enclosed herewith and marked as Annexure A-15.

b. *As per Regulation 1.8(b), the Applicant is required to submit six copies or such number of copies as the Hon'ble Commission may direct, each signed by the applicant, of maps of the proposed area of transmission or supply on such scale as may be approved/specified by the Commission. The same is also being complied herein. A copy of maps is enclosed herewith and marked as Annexure A-16.*

c. *As per Regulation 1.8(c), the Applicant is required to furnish a statement describing any lands or assets, which the applicant proposes to acquire for the purpose of the license and the means of such acquisition, and accordingly, the same is also furnished along with the present application. Details of land are enclosed herewith and marked as Annexure A-17.*

d. *As per Regulation 1.8(d), a copy of the business plan, with a statement of the capital proposed to be expended in connection with the licensee, the means of financing for such capital expenditure, the resultant efficiency improvements and such other particulars as the Commission may require, is to be submitted by the Applicant. The same is also annexed herewith. A copy of business plan enclosed herewith and marked as Annexure A-18.*

- e. *As per Regulation 1.8(e), a copy of Memorandum and Articles of Association in the case of a company or the incorporation or registration documents in the case of other legal entities, has to be submitted by the Applicant. The same is also been annexed herewith along with the present application as Annexure 4 and 5.*
- f. *As per Regulation 1.8(f), the Annual Accounts or other similar documents as may be required are also to be submitted, and accordingly, the Applicant is also annexing the said documents. A copy of Annual Accounts is enclosed herewith and marked as Annexure -19.*
- xvi. *In addition to the abovementioned requirements, the Applicant is required to furnish information as required in Format I, II, VI & VII of Madhya Pradesh Electricity Regulatory Commission (Procedure of Application for License) Regulation, 2004. The duly filled formats are enclosed and marked as Annexure A-20.*
- xvii. *It is further submitted that the Applicant is also submitting/furnishing a copy of the instant Application to State Transmission Utility, as required under Section 15 (3) of the Act and Regulation 1.21 of Madhya Pradesh Electricity Regulatory Commission (Procedure of Application for License) Regulation, 2004 for the recommendation, if any, in accordance with Section 15 (4) of Act simultaneously along with submission of this Application to Hon'ble Commission.*
- xviii. *Therefore, keeping in view the above, the Applicant has fulfilled all the procedural aspects as prescribed under the MPERC (Procedure of Application for License) Regulation, 2004 and also the statutory mandate envisaged under the EA, 2003. As such, this Hon'ble Commission is requested to grant the prayers as prayed for herein under.*
- xix. *The Applicant shall also comply with all the other requirements as provided in the Regulation 1.8 to 1.21 of Madhya Pradesh Electricity Regulatory Commission (Procedure of Application for License) Regulation, 2004, including publication of notices in newspapers, service on the beneficiaries of the Applicant's Transmission System. Further, the Applicant shall place the compliance report on record before the Hon'ble Commission.*
- xx. *Then present Application is bonafide and made in the interest of justice. Further, the Applicant craves leave to furnish any other information/ documents which may be required by this Hon'ble Commission, at a later stage, in the interest of justice.*

4. With the aforesaid submission, the Applicant in the aforesaid facts and circumstances prayed that the Commission may be pleased to:
- a. *Issue the Transmission License to the Applicant for establishing, operating and maintaining the Transmission System in terms of the Transmission Service Agreement dated 05.02.2021, as detailed in the present Application;*
 - b. *Condone any inadvertent errors omissions/ errors / shortcomings, if any, and accordingly, permit the Applicant to add/change/modify/alter these filings and make further submissions as may be required at a future date; and*
 - c. *Pass any such other order / orders, as may be deemed fit and proper in the facts and circumstances of the case.*

5. Procedural History:

- a. At the motion hearing held on 25/01/2022, the Commission observed following:
 - i. Ld. Counsel who appeared for the petitioner submitted that a copy of the petition has been served to the STU / MPPTCL on 10.12.2021.
 - ii. Ld. Counsel for the petitioner further stated that in accordance with the provisions under Section 15 (2) of the Electricity Act 2003, and Regulation 1.15 of the MPERC (Procedure of Application for License), Regulations 2004, the petitioner has published public notice in three daily newspapers on 14/12/2021.
 - iii. By affidavit dated 22.01.2022, the petitioner informed that it has not received any objection against the aforesaid public notice published on 14/12/2021.
- b. The petition was admitted and the petitioner was directed to serve a copy of the subject petition on Respondents within a week and report compliance of service to the Commission. The Respondents were directed to file their detailed reply to the subject petition by the 25th February, 2022. The petitioner was asked to file its rejoinder within a week, thereafter, simultaneously serving a copy of the same to Respondents.
- c. The petitioner was asked to submit the following information / documents in soft and hard copies within two weeks in compliance to the provisions under the Electricity Act, 2003 and the relevant MPERC Regulations:

- (i) No objection certificate from the Central Government in compliance with the provisions under Section 15 (2) (ii) of the Electricity Act, 2003.
 - (ii) Details of fulfillment of relevant provisions under:-
 - (a) Sections 14 and 15 of the Electricity Act, 2003.
 - (b) MPERC (Procedure of Application for License) Regulations, 2004.
 - (iii) Since the maps enclosed in Annexure A-16 of the petition were not legible, therefore, petitioner was asked to submit A4 size coloured copies of aforesaid maps.
 - (iv) Incomplete information was filed in Annexure A-15 and A-17 to A-20 of the petition. Therefore, complete information was sought in aforesaid Annexures.
6. a. At the next hearing on 15/03/2022, the Commission observed the following:
- i. By Affidavit dated 01/03/2022, the petitioner confirmed that the copy of subject petition was served on MPPMCL & RECTPCL on 07/02/2022 & 10/02/2022, respectively.
 - ii. By another Affidavit dated 05/03/2022, the petitioner submitted details about its compliance with provisions under Section 15 of the Electricity Act, 2003 and MPERC Regulations. The petitioner has submitted coloured copy of maps and copy of updated Annexures 15, 17 to 20 of the petition. The petitioner also submitted a copy of its letter dated 02/02/2022 sent to Integrated Headquarters of MoD (Army), New Delhi seeking NOC under section 15(2)(ii) of the Electricity Act, 2003.
- b. At the hearing held on 15/03/2022, the petitioner was asked whether NOC from Central Government has been obtained in compliance with provisions under section 15(2)(ii) of the Electricity Act, 2003. The petitioner submitted that NOC is yet to be received, however, details sought with regard to areas sought to be covered under license, have been provided in the petition. The petitioner was specifically asked to file an Affidavit within a week with the Commission stating that the areas which are to be covered under the license do not fall under any of the establishments mentioned in section 15(2)(ii) of the Electricity Act, 2003.
- c. At the hearing held on 15/03/2022, Respondent No. 1 (MPPMCL) stated that they do not wish to file any written reply and that they have nothing to say in this matter. This statement was recorded by the Commission in the daily order dated 16/03/2022.

- d. Respondent No. 2 (MPPTCL / STU) by its letter No. 6746 dated 04/03/2022, submitted that it has No Objection for grant of Transmission License to the petitioner in the subject petition.
 - e. No reply has been received from Respondent No. 3 (RECTPCL / BPC) in this petition. Therefore, opportunity to file reply by Respondent No. 3 was closed in this matter.
 - g. The Commission observed that Section 15(5)(a) of the Electricity Act' 2003 provides that "Before granting a license under section 14, the Appropriate Commission shall publish a notice in two such daily newspapers, as that Commission may consider necessary, stating the name of the person to whom it proposes to issue the license". The Regulation 1.25 of the MPERC (Procedure of Application for License) Regulations, 2004 also has similar provisions regarding public notice by the Commission.
 - h. In terms of the aforesaid provisions, a public notice No. 690 dated 29/03/2022 in this matter was published by the Commission in Hindi in Dainik Bhaskar, Jabalpur and Raj Express, Indore and in English in Times of India, Bhopal seeking comments / objections / suggestions on the application filed by the petitioner within 21 days. Public hearing was fixed on 26th April, 2022.
7. At the public hearing held through video conferencing on 26/04/2022, only the representatives of the petitioner and respondents appeared. The Commission observed as under:
- i. By Affidavit dated 29/03/2022, the petitioner confirmed that "areas sought to be covered under the License do not fall under any of the establishments mentioned in section 15(2)(ii) of the Electricity Act, 2003". Ld. Senior Counsel who appeared for the petitioner confirmed the aforesaid statement during public hearing also.
 - ii. No comment / objection / suggestion was received against the aforesaid public notice. Vide daily Order dated 27/04/2022, the case was reserved for orders.
8. On examination of the documents placed on record with this petition and on affidavits submitted during proceedings, the Commission observed that the conditions laid down under Section 14, 15, 86(1)(d) of the Electricity Act, 2003 read with MPERC (Procedure of Application for License) Regulations, 2004 with respect to Grant of Transmission License are fulfilled by the petitioner.

9. In view of all aforesaid, the Commission hereby directs to grant Transmission License to the petitioner "**M. P. Power Transmission Package-II Limited**" to establish the Transmission System consisting of elements mentioned in para 3(i) of this order, in accordance with the provisions of sections 14 & 15 of the Electricity Act, 2003 on the terms and conditions specified therein. The Commission directs the Commission Secretary to seek willingness of the petitioner on draft Transmission License in terms of the provisions under Regulations 1.29 and 1.30 of MPERC (Procedure of Application of License), Regulations, 2004.

Ordered accordingly.

- sd -

(Gopal Srivastava)
Member (Law)

- sd -

(Mukul Dhariwal)
Member

- sd -

(S. P. S. Parihar)
Chairman