

RAJASTHAN ELECTRICITY REGULATORY COMMISSION JAIPUR

Petition No. RERC/1256/17

In the matter of application filed by M/s Thar Power Transmission Service Limited for grant of Transmission Licence for establishment of 132 kV Grid Sub-Stations along with associated Transmission lines and associated scheme/works as covered under Raj/PPP-10.

Coram:

Sh. Vishvanath Hiremath, Chairman
Sh. R.P. Barwar, Member
Sh. S.C. Dinkar, Member

Applicant: M/s Thar Power Transmission Service Limited

Date of hearing: 24.08.2017

Present: 1. Sh. Bhavesh Khundalia, for Petitioner.
2. Sh. O.P. Bansal, Superintending Engineer, RVPN

Order Date : 01.11.2017

ORDER

1. M/s Thar Power Transmission Service Limited (Applicant) filed an application on 10.08.2017 under Section-14, 15, 86 (1) (d) of the Electricity Act, 2003 read with RERC (Licensing) Regulations, 2004 for grant of licence for establishment of 132 kV Grid Sub-Stations along with associated Transmission lines and associated scheme/works on build, own, operate and maintain basis as covered under Raj/PPP-10.

2. Applicant in its application submitted as under:
- (i) M/s Thar Power Transmission Service Limited filed an application for grant of licence for establishment of 132 kV Grid Sub-Stations along with associated Transmission lines and associated scheme/works on build, own, operate and maintain basis as covered under Raj/PPP-10.
 - (ii) Rajasthan Rajya Vidyut Prasaran Nigam Ltd. ("RVPN") acting in its capacity as the State Transmission Utility decided development of 132 kV GSS along with associated transmission lines and associated works through tariff based competitive bidding process on Public Private Partnership ("PPP") mode as per MoP, GoI guidelines on Build, Own, Operate & Maintain ("BOOM") basis and carry out the bidding process for selection of a private entity as the Bidder to whom the Project may be awarded.
 - (iii) The Govt. of Rajasthan vide order dated 24.09.2015 has notified the RVPN to be the Bid Process Coordinator (BPC) for the purpose of selection of Bidder as Transmission Service Provider (TSP) to establish Transmission System for the above mentioned transmission schemes through tariff based competitive bidding process.
 - (iv) RVPN issued Request for Qualification (RFQ) on 25.05.2016 and opened it on 20.09.2016. In response to the RFQ, 4 Nos. Applicants (Power Grid Corporation India Limited, Techno Electric & Engineering Company Ltd., Adani Transmission Ltd. and Sterlite Power Grid Ventures Ltd.) submitted their applications. Shortlisted Applicants submitted their financial offers with bid.
 - (v) After evaluation of the bids received, BPC accepted the bid of the Adani Transmission Limited ('Selected Bidder') and has been declared as

the Successful bidder. The Letter of Intent (“LOI”) has been issued on 31.03. 2017 to the Adani Transmission Limited.

(vi) Further, the Transmission Service Agreement (TSA) entered between the LTTCs and M/s Thar Power Transmission Service Limited on 24.05.2017.

(vii) Adani transmission Limited, the Selected Bidder has acquired one hundred percent equity shareholding of M/s Thar Power Transmission Service Limited from RVPN. Adani transmission Limited has executed the Share Purchase Agreement (SPA) and associated documents on 04.08.2017.

(viii) According to Clause 2.6 of RFP and Article 3.1.3 (a) of TSA, the TSP shall apply to the appropriate Commission for grant of Transmission Licence. Accordingly, the present application is filed before Rajasthan Electricity Regulatory Commission for grant of Licence seeking grant of Transmission Licence for the Project explained above.

3. The matter was heard on 24.08.2017. Sh. Bhavesh Khundalia, Authorised representative appeared for Applicant. After hearing preliminary submissions, Commission directed Applicant to publish notices in the news papers as per the Regulations.

4. Accordingly, Applicant, as per RERC (Licensing) Regulations, 2004 published the public notices with salient features of the application, inviting objections/comments/suggestions from persons desirous of submitting the same in the following newspapers, on the dates shown against each:

S.No.	Name of News Paper	Date
(i)	Rajasthan Patrika	03.09.17
(ii)	Danik Nav Jyoti	03.09.17
(iii)	Times of India	03.09.17

5. The application was also placed on the websites of the Commission and Applicant. No objection/comment/suggestion was received in the Commission in response to the above.
6. Applicant has submitted that any cantonment, aerodrome, fortress, arsenal, dockyard or camp or any building or place in occupation of the Central Government for defense purpose does not fall in the project specific area of the Applicant.
7. RVPN vide its letter dt. 25.09.2017 prayed that Transmission Licence may be issued to the Applicant for development of 5 Nos. 132 kV GSS with associated lines under Raj/PPP-10 on BOOM basis in accordance with the terms and conditions set forth in the TSA.
8. Commission after considering the application and other relevant material provisionally decided to grant the Transmission Licence to Applicant and as per Regulation 14 (2) of RERC (Licensing) Regulations, 2004 published a notice proposing grant of Transmission Licence with details of proposed lines and sub-stations in the following newspapers, on the dates shown against each:

S.No.	Name of News Paper	Date
(i)	Dainik Bhaskar	17.10.2017
(ii)	Times of India	18.10.2017

9. Commission as required under Regulation 14 (3) of the RERC (Licensing) Regulations, 2004 has also served the above notice to Applicant for acceptance on 25.10.2017.
10. Applicant vide its letter dated 27.10.2017 has conveyed its willingness to accept the transmission licence for establishment of 132 kV GSS along with

associated transmission lines and associated scheme and works under Raj/PPP-10 and requested to grant transmission licence as per Schedule 2 of TSA.

11. In response to the public notices no suggestion/objection has been received from any person.
12. Commission observes that the Applicant has been selected to execute the project through the process of competitive bidding and Commission vide its order dated 26.09.2017, has adopted the transmission charges arrived through the process of competitive bidding as per the Government of India guidelines for determination of tariff by competitive bidding process, under Section 63 of the Electricity Act, 2003. Further, Applicant has duly filed the application as per RERC (Licensing) Regulation, 2004 with all requisite details. RVPN has also recommended for issuing Transmission License to the Applicant on terms of TSA signed.
13. Commission in view of the above is satisfied that the Applicant Company may be granted the transmission licence for the transmission system as covered in Raj/PPP-10. Accordingly, Commission accepts the application of M/s Thar Power Transmission Service Limited for grant of a Licence for the following lines & substations as covered in Raj/PPP-10:

S. No.	Particulars	
1	(I)	132 kV GSS Rajmathai (Satapur), Distt. Jaisalmer.
	(II)	132 kV S/C Dechu Rajmathai line (65 kM) associated with 132 kV GSS Rajmathai (Satapur), Distt. Jaisalmer.
	(III)	Feeder bays for RVPN connection in addition to standard GSS lay-out shall be 1 No. on 132 kV side and 6 Nos. on 33 kV side.
2	(I)	132 kV GSS Bengantikalan, Distt. Jodhpur.
	(II)	132 kV S/C line Phalodi Bengantikalan (20 kM) associated with 132 kV GSS Bengantikalan, Distt. Jodhpur.

	(III)	Feeder bays for RVPN connection in addition to standard GSS lay-out shall be 1 No. on 132 kV side and 6 Nos. on 33 kV side.
3	(I)	132 kV GSS Shekhsar, Distt. Bikaner.
	(II)	132 kV S/C Loonkaransar (35 kM) associated with 132 kV GSS Shekhsar, Distt. Bikaner.
	(III)	Feeder bays for RVPN connection in addition to standard GSS lay-out shall be 1 No. on 132 kV side and 6 Nos. on 33 kV side.
4	(I)	132 kV GSS Ghamurwali (Bhinjhbayala), Distt. Sri Ganganagar.
	(II)	LILO of 132 kV S/C Suratgarh Padampur line (12 kM) associated with 132 kV GSS Ghamurwali (Bhinjhbayala), Distt. Sri Ganganagar.
	(III)	Feeder bays for RVPN connection in addition to standard GSS lay-out shall be 2 Nos. on 132 kV side and 6 Nos. on 33 kV side.
5	(I)	132 kV GSS Sorda, Distt. Sirohi.
	(II)	LILO of 132 kV S/C Reodar Badgaon line (8 kM) associated with 132 kV GSS Sorda, Distt. Sirohi.
	(III)	Feeder bays for RVPN connection in addition to standard GSS lay-out shall be 2 Nos. on 132 kV side and 6 Nos. on 33 kV side.

14. Accordingly, Commission decides to grant transmission licence to the Applicant subject to the following conditions:

- (a) The transmission licence shall, unless revoked earlier, remain in force for a period of 25 years;
- (b) The transmission licensee shall comply with the provisions of the Rajasthan Electricity Regulatory Commission (Conditions of Licence) Regulations, 2004 or any subsequent enactment thereof during the period of subsistence of the licence;
- (c) If the useful life of the transmission system extends beyond the period of 25 years, the Applicant may make an application, two years before the expiry of initial licence period, for grant of licence for another term which shall be considered by the Commission in accordance with law;

- (d) The transmission licensee shall not enter into any contract for or otherwise engage in the business of trading in electricity during the period of subsistence of the transmission licence;
- (e) The transmission licensee shall have the liability to pay the licence fee in accordance with the provisions of the Rajasthan Electricity Regulatory Commission (Fees for Petitions) Regulations, 2005, as amended from time to time or any of other regulations in force. Delay in payment or non-payment of licence fee or a part thereof for a period exceeding sixty days shall be construed as breach of the terms and conditions of licence;
- (f) The transmission licensee shall comply with the directions of the National/ Regional/ State Load Despatch Centre under the Act, as may be issued from time to time for maintaining the availability of the transmission system;
- (g) The transmission licensee shall abide by the Rajasthan Electricity Regulatory Commission (Transmission Licensee's Standards of Performance) Regulations, 2004 as amended from time to time;
- (h) The transmission licensee shall furnish to the Commission such information, documents and details related to the Licensed Business and/or the Other Business of the Transmission Licensee as the Commission may require;
- (i) The transmission licensee shall establish adequate telemetering, SCADA, data transfer and communication facilities as required by SLDC.
- (j) The transmission licensee shall pay to the State Load Despatch Centre such fee as may be specified by the Commission;

- (k) Where the transmission licensee fails, omits or neglects to undertake transmission in electricity, the transmission licence shall be subject to revocation in accordance with the provisions of the Act;
- (l) The transmission licensee shall comply with the conditions agreed in Transmission Service Agreement;
- (m) The transmission licensee shall provide non-discriminatory open access on its transmission system for use by any other licensee, including a distribution licensee or an electricity trader, or generating company or any other person in accordance with the Act and Regulations as amended from time to time;
- (n) The Transmission Licensee shall as soon as practicable, report to the Commission:
 - (i) any change in major shareholding, ownership or management of the licensee; and
 - (ii) any proceedings initiated by one or more of the parties signing the agreement for interpretation, amendment or termination of the agreement;
- (o) The transmission licensee shall abide by the provisions of the Act, the rules and regulations framed thereunder, in particular the transmission licence regulations, the Grid Code, the Standards specified by the Central Electricity Authority, orders and directions of the Commission issued from time to time.
- (p) The interpretation of the Licence and the terms and conditions thereof shall be as determined by the Commission.

15. The licence granted in this order shall come into force w.e.f. 9th November, 2017. The licensee shall deposit the security amount indicated in the licence before the above date for commencement of Licence.
16. The licence in Form 6, as specified in the RERC (Licensing) Regulations 2004, and appended herewith, may be issued under the signature of the Secretary to the Commission.

(S.C. Dinkar)
Member

(R.P. Barwar)
Member

(Vishvanath Hiremath)
Chairman

LICENCE

(Licence for Transmission of Electricity under the Electricity Act, 2003)

RERC/Transmission Licence/14

Date: 1st November, 2017

LICENCE is hereby granted for transmission of electricity to the person whose name and address is given below with powers and upon terms and conditions specified hereunder: -

1. Name of the Licensee:

M/s Thar Power Transmission Service Ltd.

2. Address of the Licensee:

**31 –A, 6th Floor, Mahima Triniti,
Plot No. 5, Swej Farm, New Sanganer Road,
Jaipur- 302019 (Rajasthan)**

TERMS AND CONDITIONS OF THE LICENCE

(a) **Security**

The Licensee shall deposit as security an amount of Rs.10.00 lacs (Rupees Ten Lacs) before the date of commencement of this licence towards fulfillment of terms and conditions of this licence and efficient discharge of duties and obligations imposed upon him by this licence.

(b) **Area of Transmission**

The Licensee is authorised to transmit electricity through the transmission system specified in clause 3 below.

(c) **Details of Transmission Line**

The Licensee is authorised to establish, operate and maintain the following transmission line (s) and sub-station (s):

S. No.	Particulars	
1	(I)	132 kV GSS Rajmathai (Satapur), Distt. Jaisalmer.
	(II)	132 kV S/C Dechu Rajmathai line (65 km) associated with 132 kV GSS Rajmathai (Satapur), Distt. Jaisalmer.
	(III)	Feeder bays for RVPN connection in addition to standard GSS lay-out shall be 1 No. on 132 kV side and 6 Nos. on 33 kV side.
2	(I)	132 kV GSS Bengantikalan, Distt. Jodhpur.
	(II)	132 kV S/C line Phalodi Bengantikalan (20 km) associated with 132 kV GSS Bengantikalan, Distt. Jodhpur.
	(III)	Feeder bays for RVPN connection in addition to standard GSS lay-out shall be 1 No. on 132 kV side and 6 Nos. on 33 kV side.
3	(I)	132 kV GSS Shekhsar, Distt. Bikaner.
	(II)	132 kV S/C Loonkaransar (35 km) associated with 132 kV GSS Shekhsar, Distt. Bikaner.
	(III)	Feeder bays for RVPN connection in addition to standard GSS lay-out shall be 1 No. on 132 kV side and 6 Nos. on 33 kV side.
4	(I)	132 kV GSS Ghamurwali (Bhinhbayala), Distt. Sri Ganganagar.
	(II)	LILO of 132 kV S/C Suratgarh Padampur line (12 km) associated with 132 kV GSS Ghamurwali (Bhinhbayala), Distt. Sri Ganganagar.
	(III)	Feeder bays for RVPN connection in addition to standard GSS lay-out shall be 2 Nos. on 132 kV side and 6 Nos. on 33 kV side.
5	(I)	132 kV GSS Sorda, Distt. Sirahi.
	(II)	LILO of 132 kV S/C Reodar Badgaon line (8 km) associated with 132 kV GSS Sorda, Distt. Sirahi.
	(III)	Feeder bays for RVPN connection in addition to standard GSS lay-out shall be 2 Nos. on 132 kV side and 6 Nos. on 33 kV side.

(d) **Compliance with Provisions of the Act**

The Licensee shall comply with the provisions of the Electricity Act, 2003, and rules and regulations made thereunder.

(e) **Terms of Licence**

- (1) The date of commencement of this licence shall be **9th November, 2017**.
- (2) The licence shall be in force for a period of **twenty five years** from the date of its commencement unless the licence is revoked earlier.

(f) **General Conditions of Licence**

In addition to the said terms and conditions of this licence, the general conditions of licence specified by the Commission in the order dated 1st November, 2017 granting licence, shall apply to the Licensee and shall also be deemed to be the conditions of this licence.

(g) **Revocation of Licence**

The licence shall be liable to revocation under Section 19 of the Electricity Act, 2003, for reasons mentioned therein and also for breach of any terms or conditions of this licence or the conditions specified by the Commission under Section 16 of the Act.

By orders of the Commission

Secretary